



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 17-D

PLANNING COMMISSION PUBLIC HEARING, JULY 14, 2017

I. General Data

Project Name:	Congregate Living Residential and Density Revisions
Element:	Future Land Use Element
Project Manager:	Lisa Amara, Principal Planner
Staff Recommendation:	Staff recommends approval based on the findings and conclusions presented in this report.

II. Item Summary

Summary:	<p>This proposed County Initiated amendment would revise the Future Land Use Element to establish a new residential future land use designation and make related changes. Specifically, this amendment proposes to:</p> <ul style="list-style-type: none"> • Establish a new residential future land use designation called Congregate Living Residential (CLR) for newly proposed Congregate Living Facilities (CLF) Type 3 in the Urban Suburban Tier; • Support the ULDC regulations by further distinguishing between residential CLF uses and non-residential medical or treatment facilities such as nursing and convalescent facilities; • Replace 'Standard' and 'Planned Development' density with a single maximum density for urban residential future land use designations; • Correct an error within the Infill Policy, and relocate residential and institutional future land use language from the FLUA regulation section.
Assessment:	<p>This amendment proposes to establish a new future land use designation specifically for Congregate Living Facilities Type 3 in order to facilitate a more effective review and approval process. The new Congregate Living Residential (CLR) will allow the Board to review and consider proposed Type 3 CLFs to ensure that each project is appropriately located and compatible with adjacent land uses, and ensure that the approval of such uses do not introduce medical uses which may not be appropriate at the particular location. The CLR designation is proposed for the Urban Suburban Tier only at this time. The applicability of the designation in the Agricultural Reserve Tier will be considered during the review of two of the privately proposed Type 3 CLFs amendment in the Tier later in the year. In addition, this amendment proposes to eliminate the requirement for urban residential developments be developed as a Planned Development to achieve maximum density. This requirement is no longer appropriate considering the characteristics of the remaining land for residential development. This amendment will require implementing revisions to the ULDC.</p>

III. Hearing History

Local Planning Agency:

Board of County Commissioners Transmittal Public Hearing:

State Review Agencies:

Board of County Commissioners Adoption Public Hearing:

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IV. Intent

The intent of this amendment is to revise the Future Land Use Element to establish a new residential future land use designation and make related changes to residential policies. Specifically, this amendment proposes to:

- Establish a new residential future land use designation called Congregate Living Residential (CLR) for newly proposed Congregate Living Facilities Type 3 in the Urban Suburban Tier and make related changes;
- Support the ULDC regulations by further distinguishing between residential CLF uses and non-residential medical or treatment facilities including nursing and convalescent facilities;
- Replace 'Standard' and 'Planned Development' density with a single maximum density for residential future land use designations in the Urban Suburban Tier;
- Correct an error within the Infill Policy, and relocate residential and institutional future land use language from the rear of the Element FLUA regulation section to the Policy section.

V. Background

This amendment was proposed in response to the increase in proposed Congregate Living Facilities Type 3 in the County, and the need to include conditions of approval to ensure consistency with the Comprehensive Plan's mandatory Transfer of Development Rights Program, and partly in response to the to three privately requested text amendments to utilize floor area ratio instead of density for Type 3 CLFs in the Agricultural Reserve Tier. Currently, the number of beds/units permitted for a CLF is based on density times 2.39. Since densities above 1 unit per acre are not possible in the Tier, initially these amendments requested to use floor area ratio (FAR) rather than density for the purposes of defining the maximum development potential. The applicants proposed to allow floor area ratio as an alternative to density to calculate development potential since the low density (1 unit per acre) and preserve requirement (60-80% of the land area) have resulted in such congregate facility uses being cost prohibitive. The applicants have expressed that the Agricultural Reserve Tier has not resulted in the full range of housing types and opportunities intended by the Agricultural Reserve Master Plan in order to establish a sustainable community. Planning Staff supported the concept of exploring alternatives to density for CLFs, but recommended denial of the first of the three amendments (Clint Moore CLF LGA 2017-007) in order to seek direction from the Board on evaluating this concept on a broader scale. The Board subsequently initiated this County Initiated amendment in January of this year to examine the concept.

The remainder of the changes proposed in this amendment are as a follow up to revisions to the residential future land use designations adopted in 2015. This amendment proposes to eliminate the Standard Density entirely, correct an error within the Infill Policy made as part of the 2015 amendment, and to relocate the residential regulatory language from the FLUA Regulation section of the Element to Policy statements consistent with the new element format.

VI. Data and Analysis Summary

This section provides background information regarding residential uses and density in the County, the issues that have led to this amendment, the proposed changes to the Plan, and consistency of the proposed changes with the Comprehensive Plan.

A. Residential Future Land Uses & Designations in Palm Beach County

The County Future Land Use Element establishes seven urban future land use designations for the unincorporated area. The total acreages by future land use designation and Tier are provided in the table below. Additional data and history of the designations are provided in **Exhibit 5**. As shown, there are approximately 90,000 Unincorporated County acres within the Urban Suburban Tier (including the Urban Suburban Tier of the Glades Tier). The highest density designation is High Residential, 12 units per acre. The High Residential, 18 units per acre designation is allowed only on parcels with densities greater than 12 units per acre approved prior to the Comprehensive Plan's 1989 adoption.

Table 1. Residential Future Land Use Designations – Acres by Tier

Future Land Use Designation		Total	Urban Suburban Tier	Glades U/S Tier*
Low Residential, 1 du/ac.	LR-1	9,927	9,874	53
Low Residential, 2 du/ac.	LR-2	14,429	14,429	0
Low Residential, 3 du/ac.	LR-3	19,057	17,069	1,988
Medium Residential, 5 du/ac.	MR-5	20,932	19,004	1,943
High Residential, 8 du/ac.	HR-8	19,666	9,926	9,740
High Residential, 12 du/ac.	HR-12	3,710	3,363	347
High Residential, 18 du/ac.	HR-18	1,819	1,535	284
		89,540	75,200	14,355

*Including the unincorporated communities of Lake Harbor and Canal Point

Approximately 97% of the residentially designated land in the Urban Suburban Tier (eastern portion) is currently built or has a development approval. Excluding the West Lake Worth Road Corridor Neighborhood Plan and the Johns Glades properties, there are only 1,527 acres of undeveloped residential land remaining with no development approvals within the Urban Suburban Tier. As shown in the table below, these properties are typically extremely small, with 90% under 2.5 acres.

Table 2. Urban Suburban Residential Un-built Straight Zoned Number of Parcels by Size¹

FLU	Total	< 1 acre	1 - 2.4 acres	2.5 - 4.9 acres	5 - 14.9 acres	15 - 19.9 acres	20 - 44 acres
LR-1	126	30	45	38	12	1	
LR-2	183	116	35	12	17	1	2
LR-3	106	90	12	1	3	-	-
MR-5	776	657	75	24	16	3	1
HR-8	265	236	16	11	2	-	-
HR-12	35	32	3	-	-	-	-
HR-18	2	2	-	-	-	-	-
	1,493	1,163	186	86	50	5	3

1. Excludes residential future land use with other zoning; eg. Public Ownership, etc.

The table below depicts the un-built acreage by zoning district excluding the LWRCNP & Glades Roads properties. As shown in the table above, there are just over 1,500 acres of residential land within the Urban Suburban Tier available for residential development that do not have planned development approvals already in place.

Table 3. Urban Suburban Residential Un-built Straight Zoned in Acres¹

FLU	Acres	AR	RE	RT	RTS	RS	RM	RH
LR1	350	236	50	39		26		
LR2	377	235	65	10	10	39	11	9
LR3	86	43				37	5	
MR5	569	295	6		8	94	84	83
HR8	128	35				3	48	41
HR12	17					1	11	5
HR18	1							1
	1,527	843	120	49	17	200	159	138

1. Excludes residential future land use with other zoning; eg. Public Ownership, etc.

Source: PBC Planning Division, UniRes, based upon parcel specific Property Appraiser/Exlu-2014 data

B. Density and Residential Use Types in Palm Beach County

For the purposes of Planning, Zoning, and Building regulations, County establishes the maximum development potential for future land use designations that are categorized as ‘residential’ using a maximum number of dwelling units per acre. The County’s future land use designations vary by the associated Managed Growth Tier. Future Land Use Element Table 2.2.1-g.1 establishes each of the residential future land use designations and the maximum allowable density. Each proposed residential development is subject to the maximum densities identified in Table 2.2.1-g.1. Developments in the Urban/Suburban be approved for additional density through one of the County’s density bonus programs, such as the Transfer of Development Rights, Workforce Housing, or Affordable Housing Programs.

The Unified Land Development Code (ULDC) establishes Residential Use Types as shown below. These uses are subject to the density limitations in Comprehensive Plan Future Land Use Element. The ULDC residential uses are consistent with the categories considered ‘housing units’ by the US Census as discussed in **Exhibit 3**.

- Single Family, Zero lot line, Townhouse, Multifamily, Mobile home
- Congregate Living Facilities

The County utilizes the term ‘Congregate Living Facility’ to refer to a group housing such as group homes, assisted living facilities, independent living facilities. The ULDC identifies three types: CLF Type 1, 2, and 3. All CLF Types are identified as residential uses as part of Use Classification. Generally, all three types may pursue state licensing from various agencies such as, but not limited to, Agency for Health Care Administration (AHCA), Department of Children and Families (DCF), and Agency for Persons with Disabilities (APD) based on the type of services the resident is qualified to receive. The Congregate Facility Type is determined by the number of residents. Congregate Living Facilities Type 1 and Type 2 allow up to 6 and 14 persons, excluding staff, respectively. Congregate Living Facility Type 1 and Type 2 must comply with Florida Statute for maximum occupancy and separation distance requirements. The term Congregate Living Facility (CLF) Type 3 applies to such uses which have 15 residents or greater. The Unified Land

Development Code (ULDC) requires the use of density to calculate the maximum development potential for a CLF Type 3 using the future land use designation's maximum density identified in the Future Land Use Element (units per acre) multiplied by 2.39 (which is the County's average person per household rate).

The ULDC allows additional living quarters that are considered accessory to a primary residential or non-residential use or are not considered to be 'residential'. These uses are not subject to the density limitations of FLUE Table 2.2.1-g.1 since they are not considered to be 'dwelling units'. However, this distinction between intensity and density is not identified in the Comprehensive Plan. These uses are generally consistent with the categories considered by the US Census to be 'group quarters' as discussed in **Exhibit 3**.

- Accessory Quarters
 - Farmworker, limited one quarter per 25 acres of farmland
 - Grooms, limited to twenty quarters per preserve area
 - Farm residence, limited to one residence per farm operation
 - Caretaker, limited to one quarter per business
- Nursing home and hospital beds, limited to one bed per 1,000 sq. ft. of lot area
- Correctional facilities, limited by applicable floor area ratio

C. Proposed Amendment

This amendment is comprised of several interconnected components, each of which is discussed separately below and corresponds with the specific strike out and underline changes to the Comprehensive Plan shown in **Exhibit 1** and with corresponding Data and Analysis for each item provided in **Exhibit 2**.

1. Proposed Congregate Living Residential Future Land Use Designation

This amendment proposes to establish a new residential future land use designation called "Congregate Living Residential" (CLR) to facilitate the review and approval of newly proposed Congregate Living Facilities (CLF) Type 3. Applicants seeking to develop a CLF Type 3 have indicated that a density of 8-12 units per acre is necessary for a viable project. However, as shown in **in** Tables 2 and 3 above, there is very little vacant land with a high density future land use designation available for development in the Urban Suburban Tier. There are only 13 parcels with a density suitable for a congregate living facility (HR-8) that are an appropriate size (2.5 acres or greater) remaining for development. Consequently, applicants often apply for density increases through the Future Land Use Atlas (FLUA) amendment process to achieve a higher density needed. Since the Comprehensive Plan requires the Transfer of Development Rights (TDR) Program as the mandatory method of increasing density in 1998, each proposed FLUA amendment for a CLF includes a condition of approval limiting the density to a CLF use. This method is problematic since it assigns an entitlement on the FLUA that is not fully available to the property owner. The limitations of the TDR Program (including additional buffering requirements and cap on units per acre) were determined to be inappropriate for increases in density for CLFs.

The new designation will allow the County to review and approve proposed increases in density for newly proposed Type 3 CLFs without the condition of approval to limit the density increase to only the CLF, will ensure that the Future Land Use Atlas accurately reflects the use of the property. This will also ensure that the site cannot develop with greater intensities, such as medical facilities, than anticipated by the County during the amendment process. The supporting data and analysis for the new designation is provided in **Exhibit 2**. In summary, the proposed amendment is comprised of the following:

- **Establishing the CLR designation.** This amendment proposes the new CLR future land use designation for the Urban Suburban Tier for CLF Type 3 uses seeking a density increase. The CLF Type 3 use will remain an available use for all residential future land use designations and sites with underlying residential densities within the Urban Suburban Tier, but will be the required designation for future land use amendment requests seeking an increase in density through the FLUA amendment process. **Exhibit 4** provides a summary of the approved private FLUA amendments to date, each of which includes a condition of approval limiting the proposed density increase to the CLF. This amendment allows applicants for a CLR designation within the Urban Suburban Tier to apply for up to 12 units per acre, but specifies that the density may be limited through the FLUA amendment process to ensure compatibility with the surrounding land uses. In order to ensure the compatible density, this amendment requires that proposed amendments for the CLR future land use be processed concurrently with a zoning application. This amendment will not require all Type 3 CLFs to hold a CLR future land use designation; rather, this amendment establishes a new designation specifically for the review of density increases through FLUA amendments for Type 3 CLFs.
- **Tier Limitation.** This amendment proposes to allow the new CLR future land use designation within the Urban Suburban Tier. As previously stated, there are three privately proposed text and future land use amendments requesting Type 3 CLFs in the Agricultural Reserve Tier: Morning Star MLU (LGA 2017-008), Clint Moore CLF (LGA 2017-007), and Poet's Walk (LGA 2017-015). Allowing CLFs within the Tier would support a more balanced land use with range of housing opportunities than currently allowed. However, whether to allow increases in density in the Agricultural Reserve Tier through the CLR future land use designation is a policy decision by the Board. The two privately proposed amendments are scheduled to be presented to the Board in October 2017 for transmittal at the same hearing for this amendment to be adopted. This amendment can be modified to incorporate the Agricultural Reserve Tier if the Board supports transmittal of one or both of the privately proposed amendments.
- **Define Residential Uses.** This amendment proposes to distinguish the two types of residential uses as those that utilize residential density (units per acre) and those that do not. This step is essential to distinguish between residential 'housing' verses group quarters. The amendment provides a distinction between 'residential uses' and 'non-residential uses' that are allowed in residential future land use designations and zoning districts. The amendment proposes to restrict uses defined as 'Medical Uses' as being allowed in residential future land use and zoning districts (see bullet 4 below).
- **Defining 'Medical Uses'.** This amendment proposes to reorganize existing language that lists the uses allowed in Institutional and Public Facilities future land use designation in order to group the uses by type. As part of this revision, the uses related to medical facilities will be further defined. This change will ensure that proposed medical uses require a non-residential future land use designation such as Institutional and Public Facilities. Over the past several years there have been changes to the traditional 'nursing home' towards a more medical-based, non-residential facility than a residential home. Changes in medical technology and insurance have led to the majority of nursing homes to be 'skilled nursing facilities' that provide 24 hour nursing care intended for short-term rehabilitation with the intent for residents to be returned to their long term housing. These facilities have medical professionals on staff and provide a full range of medical and physical rehabilitation services which are more in line with non-residential than residential uses. Although these facilities may be appropriate in residential areas, it is important that they are reviewed as non-residential uses with an appropriate non-residential future land use designation so that their impacts on an area can be accurately reviewed by staff, the Board, and the public during the development review process.

2. Elimination of Standard Density

Currently the Comprehensive Plan requires residential projects greater than 15 acres to be developed as a PUD to achieve maximum density. The County's development regulations in the ULDC were established based upon the 1989 Comprehensive Plan and at a time when there were extensive lands available for development. The 1989 Comprehensive Plan established that only projects developed as a planned unit development (PUD) could achieve the maximum density allowed for each future land use designation. The Standard and PUD densities for each designation are provided below. These regulations did not focus on fostering new development in and around areas of existing development, known as infill development. The Amendment Round 15-2 residential amendment identified that the requirement for properties be developed as a PUD to achieve maximum density had resulted in an un-intended consequence of hindering infill and redevelopment. Consequently, this amendment proposes to allow all residential properties to develop up to the maximum density per acre without the requirement to be a Planned Unit Development (PUD). Since the Workforce Housing Program (WHP) language in the ULDC requires the use of the terms 'Standard' and "Planned Development", a note is being added to the Comprehensive Plan to retain the distinction for the purposes of implementing the WHP. See **Exhibit 2** for additional discussion.

3. Infill Policy Revision

In Amendment Round 15-2, the Infill Density Exemption Policy 2.2.1-e was revised to allow infill properties within existing subdivisions to develop at densities consistent with the subdivision. The amendment identified that there were many urban areas of the County that were subdivided prior to 1989 that had built density that was higher than the future land use designation established in 1989. The amendment allowed parcels within these subdivisions to develop or redevelop consistent with the overall subdivision density. However, that amendment inadvertently included the term 'undeveloped' which is proposed to be deleted. In addition, this amendment proposes to revise language currently in the FLUA Regulation Section of the Element to reflect the changes to the Infill Policy and to relocate to the Policy Section of the Element.

4. Relocation of Residential and Institutional Language from FLUA Regulation Section

This amendment proposes to relocate all of the text regarding the residential future land use designations to the Goals, Objectives, and Policies section of the Future Land Use Element (FLUE). Currently for each future land use designation there are Policies in the GOP section and separate regulatory language at the end of the FLUE in the Future Land Use Atlas Regulation Section. This separation appears to be unique to the Palm Beach County Plan. The separation of policy statements in the Plan into two sections has been problematic and can result in policy statements and regulations being difficult to identify. Consolidating the language will remove redundancy, improve readability, and is consistent with the format for most local governments. This reorganization began with the Industrial future land use amendment in 2015, and will occur for each future land use designation through subsequent amendments.

D. Consistency with the Comprehensive Plan

This proposed amendment will further several provisions in the Future Land Use Element (FLUE) of the Comprehensive Plan, including the items listed below. Unrelated language is omitted for brevity.

FLUE, C. County Directions. *The Future Land Use Element was created and has been updated based on input from the public and other agencies through citizen advisory committees, public*

form in the unincorporated area is suburban in character. The older, communities are primarily in municipalities, within approximately 2 miles of the Atlantic Ocean. Most of the neighborhoods within the tier are stable and support viable communities. However, due to the period in which many of the coastal communities were built and the County's efforts to keep pace with rapid growth in its western areas, some of the eastern areas did not receive a full complement of urban services. If the County is to meet its primary goal to create and maintain liveable communities, balance growth throughout the County, protect natural resources and provide a variety of lifestyle choices beyond the long term planning horizon, it is imperative that land, services and facilities be used efficiently and effectively.

Objective: Palm Beach County shall plan to accommodate approximately 90% of the County's existing and projected population through the long-range planning horizon within the Urban/Suburban Tier. The Urban/Suburban Tier shall include all land within the Urban Service Area, as depicted on the Service Areas Map in the Map Series. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.

Staff Assessment: This proposed amendment will further this objective by promoting the efficient use of residential land within existing neighborhoods within the Urban Suburban Tier.

Policy 1.2-a: Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:

1. Allowing services and facilities consistent with the needs of urban and suburban development;
2. Providing for affordable housing and employment opportunities;
3. Providing for open space and recreational opportunities;
4. Protecting historic, and cultural resources;
5. Preserving and enhancing natural resources and environmental systems; and,
6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.

Policy 1.2-b: Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.

Staff Assessment: This proposed amendment will further these policies by promoting the efficient use of residential land within existing neighborhoods within the Urban Suburban Tier which will support sustainable development while ensuring that this development is compatible and consistent with existing densities. This amendment will promote the use of mass transit, and combat blight by eliminating vacant and abandoned lots within urban areas.

This amendment will support the above referenced provisions in the Comprehensive Plan. There are no inconsistencies with the policies in the Comprehensive Plan.

E. ULDC Implications

This proposed amendment will result in revisions to the ULDC to implement the changes. Changes to Articles 3 and 4 of ULDC will be necessary to revise and calibrate applicable zoning districts for consistency to implement new CLR FLU designation; and require minor revisions to the CLF and Nursing Home or Convalescent Facility uses. Additional revisions to the ULDC may

be warranted to reflect the correction to infill policy and to revise references to regulating language in the Comprehensive Plan as necessary.

VII. Public and Municipal Review

Intergovernmental Plan Amendment Review Committee (IPARC): Notification was sent to the County’s Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments, on June 29, 2017. At the time of the printing of this report, no calls or written requests for information or objections to the amendment had been received.

VIII. Assessment and Conclusions

This amendment proposes to establish a new future land use designation specifically for Congregate Living Facilities Type 3 in order to facilitate a more effective review and approval process. The new Congregate Living Residential (CLR) will allow the Board to review and consider proposed Type 3 CLFs to ensure that each project is appropriately located and compatible with adjacent land uses, and ensure that the approval of such uses do not introduce medical uses which may not be appropriate at the particular location. The CLR designation is proposed for the Urban Suburban Tier only at this time. The applicability of the designation in the Agricultural Reserve Tier will be considered during the review of two of the privately proposed Type 3 CLFs amendment in the Tier later in the year. In addition, this amendment proposes to eliminate the requirement for urban residential developments be developed as a Planned Development to achieve maximum density. This requirement is no longer appropriate considering the characteristics of the remaining land for residential development. This amendment will require implementing revisions to the ULDC.

Attachments

Exhibit 1 – Proposed revisions in strike-out and <u>underline</u> format	E-1
Exhibit 2 – Data and Analysis	E-13
Exhibit 3 – US Census Defined Living Quarters	E-17
Exhibit 4 – Future Land Use Amendments for Congregate Living Facilities	E-21
Exhibit 5 – Urban Residential Future Land Use History & Data	E-25

Exhibit 1

A. Future Land Use Element, Creation of new Congregate Living Residential Future Land Use Designation

REVISIONS: To establish a new future land use designation for Congregate Living Facilities and make related changes, including to define 'Medical Uses'. The added text is underlined, and the deleted text ~~struck-out~~.

OBJECTIVE 2.2 Future Land Use Provisions - General

2.2.1 Residential

A.1 NEW Policy 2.2.1-c: Residential Uses – A residential use consists of the use of land that is predominately for the purposes of housing. The following uses are defined as residential uses:

- Residential housing uses typically utilize density (dwelling units per acre) to calculate the maximum development potential. Each residence is considered one dwelling unit. Residential housing uses include, but are not limited to, the following:
 - Single Family, Zero Lot Line, Townhomes, and Multi-Family.
 - Community Residential Homes defined in F.S. ch. 419, specifically defined as a dwelling unit licensed to serve clients of the authorized licensing entities as set forth in F.S. ch. 419, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.
 - Congregate Living Facilities defined as a type of residential long-term housing in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities. Congregate Living facilities provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more persons who are not relatives of the owner or administration. "Personal services" means direct physical assistance with or supervision of the activities of daily living (such as bathing, dressing, grooming and meal preparation) and the self-administration of medication as defined by § 400.402(6), Florida Statutes. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services. Examples of Congregate Living Facilities include Group Homes, Assisted Living, Independent Living, and Memory Care.
- Residential living quarters are typically associated with or accessory to a residential or non-residential use and typically do not utilize density to calculate maximum development potential. The number of beds or residents allowed is typically established in the Unified Land Development Code. Examples of residential living quarters include dormitories, caretaker quarters, and farmworker quarters.

A.2. New Policy 2.2.1-#: Congregate Living Residential. The purpose of the Congregate Living Residential (CLR) future land use designation is to facilitate the review of proposed Congregate Living Facilities (CLF) Type 3 and approval within in appropriate areas of the County. The CLR designation is subject to the following:

1. Proposed future land use amendments requesting an increase in density for the purposes of developing a CLF Type 3 shall apply for the CLR designation. Such amendments which are also requesting to be co-located non-residential uses may apply for a non-residential future land use designation with an underlying CLR and be subject to the location requirements of the non-residential designation.
2. Proposed future land use amendments to the CLR designation shall retain the original residential future land use designation as an underlying residential density to be used if the site is developed with residential uses other than a CLF Type 3.
3. Proposed future land use amendments to the CLR designation for a CLF Type 3 are subject to the maximum density depicted in FLUE Table 2.2.1-g.1. The maximum density for individual sites may be limited through the future land use amendment process to ensure compatibility with surrounding land uses. In order to determine the compatible maximum density and design of the site, proposed CLR amendments require a concurrent zoning application.

A.3.

Table 2.2.1-g.1

Residential Future Land Use Designation Maximum Density

Future Land Use Designation		Dwelling Units per Gross Acre
		Maximum
<i>Unaltered text omitted for brevity</i>		
<u>Congregate Living Residential</u>	<u>CLR</u>	<u>12³</u>
<i>Unaltered text omitted for brevity</i>		

1. and 2. *Unaltered and omitted for brevity*

3. The CLR future land use designation allows a maximum density for a CLF Type 3 of up to 12 units per acre in the Urban/Suburban Tier.

A.4.

RELOCATED AND REVISED Policy 2.2.1-#: *[Language relocated from the FLUA Regulation Section]* **Non-Residential Uses Allowed in Residential Future Land Use Designations. Uses Permitted Uses.** Limited non-residential uses are allowed in residential future land use designations through the associated zoning districts as identified in the Unified Land Development Code. Such non-residential uses are limited to those that serve the residential area, and may be further limited through the development review process to ensure that the individual projects are appropriate in size, scale, and character with the surrounding residential area. The following land uses may be permitted within areas designated Residential on the Future Land Use Atlas (FLUA), but are further restricted by the Unified Land Development Code (ULDC).

1. ~~**Permitted uses include:** dwelling units and accessory uses and structures; congregate living facilities; Park and Recreation uses designed to serve the residential area;~~
2. Institutional uses as identified in Policy 2.2.8-e designed to serve the residential area excluding Medical Uses defined within said policy and large scale uses described in Policy 2.2.8-e; such as schools, child care facilities and adult day care facilities, houses of worship, governmental administration, law enforcement substations, fire protection facilities, libraries, civic centers, community service

~~centers and similar uses. Some uses may be appropriate in residential areas if limited, such as: nursing homes subject to special criteria;~~

3. ~~Utility and communication facilities~~ utilities designed to serve the residential area; ~~communication facilities and~~ subject to special criteria;
4. ~~Limited limited~~ commercial uses within a Planned Development District designed for the convenience of the residents; ~~streets and other transportation corridors;~~
5. ~~Agricultural agricultural~~ uses compatible with the residential area. In the Rural land use categories, limited agricultural uses are expected to co-exist with residential uses, while in the Urban land use categories, agricultural uses are expected to convert to other uses consistent with the Plan when those agricultural uses are no longer economically viable. Agricultural uses permitted by the Residential land use category must be compatible with the protection of the lifestyle and quality of life of the residents. and,
6. ~~Limited limited~~ excavation operations.

A.5. REVISE Policy 2.2.1-j: Table 2.2.1-j.1 establishes the consistent residential zoning and planned development district for the Residential Future Land Use Designations. In addition, within the Urban/Suburban Tier of the Glades Tier, the Agricultural Residential and Agricultural Production zoning districts are consistent with all residential future land use designations.

Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency¹

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
Agricultural Reserve	AGR	AGR-PUD
Rural Residential	AR, RE	RR-PUD, MHPD, RVPD
Western Communities Residential	AR	PUD
Low Residential	RE, RT, RTS, RS	PUD, TND, MHPD
Medium Residential	RE, RT, RS, RTU, RM/RH ²	PUD, TND, MHPD
High Residential	RE, RT, RS, RM, RH	PUD, TND, MHPD
<u>Congregate Living Residential</u>	<u>RM</u>	<u>PUD, TND, TMD, MUPD, MXPDP³</u>

Note:

1. The RTS, RTU, and RH zoning districts and the Special Exception for a PUD have been discontinued. Properties with these districts shall not be required to rezone and shall utilize the property development regulations of their equivalent districts which are as follows: RTS equals RT; RTU equals RS; RH equals RM, Special Exception for a PUD equals a PUD.
2. The RM District is consistent with the MR-5 designation only for those areas zoned RM or RH prior to the Plan's August 31, 1989 adoption.
3. The CLR designation is consistent with the TND, TMD, MUPD and MXPDP when applied as an underlying designation for a mixed or multiple use project.

A.6. REVISE

**TABLE III.C
FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA ¹
<i>Unaltered text omitted for brevity.</i>						
Congregate Living Residential	CLR	<u>X</u>	---	---	---	---
<i>Unaltered text omitted for brevity.</i>						

1. Notes are unaltered and omitted for brevity

Objective 2.2, Future Land Use Provisions - General

2.2.8 Institutional and Public Facilities

A.7. RELOCATE TO POLICY- Policy 2.2.8-e: *[relocated from FLUA Regulation Section 7]* **Institutional Future Land Use.** Uses allowed permitted in the Institutional and Public Facilities future land use designation include a full range of ~~regional and community institutional~~ institutional uses including, but not limited to, the following:

1. Educational facilities including colleges, universities, and public, private, and charter schools;
2. Day care facilities including child care facilities and adult day care facilities;
3. Public and governmental facilities including emergency shelters, ~~governmental, religious, cemetery, civic, cultural,~~ judicial and correctional facilities;
4. Religious, cemetery, civic, and cultural facilities;
5. Assembly establishments owned or operated by a non-profit organization for social, educational or recreational purposes such as museums, cultural centers, recreational facilities, community services, and fraternal or cultural organizations.
6. Animal care facilities including: ~~congregate living facilities;~~ Animal Shelters, Animal Control Facilities, and Humane Societies, ~~as defined by the ULDC,~~ including co-located veterinary clinics which may offer services to the public; ~~hospitals, public health clinics,~~
7. Residential uses including congregate living facilities, group homes, and accessory affordable housing.
8. Medical Uses for the purposes of medical treatment, health care, and rehabilitation including the following:
 - a) Hospitals, medical centers, and public health clinics.
 - c) Nursing Homes, Skilled Nursing Facilities, and Treatment Centers. These facilities provide care that is typically temporary in nature and is focused on rehabilitation that is intended to prepare the residents to return to their homes, but can include long term custodial care. Such facilities provide 24 hour nursing and personal care to residents for persons not related to the owner or manager. Nursing care is defined as services including the

provision of medical care, therapy, health care, personal care, case management and supervision, respite care, and custodial care

d) Medical and dental offices. Medical and dental office is an allowable permitted use on parcels with INST FLU only within the following locations:

a. Within the site plans of projects with approval for a “Hospital or ~~Medical Center~~” use (as defined by the ULDC);

b. The following site specific FLUA amendments:

- SCA 2005-027 in Ordinance 2006-005 (4.45 acres);
 - SCA 2008-015 in Ordinance 2008-005 (1.64 acres);
 - SCA 2009-002 in Ordinance 2009-008 (1.70 acres);
 - LGA 2010-014 in Ordinance 2010-031 (4.96 acres);
 - LGA 2012-002 in Ordinance 2012-017 (4.90 acres).
- Medical related uses shall be permitted on these parcels. Vehicular and pedestrian interconnectivity shall be provided between the parcels and the hospital.

9. Accessory Affordable Housing. The Institutional and Public Facilities category may provide for accessory affordable housing when residential development is under the direct and constant supervision of a sponsoring, non-profit organization or community-based group. Such housing shall only be below market rentals, and not for-sale property. This housing shall also be used to fulfill specific housing needs within the community. Such a development shall only be requested by a non-profit organization or community-based group, and may receive a recommendation by the Commission on Affordable Housing. ~~Residential uses, other than those indicated above, are not permitted in areas designated on the Future Land Use Atlas under the Institutional and Public Facilities future land use designation.~~

10. Accessory uses to the primary use, including caretakers' quarters; and accessory office.

A.8. REVISE FLUA Regulation Section

7. Institutional and Public Facilities (see 2.2.4 Institutional and Public Facilities)

~~Institutional and Public Facilities shall be permitted in all Future Land Use Atlas designations provided such uses are consistent with the Comprehensive Plan and the Unified Land Development Code.~~

B. Future Land Use Element, Elimination of Standard Density

REVISIONS: To eliminate Standard Density. The added text is underlined, and the deleted text ~~struck-out~~.

OBJECTIVE 2.2 Future Land Use Provisions - General

2.2.1 Residential

B.1. REVISED Policy 2.2.1-g: Density. The County shall establish and maintain maximum densities, as specified in Table 2.2.1, in the residential future land use designations. ~~The Standard density is the highest density permitted for properties greater than 15 total acres with Low Residential 2 or greater unless developed as a Planned Development District, Traditional Development District, or granted an exemption pursuant to provisions of this element. Development which at the time of Plan August 31, 1989 adoption, has zoning that allows the maximum density is exempted from this requirement.~~ The following applies to the assignment of density within a residential development as applied during the development review process: [relocated from FLUA regulation section]

1. ***Density Transfers.*** *Densities may be transferred within a parcel covered by more than one Urban Residential category except where the transfer results in a net negative impact on a roadway shown on the County's Thoroughfare-Right-of-Way Identification Map. The total number of units allowed for the entire parcel shall not exceed the total number of units allowed by each future land use category.*

2. ***Arrangement of Dwelling Units.*** *Any arrangement of dwelling units on a parcel of land is allowed, as long as the maximum number of dwelling units designated for the parcel is not exceeded, the list of permitted land uses is not violated and the arrangement is allowed by the ULDC.*

B.2.

Table 2.2.1-g.1

Residential Future Land Use Designation Maximum Density

Future Land Use Designation		Dwelling Units per Gross Acre ⁵	
		Standard	Maximum
Agricultural Reserve	AGR	0.20	<u>0.20</u> / 1 ³
Agricultural Enclave ²	AGE	---	---
Rural Residential, 1 unit per 20 acres	RR-20	0.05	
Rural Residential, 1 unit per 10 acres	RR-10	0.10	
Rural Residential, 1 unit per 5 acres	RR-5	0.20	
Rural Residential, 1 unit per 2.5 acres	RR-2.5	0.40	
Western Communities Residential	WCR	0.80	
Low Residential, 1 unit per acre	LR-1	1	
Low Residential, 2 unit per acre	LR-2	1.5	2
Low Residential, 3 unit per acre	LR-3	2	3
Medium Residential, 5 unit per acre	MR-5	4	5
High Residential, 8 unit per acre	HR-8	6	8
High Residential, 12 unit per acre	HR-12	8	12
High Residential, 18 unit per acre	HR-18	8	18

1. The Entitlement density is 1 unit per lot or as follows: Rural Residential 0.05 du/acre; Western Communities Residential 0.05 du/acre; Low Residential 0.10 du/acre; Medium Residential 0.20 du/acre; and High Residential 0.40 du/acre, whichever is greater.
2. The density of an Agricultural Enclave shall be determined utilizing the provisions of s. 163.3162(5), Florida Statutes, and shall be clearly indicated in the Site Data of the adopted Conceptual Plan for each Agricultural Enclave.
3. See Agricultural Reserve Policy 1.5-h.
4. See Congregate Living Residential Policy 2.2.1-#.
5. For the purposes of calculating the percentage of Workforce Housing Program units, the following units per acre are considered 'standard density' for each future land use designation: 1.5 for LR-2; 2 for LR-3; 4 for MR-5; 6 for HR-8; and 8 for HR-12 and HR-18. The remaining density shall be considered planned unit development density.

C. Future Land Use Element, Infill Policy Correction

REVISIONS: To relocate language from the FLUA Regulation Section of the Element to the Policy section, and to correct an error in the Infill Policy. The added text is underlined, and the deleted text ~~struck out~~.

C.1. REVISE Policy 2.2.1-e: Infill Density Exemption - The County shall encourage infill development within the Urban Suburban Tier through the Infill Density Exemption. A legally approved residential development or subdivision in existence at the time of Plan's August 31, 1989 adoption shall be considered in conformance with the Plan, regardless of whether the density exceeds the maximum permitted by the applicable Future Land Use designation. In addition, ~~undeveloped~~ parcels within such subdivisions may be allowed to develop at a density consistent with the subdivision density provided that the parcel is less than 3 acres in size and the proposed development does not introduce multi-family housing into a subdivision that is exclusively single family. Property owners may seek the Infill Density Exemption through a Planning Division Letter of Determination or through the Development Review Process.

C.2. REVISED AND RELOCATED TO POLICY – Policy 2.2.1-#: *[Language relocated from the FLUA Regulation Section]* **Standard and Maximum Density Exemptions - Urban/Suburban Tier.** Densities greater than those indicated in Table 2.2.1-g.1 III.C.1 may be granted as follows:

1. Urban/Suburban Tier

- a. ~~1. Parcels may achieve up to the Maximum Density pursuant to~~ Pursuant to FLUE Infill Policy 2.2.1-e, or pursuant
- b. Pursuant to provisions for mobile home parks under Policy 2.2.1-# this Section;
- c. ~~2. Parcels may be granted density above the Standard and/or Maximum Density pursuant to~~ Pursuant to the Transfer of Development Rights Program, Workforce Housing Program, Affordable Housing Program, and/or a Special Overlay outlined in this Element;
- d. 3. Within ~~Parcels that are developed as~~ Traditional Town Developments.

2. Standard and Maximum Density Exemptions – Exurban and Rural Tiers

- a. Densities greater than those indicated in Table III.C.1 may be if the subject parcel is ~~within an area identified as meeting~~ Pursuant to the 85% Rule detailed in the Lot Combination Requirements in Policy 2.2.1-# ~~Section of this Element.~~

D. Future Land Use Element, Policy Relocation

REVISIONS: To relocate language from the FLUA Regulation Section of the Element to the Policy section. The added text is underlined, and the deleted text ~~struck out~~.

D.1. RELOCATED TO POLICY - Policy 2.2.1-#: *[Language relocated from the FLUA Regulation Section] **Non-Residential Uses Criteria**. In areas with a Residential future land use designation, the County may allow non-residential uses allowed in the Parks and Recreation, Institutional and Public Facilities, or Utilities and Transportation future land use designations. Non-residential uses permitted in residential areas shall only be allowed if they meet the criteria below. The ULDC adopted pursuant to this Comprehensive Plan shall ensure that non-residential uses allowed by residential zoning districts shall satisfy the Goals, Objectives and Policies of the Comprehensive Plan. All decisions of the Board of County Commissioners that implement the provisions of the ULDC which allow a non-residential use in a residential area must be based on a determination that:*

1. *The residential neighborhood is protected from the undesirable impacts of adjacent and surrounding development;*
2. *The non-residential use is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan;*
3. *The non-residential use satisfies any special siting criteria adopted by the Board of County Commissioners; and,*
4. *The density or intensity is comparable to and compatible with the density of the residential development within areas designated Residential on the FLUA.*

~~Non-residential land uses that have an underlying residential land use, shall be governed by the density provisions in Table III.C.1, unless specifically noted.~~

D.2. RELOCATED TO POLICY - Policy 2.2.1-#: *[Language relocated from the FLUA Regulation Section] **Uses Discouraged in Residential Future Land Use Categories**. Large-scale Park and Recreation uses, Institutional and Public Facility uses, and Utilities and Transportation uses designed to serve regional needs, including regional parks, regional water and wastewater treatment plants, power transmission facilities not related to Renewable Energy, Electrical Power Facilities (utilizing any fuel, process, or resources other than solar, wind, or hydroelectric power), correctional facilities, solid waste transfer stations and disposal sites are discouraged in residentially designated areas and may be permitted only subject to the siting criteria of the appropriate regulatory authority(ies) as well as any special review and siting criteria adopted by the Board of County Commissioners.*

D.3. RELOCATED TO POLICY - Policy 2.2.1-#: *[Language relocated from the FLUA Regulation Section] **Application of Rural Standards**. In the Urban/Suburban Tier, the County may apply the ULDC standards for rural residential development as follows:*

1. *in low density areas in Urban Residential future land use categories;*
2. *on parcels presently used for agricultural purposes; or*
3. *on parcels with a Special Agricultural future land use category.*

D.4. RELOCATED TO POLICY - Policy 2.2.1-#: [Language relocated from the FLUA Regulation Section] Lot Requirements. The County shall apply the following criteria to determine if a parcel may be developed for residential purposes:

1. The lot is described and identified in a deed or agreement for deed, dated prior to February 5, 1973, and has the same boundaries as shown on that deed; or,
2. The lot is delineated on the current plat of record for that property, or in a duly approved affidavit of exemption or affidavit of waiver; or,
3. It is demonstrated that the lot in its current configuration resulted from a division of land on or subsequent to February 5, 1973, and prior to June 16, 1992, and complied with the density requirements of the Plan in effect at the time the lot was created.

D.5. RELOCATED TO POLICY - Policy 2.2.1-#: [Language relocated from the FLUA Regulation Section] Lot Combination Requirements. The County shall require all contiguous lots, which were owned by the same person or entity and which do not qualify for an administrative order exempting a single lot as provided below to comply with the density requirements of the Comprehensive Plan adopted in 1989, as amended. If contiguous lots owned by the same person or entity do not meet the density requirements, then the lots shall be combined to either comply with the density requirements or to reduce the density inconsistency, if there are not sufficient lots to fully comply with the density requirements. The following criteria shall be applied to determine if a parcel may be exempt from the consolidation requirements:

1. A lot that was not contiguous to any other lot owned by the same person or entity as of December 1, 1989; or
2. A lot for which a building permit application has been filed with the County on or before December 1, 1990; or
3. A lot(s) that is contiguous to a lot owned by the same person or entity and that has an existing dwelling unit as of December 1, 1989; such contiguous lot(s) shall be allowed one additional dwelling unit; or,
4. A lot(s) that is contiguous to a lot owned by the same person or entity for which a building permit has been granted on or before October 1, 1990; such contiguous lot(s) shall be allowed one additional dwelling unit; or,
5. A lot located in an approved Planned Residential Development; or,
6. A lot located in a properly recorded subdivision within the Urban/Suburban Tier; or
7. **85% Rule** - A lot located in a recorded and/or unrecorded subdivision or contained within, or subject to the control of a special district, provided that:
 - a) The Planning Division determines the number of single lots of record exempt from the density requirements of the 1989 Plan, as determined by criteria 1-4 above is equal to or exceeds 85% of the total lots in the subdivision or area controlled by the special district; and/or,
 - b) The subdivision is determined by the Planning Division to contain existing residences on a minimum of 85% of the existing lots of record in the subdivision.
 - c) The County has determined that the following antiquated subdivisions, pursuant to FLUE Policy 1.3-e and FLUE Policy 1.4-e, the following areas meet the provisions of the 85% rule exemption:
 - 1) Jupiter Farms;
 - 2) Palm Beach Country Estates;

- 3) *Royal Palm Beach Acreage;*
- 4) *Fox Trail;*
- 5) *Caloosa;*
- 6) *Homeland;*
- 7) *Tierra Del Ray Estates;*
- 8) *Tierra Del Ray South;*
- 9) *Deer Run;*
- 10) *Deer Run Plat 2;*
- 11) *Kramer's Unrecorded Subdivision: Located on the south side of Northlake Boulevard, adjacent to the west side of Ibis Golf and Country Club, and four miles west of Beeline Highway (State Road 710); and,*
- 12) *Mandell's Unrecorded Subdivision: Located in the southeast half of Section 9, Township 43, Range 40, and adjacent to the east right-of-way line of the M Canal Cut-off (L-8 Spur Canal.)*

D.6. RELOCATED TO POLICY - Policy 2.2.1-#: *[Language relocated from the FLUA Regulation Section] Entitlement density. Within the time frame provided by 163.3202(1), F.S., Palm Beach County will ensure that development orders for residential development will be based on the County's ability to maintain minimum levels of service as provided by the Concurrency Management System contained in the Capital Improvement Element. The County may grant a development order at entitlement densities as described in Table H.C.1, if a parcel cannot be developed in accordance with its future land use designation and zoning category because concurrency requirements cannot be satisfied, provided that the levels of service for drainage can be met. The maximum number of units for a project at entitlement density is either the number of units calculated at the entitlement density or one dwelling unit, whichever is greater.*

A proposed residential development proceeding at entitlement densities will be required, at the time the development order is granted, to demonstrate:

1. *How the proposed development, will achieve at least a minimum density for the applicable land use category when services and facilities become available, at the adopted levels of service; and*
2. *How, within two years of the services and facilities becoming available, the proposed development will commence and proceed in good faith toward achieving at least the minimum urban density. A proposed development, which does not proceed in good faith shall be subject to revocation of the "entitlement" development order.*

D.7. RELOCATED TO POLICY - Policy 2.2.1-#: *[Language relocated from the FLUA Regulation Section] Recreational Vehicle Parks and Mobile Home Parks. The density for a Recreational Vehicle Park shall be described in the ULDC. Mobile home parks in existence at the time of Plan adoption are considered in conformance with the Plan, regardless of the Future Land Use Atlas density. Some existing mobile home parks are shown on the Future Land Use Atlas within residential land use categories that allow fewer units than currently permitted. If the mobile home park is removed to allow an alternative type of residential development, the new development must conform to the density provisions of the Future Land Use Atlas.*

1. *To the extent required by law, mobile home parks will be allowed in all urban residential future land use categories and associated zoning districts utilizing up to the number of units allowed in the “maximum” in Table III.C.1. A mobile home shall be the equivalent of one dwelling unit. The replacement or relocation of a unit in a mobile home park shall not cause the total number of units approved, at the time of Plan adoption, to be exceeded.*
2. *Land development regulations shall require mobile home parks to include a permanent structure adequate for an emergency shelter. The size of this shelter shall be established in the Unified Land Development Code pursuant to the square footage per person shelter requirements contained in the Comprehensive Emergency Management Plan.*

D.8. REVISE III. FUTURE LAND USE ATLAS REGULATION, C. Future Land Use Designations

1. Residential Future Land Use Designations (See Objective ###)

~~**General.** The residential future land use designation encompasses two general residential types, rural and urban. Generally, the rural residential areas are located in the central-western coastal area and the urban densities are located on both the east and west coast, primarily within municipal boundaries.~~

~~**Glades.** The Glades area, surrounding Lake Okeechobee, has rural and urban residential categories. With the exception of Lake Harbor and Canal Point in the Glades Tier, which are rural towns with urban densities, all of the residentially designated land in the Glades Area is shown on the FLUA as Urban Residential.~~

Exhibit 2

Data & Analysis

This section of the report provides the basis for each of the proposed revisions in Exhibit 1 utilizing corresponding section and item numbers.

A. Congregate Living Residential Future Land Use

A.1 New Policy 2.2.1-c: Residential Uses. This new policy provides the framework for the establishment of the Congregate Living Residential future land use designation by clearly identifying the two basic categories of residential uses. The proposed policy establishes that there are two basic types of residential uses in the County: Residential housing uses and Residential living quarters uses. These concepts are in place within the Comprehensive Plan and Unified Land Development Code (ULDC), but are not explicitly stated by policy. **Exhibit 3** provides details regarding the ULDC definitions for the residential uses and the United States Census Bureau definitions for Living Quarters, consisting of “Housing Units” and “Group Quarters”. The proposed amendment defines that the residential housing uses typically utilize residential density (dwelling units per acre) to establish the maximum development potential. The amendment states that residential living quarters typically are associated with or accessory to a non-residential use, and are not typically based on density. References are included to Florida statutes that further define certain uses to provide clarity between residential uses such as congregate living facilities and medical uses which are discussed elsewhere in the Element as not being allowed in residential future land use designations.

A.2. New Policy – Congregate Living Residential. This new policy establishes the Congregate Living Residential (CLF) future land use designation which is intended for new requests for CLF Type 3 in the County. **Exhibit 4** provides data and analysis regarding the types of future land use amendments sought for Type 3 CLFs and the problems identified with each. Also provided is each approved CLF future land use amendment with the associated conditions of approval. As demonstrated in **Exhibit 4**, the processing of increasing density for CLF Type 3 while including a provision to cap the increase in density only for the CLF Type 3 has been problematic. By establishing the new future land use designation, each proposed CLF Type 3 can be reviewed and approved according to the specific development proposed. The new policy states that the sites will retain the original residential future land use designation that will apply if the site is redeveloped residentially or is never developed as a CLF, and allows the CLF as an underlying designation if the subject site is seeking an Institutional and Public Facilities future land use designation to incorporate medical uses into the project. Finally, the policy establishes that compatibility must be demonstrated during the amendment review process, and that a concurrent zoning application is required so that the Board, staff, and public can fully assess the impacts of the site and the design elements to ensure compatibility with the surrounding properties. The language states that the maximum density may be reduced or limited during the amendment process to ensure compatibility with the surrounding uses.

A.3. Revise Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density. This revision will add the CLR designation with a maximum density of 12 units per acre in the Urban Suburban Tier. As previously stated, the maximum density may be limited during the review process to ensure compatibility with surrounding uses.

- A.4. Revised and Relocated Policy – Non-Residential Uses Allowed in Residential Future Land Use Designations.** This amendment relocates existing Plan language from the FLUA Regulation Section to a policy. The changes include establishing parameters for non-residential uses allowed in residential future land use and zoning districts to those that are limited to serving residential uses and ensuring that the uses are appropriate in size, scale, and character with the surrounding residential area. The revisions specify the Medical Uses are not allowed within residential future land use designations or zoning districts.
- A.5. Revised Policy 2.2.1-j.** This Policy establishes and includes the Residential Future Land Use and Zoning Consistency Table. The amendment proposes to add the Congregate Living Residential future land use designation and to establish consistency with the Residential Multifamily zoning district and three planned development districts: Planned Unit Development, Multiple Use Planned Development (MUPD), and Mixed Use Planned Development (MXPD). A note is included to clarify that the MUPD and MXPD district is only allowed for projects with CLR as an underlying designation.
- A.6. Revised Table III.C. Future Land Use Designations by Tier.** This policy establishes the Congregate Living Residential future land use designation as an allowable use in the Urban Suburban Tier.
- A.7. Relocate to Policy and Revise Policy 2.2.8-e.** This amendment proposes to redefine and relocate the list of uses allowed in the Institutional and Public Facilities (INST) future land use designation to relocate language regarding the listed uses allowed in the Institutional and Public Facilities future land use designation from the Future Land Use Atlas Regulation Section at the back of the Element, and combine with policies under Objective 2.2, Future Land Use Provisions – General. The changes include clarifying the list of uses allowed to correspond more accurately with the uses listed in the Unified Land Development Code subsequent to the adoption of the Use Regulation Project.

The County's Institutional and Public Facilities (INST) designation was established with the adoption of the 1989 Comprehensive Plan with the purpose of providing a *'full range of regional and community uses'*. The INST designation is one of two designations that are designed specifically for both public and private uses. The other is County's Transportation and Utilities (UT) designation which is used for the County's airports and both public and private utilities, as well as major thoroughfares (portions of I-95 and the Florida Turnpike). Conversely, the Parks and Recreation (PARK), Conservation (CON), and Spoil designations are primarily designed for publicly owned properties. The remaining County future land use categories (residential, commercial, industrial, commercial recreation and agriculture) are intended primarily for privately owned land, although government and public facilities are allowed in all categories. Chapter 163, F.S., establishes 'public facilities' type future land use designations, but does not provide specific guidance on the type of allowable uses. Chapter 163.3177(6)(a), Future Land Use Plan Element, states that local government shall designate land for various uses, including "public buildings and grounds", "other public facilities", and "other categories of the public and private uses of land".

Institutional and Public Facility Uses by Type

Education	Medical	Governmental	Community
schools universities child care facilities	hospitals medical/dental office nursing facilities treatment facilities	public health clinics judicial facilities correctional facilities governmental emergency shelters animal control	religious cemetery civic cultural animal shelters assembly

This amendment proposes to group the uses listed within various categories as referenced above. Uses that provide both accommodation and 24 nursing or medical care, such as nursing or treatment centers, will be identified as a ‘Medical Use’.

A.8. Revise FLUA Regulation Section. This change establishes a note to re-direct the reader to the Policy section of the Element and to eliminate remaining redundant language under this heading to reflect the relocation of the language under this heading to Policy.

B. Eliminate Standard Density

B.1/2. Revise Policy 2.2.1-g and Table 2.2.1-g.1: Density. This policy establishes the Residential Future Land Use Designation Maximum Density Table. The amendment proposes to eliminate the requirement for properties greater than 15 acres to be developed as a planned development in order to qualify to utilize 100% of the density allowed by the applicable future land use designation. In addition, this amendment proposes to relocate two paragraphs from the FLUA regulation to this policy.

The residential amendment adopted in Round 15-2 established the exemption of parcels 15 acres or less from this policy. Data in that report indicated that at the time of the adoption of the 1989 Plan, there were vast tracts of undeveloped land within the Urban Suburban Tier. The policies and regulations set at the time were intended to promote the development of this land in the Planned Unit Development (PUD) pattern. Through PUDs, development is clustered to promote common open space and recreation areas, buffers, water retention, etc., and limited access onto major roadways. Generally, PUDs are developed with a consistent architectural theme, require at least 2% civic dedication, and often require the establishment of a home owner’s association and/or property management company to ensure that the developed areas are maintained appropriately. The 1989 Plan’s intent was to promote and incentivize the development of PUDs through requiring that all development must develop as a PUD in order to achieve the maximum density allowed by the associated residential future land use designation.

The PUD density requirement has succeeded in promoting PUDs within unincorporated County. Since the adoption of the 1989 Plan, approximately 86% of all unincorporated residential development has been as PUDs rather than using straight zoning districts. This pattern has been extremely successful in areas that had very large vacant tracts available for development, such as west Boynton. However, over the past 26 years the amount and location of developable residential land within the Urban Suburban Tier has been greatly reduced.

Of the 75,000 acres of residentially designated land inside the Urban Suburban Tier, only 3% remains undeveloped with no development approval. As presented in **Exhibit 5**, the characteristics of the remaining land is generally very small parcels in scattered areas, generally surrounded by existing straight subdivisions. The PUD form is ideal for very large tracts of land that were available for development in 1989. However, considering the size and location of the remaining lands for development in unincorporated County, PUD development is not always possible or appropriate. Considering that the vast majority of the undeveloped urban residential land cannot be developed as a PUD, requiring the use of a PUD to achieve maximum density is no longer appropriate. The 'incentive' that this regulation intended is no longer relevant.

The Workforce Housing Program (WHP) language in the ULDC requires the use of the terms 'Standard' and "Planned Development". Consequently, this amendment proposes a note to retain these terms and figures for the purposes of the WHP only. The amendment proposes to add a note within Table 2.2.2-g.1. to list the standard density for each designation. Should this language be deleted from the ULDC, then this language in the Plan would also be deleted in a future amendment round. As an alternative, this note could establish the first 72% of the qualifying dwelling units allowed as 'Standard' and the remaining 30% as "Planned Development". The table below shows each designation with the percentages of standard to PUD range from 67%/33% to 80%/20%, with an average of 72%/28%.

Current Urban Residential Future Land Use Designations

Future Land Use Designation		Standard w/o PUD	Maximum w/ PUD	%
Low Residential, 2 du/ac.	LR-2	1.5	2	75/25
Low Residential, 3 du/ac.	LR-3	2	3	67/33
Medium Residential, 5 du/ac.	MR-5	4	5	80/20
High Residential, 8 du/ac.	HR-8	6	8	75/25
High Residential, 12 du/ac.	HR-12	8	12	67/33

C. Infill Policy Correction

C.1. REVISE Policy 2.2.1-e: Infill Density Exemption. The revisions to this policy in 2015 inadvertently added the word 'undeveloped', and this word is proposed to be deleted. The intent of the policy is to foster both infill and redevelopment on vacant or built parcels at the equal density to the existing subdivision.

C.2. REVISED AND RELOCATED TO POLICY – Standard and Maximum Density Exemptions. This amendment proposes to relocate the language regarding Standard and Maximum Density from the FLUA Regulation to policy. In addition, this change will reflect the 2015 revisions to the infill policy.

D. Policy Relocation

All of the amendments proposed in this section, items D.1 through D.8, reflect the relocation of existing Future Land Use Element language from the Future Land Use Atlas Regulation Section to the Policy section of the Element. The only changes to language are for item D.8 which deletes outdated descriptive language stemming from the establishment of the 1989 Plan.

Exhibit 3

US Census Defined Living Quarters

The United States Census Bureau classifies all living quarters as two major categories as defined below. The Census refers to 'living quarters' as *"any place where someone lives is considered to be a living quarters, such as an apartment, dormitory, shelter for people experiencing homelessness, barracks, or nursing facility."* See Exhibit 2 for additional details.

- **Housing Units.** *A housing unit is a living quarters in which the occupant or occupants live separately from any other individuals in the building and have direct access to their living quarters from outside the building or through a common hall. Housing units are usually houses, apartments, mobile homes, groups of rooms, or single rooms that are occupied as separate living quarters. They are residences for single individuals, groups of individuals, or families who live together. A single individual or a group living in a housing unit is defined to be a household.*
- **Group Quarters.** *Group quarters are places where people live or stay in a group living arrangement, which are owned or managed by an entity or organization providing housing and/or services for the residents. This is not a typical household-type living arrangement. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other. Group quarters include such places as college residence halls, residential treatment centers, skilled-nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.*

The following information was taken from the 2010 Census Summary File 1 of the 2010 Census of Population and Housing Technical Documentation issued September 2012 by the US Census Bureau. Some portions were abbreviated for brevity. The complete document is online here: <https://www.census.gov/prod/cen2010/doc/sf1.pdf>

LIVING QUARTERS

All living quarters are classified as either housing units or group quarters. Living quarters are usually found in structures that are intended for residential use, but they also may be found in structures intended for nonresidential use. Any place where someone lives is considered to be a living quarters, such as an apartment, dormitory, shelter for people experiencing homelessness, barracks, or nursing facility.

Group Quarters

Group quarters are places where people live or stay in a group living arrangement, which are owned or managed by an entity or organization providing housing and/or services for the residents. This is not a typical household-type living arrangement. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other. Group quarters include such places as college residence halls, residential treatment centers, skilled-nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

Institutional Group Quarters

Institutional group quarters are facilities that house those who are primarily ineligible, unable, or unlikely to participate in the labor force while residents.

- Correctional facilities for adults
- Juvenile facilities including group homes, residential treatment centers, and correctional facilities
- Nursing facilities/skilled-nursing facilities include facilities licensed to provide medical care with 7-day, 24-hour coverage for people requiring long-term non-acute care. People in these facilities require nursing care, regardless of age.
- Hospitals including mental (psychiatric) hospitals and units
- In-patient hospice facilities
- Military treatment facilities with assigned patients
- Residential schools for people with disabilities

Non-institutional Group Quarters

Non-institutional group quarters are facilities that house those who are primarily eligible, able, or likely to participate in the labor force while residents.

- College/University Student Housing
- Military Quarters
- Emergency or transitional shelters
- Group homes for adults Group homes intended for adults are community-based group living arrangements in residential settings that are able to accommodate three or more clients of a service provider. The group home provides room and board and services, including behavioral, psychological, or social programs. Generally, clients are not related to the caregiver or to each other. Group homes do not include residential treatment centers or facilities operated by or for correctional authorities.
- Residential treatment centers for adults (code 802)—Residential treatment centers for adults provide treatment on-site in a highly structured live-in environment for the treatment of drug/alcohol abuse, mental illness, and emotional/behavioral disorders. They are staffed 24 hours a day. The focus of a residential treatment center is on the treatment program. Residential treatment centers do not include facilities operated by or for correctional authorities.
- Maritime/Merchant vessels
- Workers' group living quarters and Job Corps centers including facilities such as dormitories, bunkhouses, and similar types of group living arrangements for agricultural and non-agricultural workers. This category also includes facilities that provide a full-time, year-round residential program offering a vocational training and employment program that helps young people 16 to 24 years old learn a trade, earn a high school diploma or GED, and get help finding a job. Examples are group living quarters at migratory farm-worker camps, construction workers' camps, Job Corps centers, and vocational training facilities.
- Living quarters for victims of natural disasters - temporary group living arrangements established as a result of natural disasters.
- Religious group quarters and domestic violence shelters (code 904)—Religious group quarters are living quarters owned or operated by religious organizations that are intended to house their members in a group living situation. This category includes such places as convents, monasteries, and abbeys. Living quarters for students living or staying in

seminaries are classified as college student housing, not religious group quarters. Domestic violence shelters are community-based homes, shelters, or crisis centers that provide housing for people who have sought shelter from household violence and who may have been physically abused.

Housing Units

A housing unit is a living quarters in which the occupant or occupants live separately from any other individuals in the building and have direct access to their living quarters from outside the building or through a common hall. Housing units are usually houses, apartments, mobile homes, groups of rooms, or single rooms that are occupied as separate living quarters. They are residences for single individuals, groups of individuals, or families who live together. A single individual or a group living in a housing unit is defined to be a household. Additional details about housing for the elderly population and group homes are provided in the section “Housing for the Older Population.”

Housing for the Older Population—Housing specifically for the older population has become more and more prevalent and is being identified by many different names. Living quarters in these facilities, unless they meet the definition of skilled nursing facilities, are housing units, with each resident’s living quarters considered a separate housing unit if it meets the housing unit definition of direct access. These residential facilities may be referred to as senior apartments, active adult communities, congregate care, continuing care retirement communities, independent living, board and care, or assisted living. People may have to meet certain criteria to be able to live in these facilities, but once accepted as residents they have unrestricted access to and from their units to the outside.

Housing units and group quarters may coexist under the same entity or organization and in some situations, actually share the same structure. An assisted living facility complex may have a skilled nursing floor or wing that meets the definition of a nursing facility and is, therefore, a group quarters, while the rest of the living quarters in the facility are considered to be housing units. Congregate care facilities and continuing care retirement communities often consist of several different types of living quarters, with varying services and levels of care. Some of the living quarters in these facilities and communities are considered to be housing units and some are considered to be group quarters, depending on which definition they meet.

Exhibit 4

Future Land Use Amendments for Congregate Living Facilities

The future land use densities allowed on the Future Land Use Atlas for the vast majority of unincorporated County do not yield the number of beds often sought by CLF Type 3 developers. Often CLF developers are seeking 8 to 12 units per acre density to achieve the number of beds necessary for a proposed facility. Since very little developable land in unincorporated County has a density of 8 to 12 units per acre, proposed CLF zoning applications are often accompanied by a proposed future land use amendment to increase the residential density to accommodate the requested number of beds. There have been three types of amendments proposed to accommodate Type 3 CLFs. Each type is summarized below with the identified issue with each approach:

- **Increasing Residential Density.** Approximately 11 of the 18 approved amendments for Type 3 CLFs have been approved for an increase in residential density alone with no request for a non-residential future land use designation. Future Land Use Element Policy 2.4-b mandates that the use of the Transfer of Development Rights (TDR) program as the required method of increasing density (unless exempted through the Workforce Housing Program or other exceptions within the Policy). Accordingly, each of these privately proposed density increases would violate this policy unless a condition of approval is included to limit the density increase only to the CLF Type 3. The issue with this approach is that the Future Land Use Atlas is labeled at the higher density and it is not readily apparent that any residential development of the site (other than CLF Type 3) would be limited.
- **Institutional & Public Facilities Future Land Use.** As an alternative to retaining a residential future land use designation, applicants have proposed Institutional and Public Facilities (INST) future land use with an increase in the underlying residential density. The benefit of this approach is that the INST designation allows the project to incorporate medical facilities should the project diversify in the future. A disadvantage is that this approach still requires the condition of approval and introduces the concept of allowing institutional uses on the subject site, and uses allowed under the INST designation on public facilities and services (traffic, water/sewer, etc.) is often much greater than a CLF Type 3. A particular location may be suitable for a CLF Type 3, but might not be suitable for institutional uses such as medical facilities. An INST designation is not necessary unless the applicant intends to incorporate medical facilities into the project.
- **Use of Floor Area Ratio Instead of Density.** Currently, increases in density for Type 3 CLFs are limited to the Urban Suburban Tier. The land in the Rural and Exurban Tiers has been designated at the maximum densities allowed (with the exception of the Western Communities Residential designation), and the Agricultural Reserve does not allow density increases greater than 1 unit per acre. Low densities are not viable for a CLF Type 3. The County has received three applications for private text and FLUA amendments in the Agricultural Reserve for Type 3 CLFs. Since density increases in the Tier are not allowed, the applicants initially presented the use of Floor Area Ratio (FAR) as a means for determining the maximum development potential for Type 3 CLFs. However, research on the definition of uses and typical means for assigning density as determined by other counties, cities, and agencies such as the U.S. Census Bureau indicate that density is almost always used for residential housing, and that a Type 3 CLF are clearly residential housing use. Further, whether or not an application is approved at density or FAR, the resulting development remains the same. Utilizing FAR is not appropriate for residential housing.

The County has approved 22 proposed future land use amendments to increase density for the purposes of a CLF Type 3 on approximately 230 acres of land since 1998 as shown in the tables below. Each of these amendments has included a condition of approval limiting the density increase to only the CLF Type 3 to provide consistency with Transfer of Development Rights (TDR) Program that became the mandatory method for increasing density in 1998. There are an additional 6 amendments in process, of which 2 are located in the Agricultural Reserve Tier.

Adopted CLF FLUA Amendments Since 1998

Name	Acres	FLU Change	Adopted Ordinance Conditions
Ventures CLF 98S-86 INST 1 Ord. 1998-015	4.79	LR-1 to INST/8	The amendment is subject to the following conditions: 1) that the use of the site be limited to a CLF; and 2) that the buildings be limited to 35 feet in height.
Place of Hope 98S-31 INST 1 Ord. 1999-001	9.20	LR-1 to INST/8	The amendment is subject to the following conditions: 1) Use of the property shall be restricted to a Congregate Living Facility (CLF); 2) The buildings onsite shall be limited to 25 feet in height; 3) Prior to the application (98-SCA 31 INST 1) being considered by the Palm Beach County Board of County Commissioners, the applicant shall submit an executed covenant, in recordable form approved by the County attorney, with the appropriate recording fees, which declares the applicant's agreement that the County may initiate and adopt a Future Land Use Atlas Amendment removing the Institutional/High Residential 8 designation and re-designating the property as Low Residential 1, if the CLF is not under construction by December 1, 2001.
Lago Vista/ Delray Med 99-103 INST 1 Ord. 1999-020	6.12	HR-8 to INST/8	The use of the site shall be limited to congregate living facility and/or medical facilities and ancillary uses.
Children's Home Society 99S-72 INST 1 Ord. 1999-048	5.77	HR-8 to INST/8	The site shall be limited to a Congregate Living Facility or other non-residential uses permitted in a residential land use category.
Ecclestone 99-56 INST 1 Ord. 1999-056	7.09	MR-5 to INST/8	This parcel is subject to the following conditions: 1) the use of the site shall be limited to a CLF or other non-residential uses permitted in a residential land use category; or 2) any other type of residential use shall be limited by the rules governing the MR-5 category.
Jog Pines CLF 99S-90 INST 1 Ord. 2000-007	5.31	LR-3 to INST/8	This parcel is subject to the following conditions: 1) The site shall be limited to a Congregate Living Facility or other non-residential uses permitted in a residential land use category; or 2) any other type of residential use be limited by the rules governing the LR-3 category.
Delray CLF 2 01S-103 RES 1 Ord. 2001-011	9.55	HR-8 to HR-8	This parcel is subject to the following condition: 1) The site shall be limited to a Congregate Living Facility with a maximum of 196 beds; or 2) other Institutional uses permitted under a residential land use; or 3) other residential use defined by the rules governing the Medium Residential 5 (MR-5) category.

Name	Acres	FLU Change	Adopted Ord. Conditions
Haverhill CLF 01S-57 RES 1 Ord. 2001-018	9.14	MR-5 to HR-8	This parcel is subject to the following condition: 1) The site shall be limited to: a) A Congregate Living Facility consistent with the HUD 202 9.14 program with a maximum of 130 beds; or b) other Institutional uses permitted under a residential land use; or c) other residential uses defined by the rules governing the MR-5 category.
Wellington Medical Phase 2 01-69 INST 2 Ord. 2001-038	27.22	LR-2 to INST/3	This parcel is subject to the following conditions: 1) Residential use of the site shall be limited to a Congregate Living Facility (CLF), or to uses governed by the LR-2 category. 2) Non-residential development intensity shall be limited to no more than 0.35 maximum floor area ratio (FAR).
Turner 2 LGA 2003-027 Ord. 2003-063	12.26	MLU to MR-5	Density of the site under the MR-5 designation limited to a maximum of 4.34 units per acre.
Military / Gateway CLF SCA 2004-004 Ord. 2004-033	6.21	CL-O to CL-O/8	This parcel is subject to the following conditions: 1) If developed consistent with the CL-O land use designation, the following uses shall be prohibited on the site; Bed & Breakfast, Communication cell sites on wheels (COWs), laundry services, repair services – limited, and retail sales – mobile, temporary or transit; 2) If developed consistent with the CL-O land use designation, restaurant uses on the site shall be limited to a maximum of 2,500 square feet; 3) There shall be no cellular communication towers allowed on the site; 4) The development of the site shall comply with the Boynton Beach Corridor Design Guidelines; and 5) If developed residentially, other than as a CLF, development must be consistent with the rules governing the Medium Residential, 5 units per acre (MR-5) category.
Yamato/SR 7 - US 441 SE LGA 2005-031 Ord. 2005-058	19.86	U/T & HR-8 to INST/8 & CL/8	This parcel is subject to the following conditions: 1. Non-residential development on the CL/8 portion of the site shall be limited to a maximum of 50,000 square feet. 2. Development on INST/8 portion of the site shall be limited to school uses with a maximum of 72,000 square feet and a Congregate Living Facility (CLF) with a maximum of 94 beds. If the site develops alternatively with residential uses (other than a CLF), the site shall be governed by the density allowed under the HR-8 land use designation. 3. At the time a rezoning application is submitted for this site, the application must include the entire property.
Logger's Run Civic Parcel LGA 2008-012 Ord. 2008-023	24.04	LR-1 to HR-12	This site is subject to the following conditions: 1. The density associated with the High Residential, 12 units per acre (HR-12), future land use designation shall only be utilized for the development of the property with a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to Low Residential, one unit per acre (LR-1); and 2. At the time of submittal of a zoning petition for the subject property, the applicant shall also submit to the Zoning Division a TDR application requesting purchasing the development rights for six (6) dwelling units under the County's TDR Program.

Name	Acres	FLU Change	Adopted Ord. Conditions
Pioneer / Benoist Farms Inst. SCA 2007-042 Ord. 2008-034	5.57	Park to INST/8	The site shall be limited to a Congregate Living Facility utilizing the underlying 8 units per acre residential land use category and no other residential uses shall be permitted.
SR 7/Palomino INST SCA 2008-016 Ord. 2008-035	8.29	LR-2 to INST/8	The underlying density of 8 units per acre (INST/8) shall only be utilized for the development of a Congregate Living Facility (CLF).
SR 7/Carlyle CLF SCA 2009-004 Ord. 2009-005	9.17	CL/2 to CL/8 and LR-2 to HR-8	The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of the property with a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to Low Residential, two units per acre (LR-2)
Northlake/Osprey Isles CLF SCA 2009-029 Ord. 2009-037	9.89	CL-O/1 to CL-O/8	The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF) with a maximum capacity of 125 beds. If developed residentially, other than as a CLF, the density shall be limited to Low Residential one unit per acre (LR-1). If developed utilizing the CL-O land use, the subject site shall be limited to a Maximum 75,000 sq ft of Self - Storage and a maximum 75,000 sq ft of Office and/or Work/Live or Residential Units.
Garden Park (Allegro) SCA 2010-002 Ord. 2010-013	7.50	LR-3 to INST/8	Development of the subject site shall be limited to a Congregate Living Facility (CLF) with a maximum of 135 beds.
Villages of Windsor Inst. LGA 2010-013 Ord. 2010-029	22.50	LR-2 to HR-8	The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF).
Allegro at Boynton Beach (Garden Park) SCA 2012-006 Ord. 2012-014	7.50	INST/8 (revise conditions)	Development of the subject site shall be limited to a Congregate Living Facility (CLF) with a maximum of 135 beds. <i>(This amendment revised the same site as Garden Park previously)</i>
Finish American Rest Home LGA 2012-005 Ord. 2012-018	10.68	MR-5 to INST/12	Development of the site is limited to a nursing home and/or congregate living facility with a maximum of 250 total beds.
Harbor Chase at Wellington Crossing LGA 2015-001 Ord. 2015-009	18.28	LR-2 to INST/5	1. The density associated with the Medium Residential, 5 units per acre (MR-5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2). 2. Development of the site is limited to a maximum of 240,000 square feet of hospital or equivalent number of generated trips.

Name	Acres	FLU Change	Adopted Ord. Conditions
Hippocrates Health Institute LGA 2015-004 Ord. 2015-012	32.09	LR-1 & LR-3 to MR-5	The density associated with the MR-5 designation shall only be utilized for the development of a CLF. If developed residentially, other than as a CLF, the density shall be limited to LR-1 and LR-3 as depicted on the FLUA at the time of the adoption of this ordinance.
Lake Worth Senior Living SCA 2015-014 Ord. 2015-039	6.86	LR-2 to HR-8	The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2) designation.

Proposed CLF FLUA Amendments in Process

Name	Acres	FLU Change	Description
Morning Star MLU LGA 2017-008	50.99	AGR to MLU	Located in Ag Reserve, the site proposes by text amendment to allow up to 8 units per acre for CLF in the Ag Reserve as part of a Multiple Land Use designation.
Clint Moore CLF LGA 2017-007	12.77	AGR to INST/AGR	Located in the Ag Reserve, the site proposes by text amendment to allow CLFs to utilize up to .45 FAR per acre to calculate maximum development potential in the Ag Reserve.
Poet's Walk LGA 2017-015	9.73	AGR to INST/AGR	Located in the Ag Reserve, the site proposes by text amendment to allow CLFs with INST FLU to develop up to 8 units per acre in the Ag Reserve Tier.
Kid Sanctuary SCA 2017-019	4.86	LR-2 to INST/8	Proposed to limit the increase in density to CLF.
Boynton Dunes CLF SCA 2017-021	4.32	CL/2 INST/12	Proposed to limit the increase in density to CLF.
Atlantis Reserve LGA 2017-014	22.59	LR-3 & MR-5 to HR-8 & HR-12	Proposed to limit the increase in density on the CLF portion to CLF.

Exhibit 5

Urban Residential Future Land Use History and Data

Current Urban Residential Designations

As part of the adoption of the 1989 Comprehensive Plan, the County adopted a new Future Land Use Atlas (FLUA) and re-designated all of the unincorporated residential parcels to one of the 7 new future land use designations shown in the table below from Future Land Use Element (FLUE) Table III.C.1.

Current Urban Residential Future Land Use Designations

Future Land Use Designation		Zoning	Standard / Straight	Maximum / PUD	Minimum
Low Residential, 1 du/ac.	LR-1	RE, RT	1	—	—
Low Residential, 2 du/ac.	LR-2	RT	1.5	2	—
Low Residential, 3 du/ac.	LR-3	RT	2	3	—
Medium Residential, 5 du/ac.	MR-5	RS, RM*	4	5	—
High Residential, 8 du/ac.	HR-8	RM	6	8	5
High Residential, 12 du/ac.	HR-12	RM	8	12	5
High Residential, 18 du/ac.	HR-18	RM	8	18	5

Maximum Density as PUD and Exemptions: The Comprehensive Plan FLUE Table III.C.1. requires properties be developed with PUD zoning in order to achieve the maximum density. Policies within the Future Land Use Element allow for exemptions to the PUD requirement to recognize lands that were subdivided at higher densities than the standard density prior to the adoption of the 1989 Plan. Through the FLUE Infill Policy 2.2.1-e, a property owner can request a letter of determination from the Planning Director to authorize up to the maximum density if the property owner can demonstrate that their subdivision has been built and approved at a higher density than the standard density. Properties can exceed the density listed through the zoning process by pursuing additional density through the Transfer of Development Rights or Workforce Housing Programs.

History of the Residential FLU Designations

The first future land use map for the County was established with the 1980 Comprehensive Plan. The entire residential area of the County was assigned one of 5 future land use designations which ranged from the lowest density, called Very Low, which allowed up to 1 unit per 5 acres throughout the rural areas of the County. The highest density designation was called Medium High - High and allowed up to 18 units per acre for sites developed as a Planned Unit Development (PUD) and up to 24 units per acre using both a PUD and Transfer of Development Rights (TDR). The table below depicts each future land use designation and the corresponding consistent zoning district and maximum densities. This table was established within the 1980 Comprehensive Plan.

1980 Plan Residential Future Land Use Designations

FLU	Zoning	Standard Density	PUD Density	PUD & TDR Density
Very Low	Ag Res. (AR)	1 du/5 ac.	1 du/5 ac.	1 du/5 ac.
Very Low - Low	Res. Estate (RE)	1 du/2.5 ac.	1 du/2 ac.	1 du/2 ac.
	Res. Transitional (RT)	1	1.5	1.5
	Res. Tran. Suburb. (RTS)	2	3	3
Low – Medium	Res. Single Family (RS)	3	5	8
Medium – Medium High	Res. Multi-family (RM)	8	12	16
Medium High - High	Residential High (RH)	12	18	24

The new 1989 designations established much narrower ranges than the 1980 Plan. For example, the Very Low-Low designation allowed a range of densities from 1 du/2.5 acre up to 3 units per acre with PUD. However, the 1989 Plan divided this designation in the Urban Service area into three different designations: Low Residential, 1 unit per acre; Low Residential, 2 units per acre, and Low Residential, 3 units per acre. This level of specificity is unusual - most local governments allow a greater range of densities within their urban future land use designations, such as 0-5 acre as the lowest urban designation. The complete list and description of each zoning district acronym is provided in Exhibit 4, Zoning Districts.

Original 1989 Plan Urban Residential FLU and Zoning

1989 FLU	1989 Plan Support Doc. Zoning District	Minimum Density	Standard Density	PUD Density
LR-1	RT	--	1	1
LR-2	RTS	1	1.5	2
LR-3	RTS, RS	1	2	3
MR-5	RS	3	4	5
HR-8	RM	5	6	8
HR-12	RH	5	6	12
HR-18	RH	5	6	18

This level of specificity was directed by the Board of County Commissioners during the preparations of the 1989 Plan and were designed to match the existing zoning districts. The following is taken from page 97 of the Final Support Documents of the Land Use Element regarding the Methodology of the Land Use Map.

Provided below are some of the generalizations that resulted in the Land Use Distribution shown on the County Land Use Plan Map:

Generalizations Resulting in Land Use Distribution Shown on the Land Use Plan Map (scale of 1" = 1-1/2 mile)

Both Residential and Non-residential Classifications:

- o Based on Board direction received early in the planning process, the number of land use categories in the 1980 Plan was increased because the Commissioners wanted the Plan to be more specific. After the discussion with the Zoning Division, the division among the Residential Categories was made to correspond to many of the County zoning districts. The classifications that were developed were then reviewed by the Countywide Planning Council staff to ensure that the County's Plan categories would not conflict with the Countywide Future Land Use Plan, which would be prepared by the Countywide Planning Council following the adoption of all local plans in the County.

The intent of the assignment of future land use designations was to reflect existing densities and to reflect a consistent density for infill. Pages 97 & 98 of the of the Final Support Documents of the Land Use Element regarding the Methodology of the Land Use Map state the following:

Residential Classifications:

- o The Plan would reflect the density of committed residential developments using seven urban and four two rural land use classifications;
- o Infill areas and areas adjacent to committed developments were assigned either the same or compatible densities using the 1980 Plan density as input. Municipalities were contacted individually and/or through the Site Specific Review Process for input on areas adjacent to the municipality or within areas proposed for annexation.

Although the intent of the 1989 Plan was to assign any built residential area of the County a future land use designation that allowed the existing built density, due to the limited technology at the time, many areas didn't receive a matching density. The table below depicts all of the Urban residential future land use designations by acres with the 1980 designation that the properties had been previously assigned. As shown in the table below, when the densities associated with the new 1989 FLU designations did not always match the densities that had been assigned by the 1980 Plan. In some instances, properties were assigned a consistent density (shown **bold & shaded**) or higher than the 1980 Plan (shown in **bold**). For example, approximately 7,692 acres of land with a Low-Medium designation that allowed up to 5 acres with PUD in 1980 were assigned HR-8 and higher. However, many properties were assigned a lower density FLU designation than the 1980 Plan as shown in *italics*. For example, approximately 15,815 acres of property that had a Very Low-Low designation that allowed up to 3 units per acre with a PUD in 1980 were assigned an LR-1 or LR-2 FLU in 1989.

**Urban Suburban Tier - Residential FLU by Acres
Current/1989 Designations by 1980 Designations with Max. PUD Density**

FLU	Total Acres	Reserve	Very Low	Very Low-Low	Low-Medium	Medium-Med High	Medium High-High
		1 du/5 ac.	1 du/2 ac.	3	5	12	18
LR-1	9,874	596	913	6,469	1,826	71	-
LR-2	14,429	-	1,373	9,346	3,582	121	6
LR-3	17,069	-	88	8,083	8,591	301	7
MR-5	19,004	8	-	2,187	14,528	2,115	165
HR-8	9,926	-	25	122	6,784	2,461	535
HR-12	3,363	-	-	6	826	2,308	223
HR-18	1,535	-	-	-	82	719	734
	75,200	604	2,398	26,212	36,219	8,096	1,671

Source: PBC Planning Division, UniRes, based upon parcel specific Property Appraiser/Exlu-2014 data

Maximum Density as PUD: The 1989 Comprehensive Plan continued the requirement that a property pursue PUD zoning in order to achieve the maximum density. Currently FLUE Table III.C.1. indicates any property with a density higher than LR-1 must be a PUD to achieve maximum density. The PUD district requires a minimum of 3 acres of land and 200 ft of frontage on a collector or arterial, among other property development regulations. Initially as this table included a footnote stating: *"Development of three or more acres in size may not exceed the indicated density unless zoned as Planned Unit Development. Development which at the time of Plan adoption, has zoning that allows the maximum density is exempted from this requirement"*. However, through the past 25 years this footnote was deleted and replaced with the FLUE Infill Policy 2.2.1-e. Page 99 of the of the Final Support Documents of the Land Use Element regarding the Methodology of the Land Use Map also provides the basis for the incentives for Planned Unit Development.

- o Incentives to use PUDs were included for the Plan categories of two units per acre or more. The incentives were developed by staff and the Land Use Citizen Advisory Committee. A provision stating that the Board could not further limit densities if a PUD was utilized and the development could satisfy the level of service standards was added to the Plan. The County's existing zoning districts do not include standards and criteria that further the goals, objectives and policies of the Comprehensive Plan. Through the County's PUD process, there is an opportunity to address design and planning considerations that support the Plan. Once the new zoning districts are developed pursuant to the Plan, staff could re-evaluate the need to include these incentives.

HR-8 as Maximum Density: The new 1989 designation also limited the maximum density due to direction from the Board of County Commissioners at the time that any density higher than 8 units per acre should be located within a municipality. Only properties that held a built density of 12 units or greater were allowed to be assigned a HR-12 or HR-18 designation. Page 99 of the of the Final Support Documents of the Land Use Element regarding the Methodology of the Land Use Map.

- o Densities higher than eight units per acre were determined by the Board of County Commissioners to be inappropriate for unincorporated Palm Beach County unless affordable housing for very low and low-income families was to be provided. Areas already developed and some vacant but undeveloped areas zoned with higher densities were placed in residential categories allowing densities higher than eight dwelling units per acre. This action was primarily taken by the County to prevent urban sprawl and redirect growth to municipal redevelopment efforts.

Minimum Density Requirement: The 1989 Comprehensive Plan required a minimum density for all future land use designations with densities higher than LR-1, although currently the Plan only requires minimum density for HR-8 and higher densities. The basis is established in Page 98 of the of the Final Support Documents of the Land Use Element regarding the Methodology of the Land Use Map as shown below.

- o Areas with the full complement of urban services were assigned urban densities. To ensure the most efficient utilization of the provision of infrastructure and to facilitate affordable housing, minimum as well as maximum densities were assigned. The minimum density requirements would only apply to Plan categories of two units per acre or more.

Future Land Use/Zoning Consistency

Although the 1980 Plan established the consistent Zoning Districts for each Future Land Use designation, currently the consistency is established by a Table in the Unified Land Development Code (ULDC) Table 3.A.3.B. The table below provides the current FLU designations with the various consistent Zoning districts as they appeared in the original 1989 Comprehensive Plan support documents through today. The complete list and description of each zoning district acronym is provided in Exhibit 4, Zoning Districts.

Urban Residential FLU and Zoning History

FLU	1989 Plan Support Doc.	1992 Org. ULDC	2002 ULDC	2004 ULDC	2017 ULDC
LR-1	RT	RE, RT	RE, RT	RE, RT	RE, RT
LR-2	RTS	RT	RT, RTS	RT	RE, RT
LR-3	RTS, RS	RTS	RTS	RT	RE, RT
MR-5	RS	RTU	RTU, RS	RS	RE, RT, RS
HR-8	RM	RS, RM, RH	RS, RM, RH	RS, RM*	RE, RT, RS, RM*
HR-12	RH	RS, RM, RH	RM, RH	RM	RE, RT, RS, RM
HR-18	RH	RS, RM, RH	RM, RH	RM	RE, RT, RS, RM

* RM is consistent with MR-5 only for properties with RM prior to 1989.

Current & Retired Zoning Districts: The above table identifies several retired zoning districts. Residential High (RH) zoning district, for example, is no longer recognized within the ULDC. The two districts were consolidated into one with the 2003/2004 re-write of the ULDC since the property development regulations were nearly the same for the two. This is reflected by a note under ULDC Table 3.A.3.B. which states: *"Multifamily Residential High Density (RH) District shall correspond to the RM District"*. The intent was that any property with RH would be considered to have RM zoning. Similar wording is established for the Residential Transitional Suburban (RTS) to reflect that it was merged with the Residential Transitional (RT) district, and the Residential Transitional Urban (RTU) that was merged with the Residential Multifamily (RM) zoning district.

Current Acres by FLU: There are approximately 90 thousand acres of Unincorporated County acreage within the Urban Suburban Tier divided into 7 future land use designations as shown in the table below. The highest density designation is High Residential, 12 units per acre. The High Residential, 18 units per acre designation is allowed only on parcels which received the designation or density prior to the adoption of the Comprehensive Plan in 1989.

Urban Residential Future Land Use Designations by Acres

FLU	Total	US Tier	Glades US Tier*
LR-1	9,927	9,874	53
LR-2	14,429	14,429	0
LR-3	19,057	17,069	1,988
MR-5	20,932	19,004	1,943
HR-8	19,666	9,926	9,740
HR-12	3,710	3,363	347
HR-18	1,819	1,535	284
	89,540	75,200	14,355

*Including Lake Harbor and Canal Point

Source: PBC Planning Division, UniRes, parcel specific Property Appraiser/Exlu-2014 data

Un-built Residential Future Land Uses

The table below indicates the total residential future land use with residential zoning (other zoning districts such as PO excluded) by whether the properties are built, un-built, or underutilized. Built indicates that the property has an existing residential or non-residential development, or is under the ownership by an institutional or civic organization with the intent to develop the property with a non-residential use (eg. vacant school, government, or church properties). Un-built indicates that the property is either vacant or currently in agriculture and is recognized by the County's Existing Land Use database as having the ability to be developed for residential purposes. Underutilized indicates properties that are greater than two acres that currently have a residence, but are built at a low density with the ability to be redeveloped with additional dwelling units.

Urban Residential Future Land Use Designations by Built Status in Acres¹

Development Status	Total		Urban Suburban		Urban Glades	
	Acres	%	Acres	%	Acres	%
<i>Built</i>	72,188	82%	68,462	92%	3,656	26%
<i>Underutilized</i>	1,192	1%	1,151	2%	41	0.3%
Built and Underutilized	73,309	83%	72,916	94%	14,111	26%
Un-built	14,909	17%	4,454	6%	10,455	74%
Total	88,219		74,066		14,152	

1. Excludes residential future land use with other zoning; eg. Public Ownership, etc.

Source: PBC Planning Division, UniRes, based upon parcel specific Property Appraiser/Exlu-2014 data

As depicted above, 94% of the residentially designated land in the Urban Suburban Tier is currently developed and only 6% remains undeveloped. The greatest amount of urban future land use designations over 10,000 acres, are located within the Urban area of the Glades Tier.

Un-built Residential Future Land Uses by Approval Status: The vast majority of un-built residential future land use in the Urban Suburban Glades Tier has straight zoning & no development approval. However, over half of the un-built properties in the Urban Suburban Tier are currently approved through a PUD or other approval and are currently developing consistent with the associated development order. The table below indicates the properties that have a straight zoning district that are un-built within the Urban Suburban Tier.

Urban Suburban Residential Un-built Straight Zoned in Acres¹

FLU	Acres	AR	RE	RT	RTS	RS	RM	RH
LR1	350	236	50	39		26		
LR2	463	249	65	81	10	39	11	9
LR3	619	417		160		37	5	
MR5	569	295	6		8	94	84	83
HR8	128	35				3	48	41
HR12	17					1	11	5
HR18	1							1
	2,145	1,230	120	280	17	200	159	138

1. Excludes residential future land use with other zoning; eg. Public Ownership, etc.

Source: PBC Planning Division, UniRes, based upon parcel specific Property Appraiser/Exlu-2014 data

The vast majority of this un-built acreage is scattered throughout the Urban Suburban Tier with the exception of two areas which have LR-2 and LR-3 future land use designations: the West Lake Worth Road Neighborhood Plan (LWRNP) area and near the intersection of Glades Road and State Road 7/ US 441. The LWRNP area currently holds 245 of the un-built acreage that is mostly in process for rezoning to PUD. The Glades Road area has two properties that total 373 acres. These properties will likely be developed as PUDs, as well. The table below depicts the un-built acreage by zoning district excluding the LWRNP & Glades Roads properties.

Urban Suburban Residential Un-built Straight Zoned in Acres¹

FLU	Acres	AR	RE	RT	RTS	RS	RM	RH
LR1	350	236	50	39		26		
LR2	377	235	65	10	10	39	11	9
LR3	86	43				37	5	
MR5	569	295	6		8	94	84	83
HR8	128	35				3	48	41
HR12	17					1	11	5
HR18	1							1
	1,527	843	120	49	17	200	159	138

1. Excludes residential future land use with other zoning; eg. Public Ownership, etc.

Source: PBC Planning Division, UniRes, based upon parcel specific Property Appraiser/Exlu-2014 data

As shown in the table above, there are just over 1,500 acres of residential land within the Urban Suburban Tier available for residential development that do not have current approvals. This represents just 2% of the residentially designated land within this Tier.

Size of Un-built Parcels: The size of remaining un-built parcels within the Urban Suburban Tier is represented in the table below. Approximately 96% of the remaining parcels are 5 acres or less in size. Only 8 properties are 15 acres or greater. There are no properties with a LR-3 or HR-8 designations that are larger than 15 acres. There are no properties greater than 2.49 acres with an HR-12 or HR-18 designation.

Urban Suburban Residential Un-built Straight Zoned Number of Parcels by Size¹

FLU	Total	< 1 acre	1 - 2.4 acres	2.5 - 4.9 acres	5 - 14.9 acres	15 - 19.9 acres	20 - 44 acres
LR-1	126	30	45	38	12	1	
LR-2	183	116	35	12	17	1	2
LR-3	106	90	12	1	3	-	-
MR-5	776	657	75	24	16	3	1
HR-8	265	236	16	11	2	-	-
HR-12	35	32	3	-	-	-	-
HR-18	2	2	-	-	-	-	-
	1,493	1,163	186	86	50	5	3

1. Excludes residential future land use with other zoning; eg. Public Ownership, etc.

Source: PBC Planning Division, UniRes, based upon parcel specific Property Appraiser/Exlu-2014 data

PUD Minimum Acreage Thresholds: Currently the Comprehensive Plan requires that properties be developed as a Planned Unit Development (PUD) in order to achieve maximum density. The PUD development allows a coordinated, unified approach to residential development that allows the clustering of parcels to establish common open space, buffering, and recreation areas and was identified as the preferred form of development in 1989. The minimum acreage required has been reduced through the years as shown in the table below.

PUD Minimum Acreage Thresholds History

FLU	1992-2002	2004-2006	2006-Current
LR-1	30	12	5
LR-2	30	12	5
LR-3	30	12	5
MR-5	20	12	5
HR-8	10	10	3
HR-12	10	10	3
HR-18	10	10	3

PUD Development Regulations: Although the acreage thresholds for PUDs was reduced to as small as 3 acres in 2006, other development regulations remain in place. These regulations are intended to implement the Purpose and Intent of the PUD as identified in ULDC Article 3.E.2.A.1.

Section 2 Planned Unit Development (PUD)

A. General

1. Purpose and Intent

The purpose of a PUD district is to offer a residential development alternative, which provides a living environment consisting of a range of living opportunities, recreation and civic uses and a limited amount of commercial uses. Residential PUDs shall correspond to a range of land uses in the Plan. The intent of a PUD is to promote imaginative design approaches to the residential living environments. These approaches include but are not limited to:

- a. the preservation of the natural environment;
- b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
- c. the creation of a continuous non-vehicular circulation system;
- d. the establishment of private civic and/or public civic and recreation area to serve the PUD;
- e. provide for a limited amount of commercial uses to serve the residents of the PUD;
- f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of PBC;
- g. the reduction of land consumption by roads and other impervious surface areas; and
- h. the provision for flexible PDRs to promote innovative and quality site design.

Each PUD is required to meet a series of Design Objectives identified by ULDC Article 3.E.2.B.1.

B. Objectives and Standards

1. Design Objectives

A PUD shall comply with the following objectives:

- a. Designed as a predominantly residential district;
- b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
- c. Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD. **[Ord. 2006-055]**
- d. May offer limited commercial uses for the population of the PUD;
- e. Establish neighborhood character and identity;
- f. Preserve the natural environment to the greatest extent possible; and
- g. Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD and PBC.

PUD Performance Standards: In order to meet the requirements, PUDs must meet performance standards and meet exemplary design requirements. Each PUD is required to provide recreation areas and provide a civic dedication pod or buy out (civic areas subject to exemptions when less than 1.5 acres). As a Planned Development District (PDD), PUDs must meet minimum Access and Circulation requirements identified in ULDC Article 3.E.1.C.2., including a minimum 200 feet of linear frontage along a collector or arterial roadway and legal access on a collector or arterial roadway.