



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 18-D

BCC ADOPTION PUBLIC HEARING, OCTOBER 31, 2018

I. General Data

Project Name: Residential Future Land Uses
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: This proposed amendment would revise the Future Land Use Element (FLUE) to modify provisions for the Residential Future Land Use designations as follows:

- Recognize that there are Rural Residential areas within the Urban Suburban Tier that provide a valuable contribution to the housing diversity and lifestyle choices in the County.
- Establish that Agricultural Residential zoning is consistent with the residential future land use designations in the County, and allow Low Residential future land use designations to subdivide without rezoning.
- Recognize and support agricultural operations within residential future land use designations, including supporting the agriculture and keeping of livestock.
- Provide additional specificity on the types of non-residential uses allowed in residential land use designations to ensure protection of residential neighborhoods.
- Allow Residential Multifamily Zoning on parcels with Medium Residential, 5 units per acre, future land use for properties using the Transfer of Development Rights or Workforce Housing Programs.

Assessment: This amendment is a follow up to the Residential FLU designations amendment adopted in Round 15-2 to continue to address identified issues on residential properties within the Urban Suburban Tier. This amendment will support the preservation of rural communities within the Tier while fostering agriculture. The amendment responds to Board discussion on protecting rural communities from the impacts of non-residential uses in neighborhoods in any Tier, and corresponds with ULDC home based business amendments currently underway. The proposed language is presented for policy direction by the Board to proceed with amendments to the ULDC.

III. Hearing History

Local Planning Agency: *Approval*, motion by Barbara Roth, seconded by Neil Merin, passed in a 9-0 vote at the July 13th public hearing. There was minimal discussion. One member of the public spoke in support of the amendment and the continued effort to develop and strengthen the concept further through associated ULDC amendments.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Comm. Burdick, seconded by Comm. Kerner, passed in a 7 to 0 vote at the July 23rd public hearing. The motion included direction to staff to continue working with residents in rural enclaves to return with stronger language at the adoption hearing, similar to the language presented by the Pioneer Road neighborhood at the meeting (see Exhibit 3). Board discussion included support for rural neighborhoods. Ten members of the public, primarily from the Pioneer Road neighborhood, spoke in support of the amendment and the need to protect their rural way of life and requesting stronger language be considered. A packet of petitions in support was submitted to the clerk.

State Review Agencies: The State Land Planning Agency issued a letter dated August 31, 2018 stating the Agency *“identified no comment related to important state resources and facilities within the Department’s authorized scope of review that would be adversely impacted by the amendment if adopted.”* There were no other state agency comments received regarding this amendment.

Subsequent to Transmittal: Following Transmittal, staff continued discussions with representatives from the Pioneer Road Neighborhood Plan regarding the concept for adopting specific overlays pursuant to Board direction. Staff has modified the proposed policy to stand alone and allow both a Comprehensive Plan or ULDC overlay. In addition, some corrections were made to other language following discussions with the Zoning Division regarding associated ULDC changes. Changes are shown in double underline, double strike out.

Board of County Commissioners Adoption Public Hearing: *Wednesday, Oct. 31, 2018*

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IV. Intent

This proposed amendment would revise the Future Land Use Element (FLUE) to modify provisions for the Residential Future Land Use designations as follows:

- Recognize that there are Rural Residential areas within the Urban Suburban Tier that provide a valuable contribution to the housing diversity and lifestyle choices in the County.
- Establish that Agricultural Residential zoning is consistent with the residential future land use designations in the County, and allow Low Residential future land use designations to subdivide without rezoning.
- Recognize and support agricultural operations within residential future land use designations, including supporting the cultivation of agriculture and keeping of livestock.
- Provide additional specificity on the types of non-residential uses allowed in residential land use designations to ensure protection of residential neighborhoods.
- Allow Residential Multifamily Zoning on parcels with Medium Residential, 5 units per acre, future land use for properties using the Transfer of Development Rights or Workforce Housing Programs.

Specific changes are shown in strike out and underline in Exhibit 1. The proposed amendment language is presented for policy direction by the Board in order to proceed with concurrent amendments to the ULDC. The specific policy language proposed may change based upon Board direction and considering the outreach and coordination on the ULDC changes between transmittal and adoption.

V. Background

This amendment was prompted by the data and analysis in the last Evaluation and Appraisal of the Comprehensive Plan in 2012 which identified that current provisions of the Comprehensive Plan and Unified Land Development Code may not adequately address the development of infill parcels in established residential communities. These current policies and regulations were drafted in the 1980s when there were vast tracts of residential land available for development within the Urban Suburban Tier. However, the current amount of developable land consists of small scattered parcels, generally less than 5 acres in size. This amendment will reflect the current characteristics of undeveloped residential land within the unincorporated Urban Suburban Tier and modify regulations in order to promote infill development at densities consistent with the surrounding land use pattern.

VI. Data and Analysis Summary

This section provides data and analysis, including an examination of consistency with the Comprehensive Plan.

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

Exhibit 2 provides a detailed data and analysis regarding the existing residential future land use designations and acreages in the County's unincorporated area. The residential future land use designations (excluding the agricultural related designations) are shown in the table below by Tier. The future land use designations allowed vary by Tier. The allowed designations are identified within an X.

Residential Future Land Use Designations

Future Land Use Designation		Density	Urban / Suburban	Exurban	Rural	Glades Urban
Rural Residential, 1 du/20 ac.	RR-20	0.05	---	X	X	---
Rural Residential, 1 du/10 ac.	RR-10	0.10	---	X	X	---
Rural Residential, 1 du/5 ac.	RR-5	0.20	---	X	---	---
Rural Residential, 1 du/2.5 ac.	RR-2.5	0.40	---	X	---	---
Low Residential, 1 du/ac.	LR-1	1	X	---	---	X
Low Residential, 2 du/ac.	LR-2	2	X	---	---	X
Low Residential, 3 du/ac.	LR-3	3	X	---	---	X
Medium Residential, 5 du/ac.	MR-5	5	X	---	---	X
High Residential, 8 du/ac.	HR-8	8	X	---	---	X
High Residential, 12 du/ac.	HR-12	12	X	---	---	X
High Residential, 18 du/ac.	HR-18	18	X	---	---	X

There are approximately 90,000 Unincorporated County acres within the Urban Suburban Tier apportioned among into 7 future land use designations. 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. The table below provides the consistency with the total acres by future land use designation within the Urban Suburban and Urban Suburban Glades Tiers. The current consistent combinations are shown **shaded bold**.

Urban Suburban & Urban Glades Tiers Residential Future Land Use by Zoning District¹

FLU	Acres	AP	AR	RE	RT	RTS/U	RS	RM	RH	PUD
LR-1	9,607		2,258	3,694	1,366	387	1,130		7	766
LR-2	14,389		1,579	1,108	1,652	295	5,003	299	91	4,361
LR-3	18,699	1,968	2,516	431	1,683	4,855	4,304	694	20	2,226
MR-5	20,602	1,913	1,274	57	22	409	9,202	2,754 ²	1,051	3,919
HR-8	19,590	6,430	7,304				1,724	2,142	768	1,221
HR-12	3,590	76	286	6		59	584	1,256	1,265	57
HR-18	1,743	148	-				48	147	1,389	11
	88,219	10,536	15,218	5,296	4,723	6,005	21,995	7,292	4,591	12,561

1. Excludes 1,254 acres of residential future land use with other zoning; eg. Public Ownership, etc.

2. RM is consistent with MR-5 for properties which held this designation in 1989.

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

In the Urban Suburban Tier in the eastern portion of the County, there are nearly 12,000 acres of land with an AR zoning district. The acreage with a Special Exception for a Planned Development (SE for PUD) is considered to be a PUD, and therefore consistent with the urban future land use designations. However, the straight zoned AR zoning district acreage is inconsistent with the urban future land use designations. See map in Exhibit 2.

Urban Suburban Tier Residential Future Land Use Acres with AR Zoning District¹

FLU	Total Acres	Total AR	AR/ PUD	AR Straight
LR1	9,607	2,258	381	1,877
LR2	14,389	1,579	165	1,414
LR3	16,711	2,516	1,632	856
MR5	18,689	1,274	37	1,224
HR8	9,877	4,168	2,880	1,288
HR12	3,331	160	-	160
HR18	1,463	-	-	-
	74,066	11,955	5,095	6,819

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

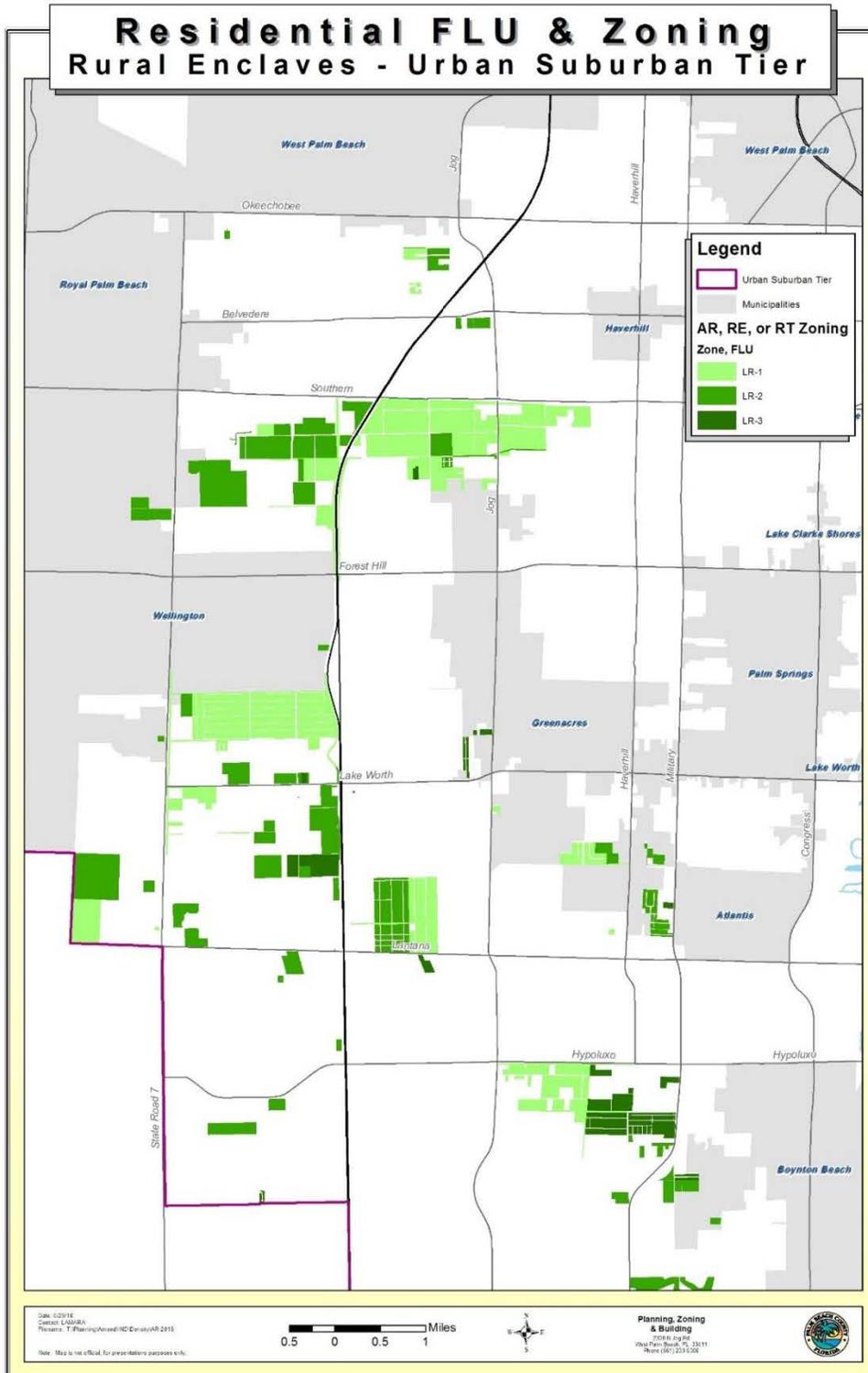
B. Rural Residential Enclaves in the Urban Suburban Tier

The County's Comprehensive Plan was adopted in 1989. The 1989 Plan continued forward the directives of the 1980 Plan that all of the land within the Urban Service Area should be developed with urban uses, and the land outside should be either undeveloped or used for agriculture, conservation, or rural land uses and densities (1 unit per 10 acres and less). The County rewrote the Unified Land Development Code in 1992 to implement the 1989 Plan, and established that the Agricultural Residential (AR) Zoning district was not consistent with any of the residential future land use designations in the Urban Service Area.

Following the adoption of the 1989 Plan, the 1992 Unified Land Development Code was established to implement the new policies and future land use map. The ULDC established that some of the new future land use designations assigned to properties were no longer consistent with the existing zoning districts on properties. Subsequently, the County adopted County initiated rezoning for all of the land with the Agricultural Productions future land use designation to Agricultural Production Zoning, and the Agricultural Reserve area (with a few exception areas) to Agricultural Reserve Zoning. The County did not pursue County initiated rezonings to rezone any other areas. Rather, the County implemented regulations to require individual property owners seeking new uses or development to apply privately. There remains approximately 15,000 acres of Agricultural Residential (AR) in the Urban Service Area, and approximately 10,000 acres of this land has an inconsistent zoning/future land use combination (the properties with a Special Exception for a planned development are consistent).

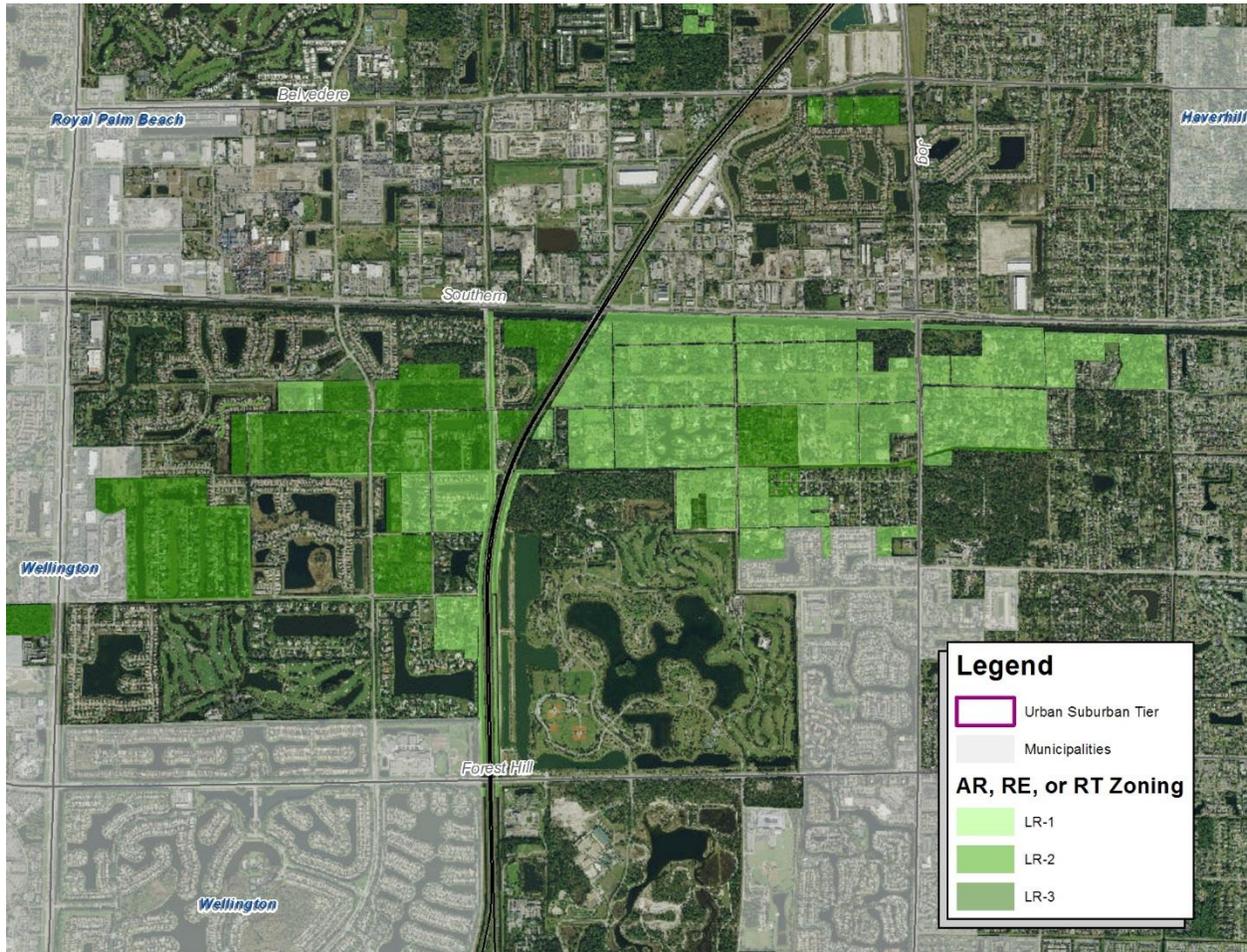
In 1999, the County adopted the Managed Growth Tier System that changed the approach for growth management in the County. The Tier System established policies to recognize each of the various 'tiers' in the County based on their unique attributes, and established that the character of these areas should be preserved in order ensure that the County protects existing neighborhoods, lifestyle diversity, and housing choices. The Tier System recognized the densities of the Acreage and Palm Beach Country Estates by establishing the Exurban Tier, and laid the groundwork for the mixed use projects in the Rural Tier now known as Indian Trail Groves and the City of Westlake. The Tier System promoted infill in the Urban Suburban Tier (Urban Service Area), as further pursued with the Urban Redevelopment Area.

The map on the following page highlights the bulk of the 'rural enclaves' in the Urban Suburban Tier east. These areas have a Low Residential future land use designation, have large lots with an average of one home per acre or greater, and have an Agricultural Residential (AR), Residential Estate (RE) or Residential Transitional (RT) Zoning District. A full map of all of the AR properties in the Urban Suburban Tier is provided in the Exhibits.



The maps below highlight the three areas of the County that can be considered Rural Enclaves. The graphic below highlights the Pioneer Road Neighborhood Planning Area, the Gun Club Road Neighborhood area, and surrounding low density rural neighborhoods located south of Southern Boulevard on either side of the Florida Turnpike. The Pioneer Road area has an average lot size greater than 1 home per 2.5 acres.

Pioneer Road Area

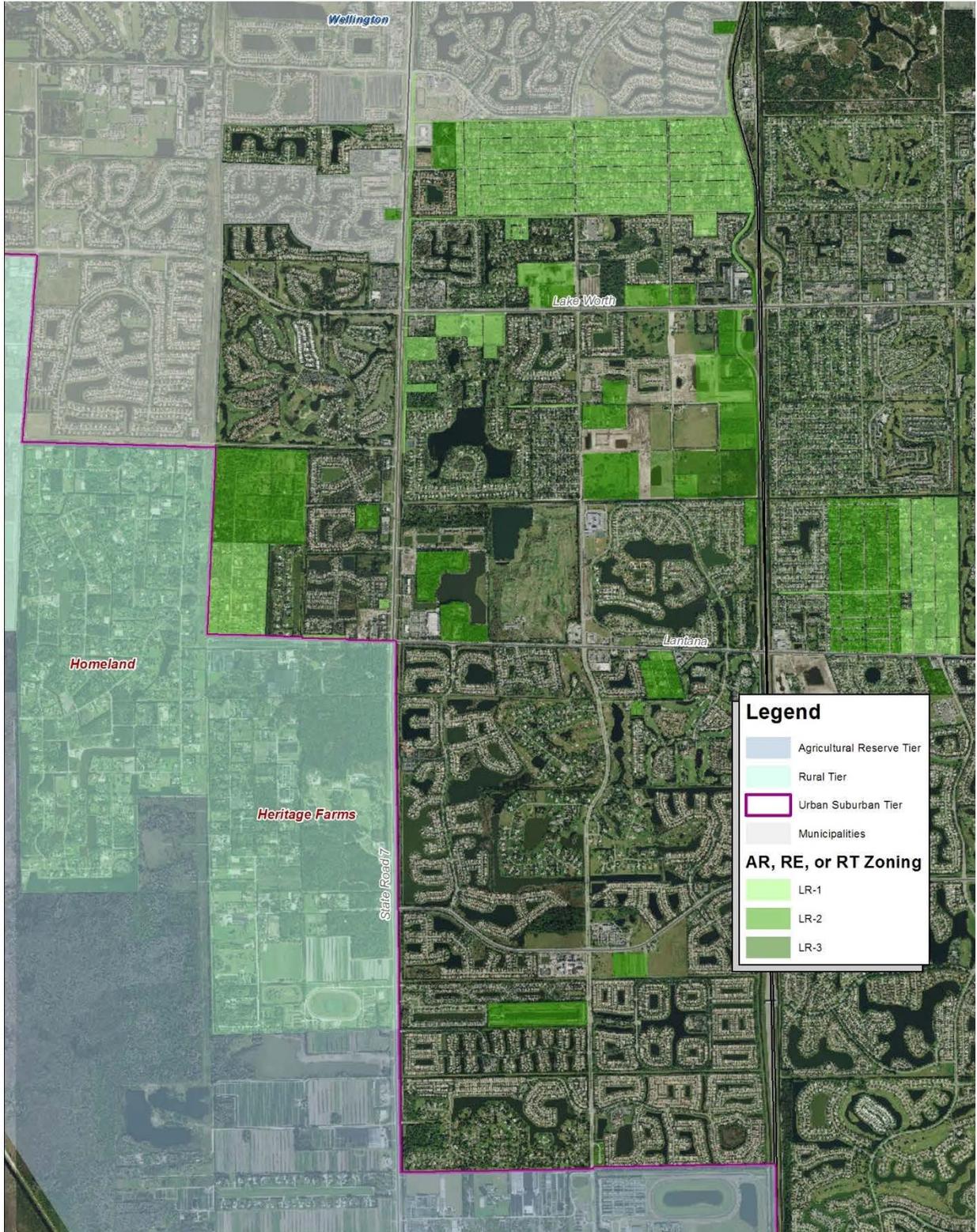


The graphic on the following page highlights the Rural Enclaves in the vicinity of State Road 7, the Florida Turnpike, with the Lantana Road and Lake Worth Road areas. The Lake Worth Road Neighborhood Plan area is currently transitioning from polo fields to planned communities. The Palm Beach Ranchettes neighborhood has an average lot size of 1 home per acre, as does the community west of State Road 7 and north of Lantana Road.

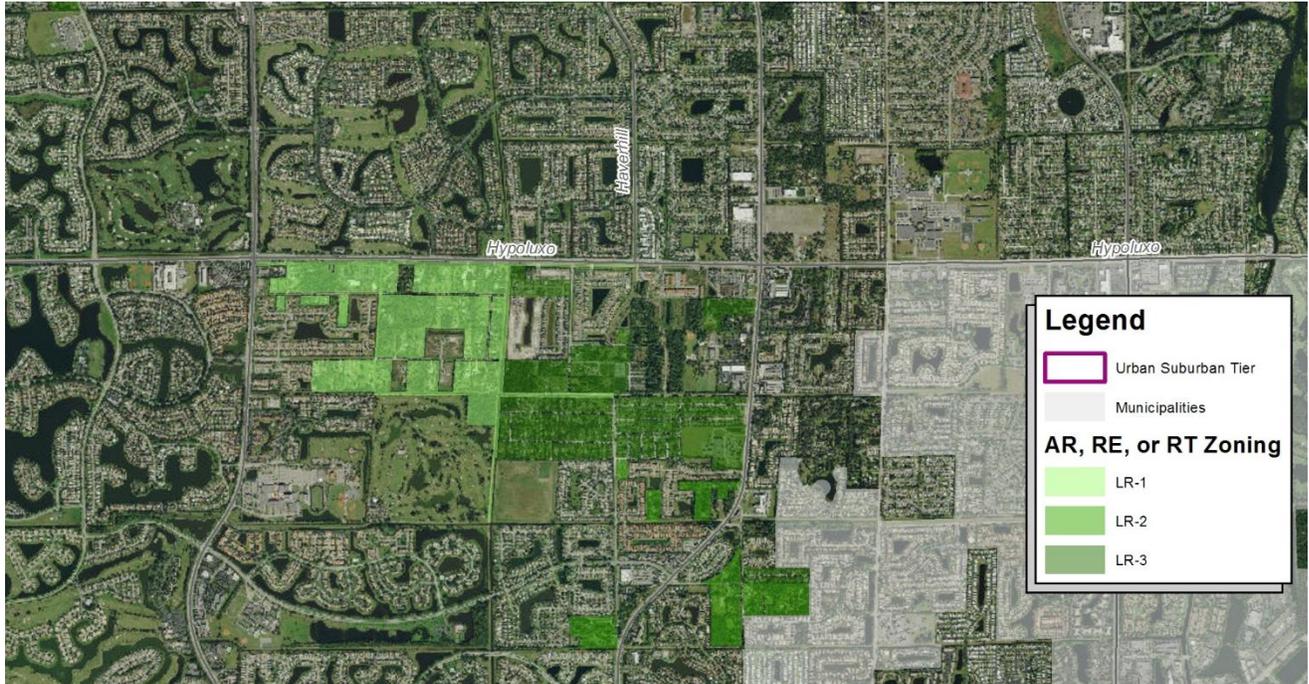
This graphic also highlights the two neighborhoods in the Rural Tier in this part of the County, Homeland and Heritage Farms. As shown, these neighborhoods are located between the Village of Wellington, the Urban Suburban Tier, and the Agricultural Reserve Tier. The Heritage Farms neighborhood has been the subject of much discussion during the course of the review of the Landscape Services ULDC amendments.

The final graphic highlights the communities in the Hypoluxo Road area.

Lantana Road/SR7 Area



Hypoluxo Road Area



B. Proposed Text Amendment

This amendment includes four themes as discussed individually below. The text changes proposed by this amendment are shown in strike out and underline in Exhibit 1 with the supporting analysis for each item presented in Exhibit 2. The following summarizes this amendment by each of the topic areas.

- **Rural Enclaves.** Recognize that there are Rural Residential areas within the Urban Suburban Tier that provide a valuable contribution to the housing diversity and lifestyle choices in the County.
 - Establish that Agricultural Residential zoning is consistent with the residential future land use designations in the County, and allow Residential future land use designations in the Urban Suburban Tier with AR to subdivide without rezoning provided that the maximum density is one unit per acre.
 - **Basis:** It has been nearly 30 years since the 1989 Plan was adopted. The County's Urban Suburban Tier is largely approaching build out of vacant land. Development in the Tier has shifted from low density planned developments large tracts of unbuilt land, to smaller infill projects with higher densities. The Tier System promotes the concept of lifestyle diversity, but did not establish policies to direct growth within the Urban Suburban Tier to specific locations or to protect the rural residential areas within the Urban Suburban Tier. This proposed amendment will establish policy statements to direct growth away from these areas, or towards their edges. Further, this amendment will establish that the AR Zoning district is consistent with the urban residential zoning districts.

- In addition, this proposed amendment will expand upon language regarding non-residential uses within the residential areas to protect the residential character of neighborhoods in any Tier (including the Rural Tier and Heritage Farms).
 - **Urban Agriculture.** Recognize and support agricultural operations within residential future land use designations, including supporting the cultivation of agriculture and keeping of livestock, including in the Urban Suburban Tier.
 - **Basis:** There are 15,000 acres of AR Zoning in Urban Suburban Tier. In 1995, to implement the 1989 Plan, the County separated the AR zoning district into two sets of rules; rules for the Rural Service Area and rules for the Urban Service Area. The rules created more regulation for those in the Urban Service Area (Urban Suburban Tier) in order to discourage agricultural uses and foster the urbanization of these areas. Much of the land that is AR zoning in the Urban Suburban Tier is within rural neighborhoods as shown in the graphics. There are rural enclaves such as the Pioneer Road Neighborhood and Palm Beach Ranchettes that have lot sizes equal to or greater than the Acreage in the Exurban Tier. However, these areas are not allowed by the ULDC to have the same home bases or other agricultural uses as the other Tiers in the County. Again, these rules were set in place to encourage urbanization.
 - Considering the directives of the Tier System to recognize lifestyle diversity, the importance of agricultural uses, and there is no reason to have a different set of agricultural rules based on Tier boundaries. The County has shifted away from the idea that 100% of Urban Suburban Tier must be urbanized to one that supports lifestyle choices for a high quality of life and housing diversity. This amendment proposes to delete outdated language that encourages the conversion of agricultural land within the Urban Suburban Tier to urban uses.
 - In 1995, the County revised to ULDC to split the Agricultural Residential (AR) zoning district to one for the Rural Service Area (AR/RSA) and one for the Urban Service Area (AR/USA), while establishing strict regulations to limit uses in AR/USA. This amendment proposes to merge the AR/RSA and AR/USA back into one zoning district and to allow agricultural uses in the Urban Suburban Tier the same as the Rural and Exurban Tiers. There is no basis for prohibiting agriculture within the urban and suburban areas of the County. Agriculture and livestock regulations are more appropriately based on lot sizes and other attributes rather than a particular Tier.
- **Non-residential uses in Residential Designations.** Ensure that all residential areas are protected from the negative impacts of non-residential land uses allowed within residential zoning districts by providing additional specificity on the types of non-residential uses allowed.
 - **Basis:** This proposed amendment will expand upon language regarding non-residential uses within the residential areas to protect the residential character of neighborhoods in any Tier (including the Rural Tier and Heritage Farms). There has been a lot of discussion on non-residential uses when it comes to the landscape service companies operating in residential neighborhoods. The Comprehensive Plan (see Exhibit 1) is clear that allowing intense non-residential uses within residential future land use designations not allowed. This amendment proposes to add specificity to state that local residential streets shall not be subject to commercial vehicle activity (other than home business), and that more intense non-residential uses in residential zoning shall be limited to those with access to major thoroughfares. This does not

apply to the Agricultural Reserve which is an agricultural future land use designation pursuant to this section of the Comprehensive Plan.

- **Residential Multifamily in Medium Residential.** The County has one ‘medium’ density residential future land use designation called “Medium Residential, 5 units per acre” or MR-5. Currently the Comprehensive Plan limits the use of this designation to either Planned Unit Development (PUD) or Residential Single Family zoning unless the subject property had Residential Multifamily (RM) zoning prior to 1989. The MR-5 future land use designation allows 5 units per acre standard, and up to over 10 units per acre utilizing a combination of the Transfer of Development Rights (TDR) and Workforce Housing Programs (WHP). Densities higher than 7 units per acre are typically developed with ‘attached’ housing types such as townhomes or multifamily rather than detached housing types such single family or zero lot line. Attached housing can currently only be developed with MR-5 future land use if the site is developed as a PUD. This amendment proposes to allow the RM zoning district for new projects with MR-5 future land use that propose a higher density through the TDR or WHP density bonus programs. This change will foster infill development on parcels that may be too small to be developed properly as a PUD. A minimum of 3 acres is established for this option in order to prevent single lots within established subdivisions from increasing density out of character with the neighborhood.

B. 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. Staff assessment of the consistency with these provisions is provided under the Staff Assessment heading. 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 meetings, interdepartmental reviews, and the Board of County Commissioners. All contributed to the generation of the long-term planning directions, which provide the basis for the Goals, Objectives and Policies of the Future Land Use Element. These directions reflect the kind of community the residents of Palm Beach County desire.*

1. **Livable Communities.** *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*
2. **Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

4. **Land Use Compatibility.** *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*
5. **Neighborhood Integrity.** *Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.*
15. **Agricultural and Equestrian Industries.** *Support and enhance agriculture and equestrian-based industries.*

Staff Assessment: This proposed amendment will further the four county Directions shown above by promoting the protection of established neighborhoods and fostering agricultural uses. The rural neighborhoods within the Urban Suburban Tier cannot be replaced. Directing growth towards activity nodes and centers, redevelopment and urban infill, and along major thoroughfares will manage growth in a manner to protect these areas. The proposed change to allow RM zoning in MR-5 will foster infill development in appropriate areas of the County.

OBJECTIVE 1.1 *Managed Growth Tier System*

Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers to:

1. *Ensure sufficient land, facilities and services are available to maintain a variety of housing and lifestyle choices, including urban, suburban, exurban, and rural living;*
2. *Preserve, protect, and improve the quality of natural resources, environmentally sensitive lands and systems by guiding the location, type, intensity, and form of development;*
3. *Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development;*
4. *Enhance existing communities to improve or maintain livability, character, mobility, and identity;*
5. *Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;*
6. *Protect agricultural land for farm uses, including equestrian uses;*
7. *Strengthen and diversify the County's economic base to satisfy the demands of the population for employment growth, and provide opportunities for agricultural operations and employment centers; and,*
8. *Provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.*

Staff Assessment: This proposed amendment will further this objective by maintaining a variety of housing and lifestyle choices, enhancing existing communities, protecting land for agriculture, and providing more opportunities for agriculture.

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.*

Staff Assessment: This proposed amendment will further these policies by protecting rural enclaves by promoting agriculture and home based uses that are compatible with the neighborhood, while directing increased density away from the center of rural neighborhoods. The proposed change to allow RM zoning in MR-5 will foster infill development in appropriate areas of the County.

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

C. Unified Land Development Code Implications

This proposed amendment will require changes to the ULDC that will be developed following transmittal with the Zoning Division, Land Development, with outreach to residents and industry. This amendment has considered and corresponds with the ULDC home based business amendments currently underway. The proposed revisions to the ULDC will be presented in strike out and underline format in the adoption report.

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 22, 2018. At the time of the printing of this report, no calls or written requests for information or objections to the amendment had been received. Additional outreach will occur prior to the transmittal hearing, and through the course of the development and review of the concurrent implementing changes to the ULDC.

VIII. Assessment and Conclusions

This amendment is a follow up to the Residential FLU designations amendment adopted in Round 15-2 to continue to address identified issues on residential properties within the Urban Suburban Tier. This amendment will support the preservation of rural communities within the Tier while fostering agriculture. The amendment responds to Board discussion on protecting rural communities from the impacts of landscape services in neighborhoods in any Tier, and corresponds with ULDC home based business amendments currently underway. The proposed language is presented for policy direction by the Board to proceed with concurrent amendments to the ULDC. The specific policy language proposed may change based upon Board direction and considering the outreach and coordination on the ULDC changes between transmittal and adoption.

Attachments

Exhibit 1 – Proposed changes in strike out and underline format	E - 1
Exhibit 2 – Map of AR in Urban Suburban Tier	E - 5
Exhibit 3 – Correspondence	E - 6

Exhibit 1

A. Future Land Use Element, Rural Residential Enclaves

REVISIONS: To make changes to policies and provisions related to rural residential future land use designations. The added text is underlined, and the deleted text ~~struck out~~.

1. **REVISE Policy 2.2.1-p: Rural Enclaves in Urban Service Area Application of Rural Standards.** The County recognizes that there are long established rural residential enclave communities and homesteads in locations within the Urban Suburban Tier that have Low Residential future land use designation. The County supports the continuation of these rural areas in order to encourage a high quality of life and lifestyle choices for County residents. In addition, within these areas ~~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.

2. **NEW Policy 2.2.1-w: The County shall adopt specific overlays in the Comprehensive Plan and/or Unified Land Development Code to protect the character of individual rural enclaves identified through the neighborhood planning process.**

3. **REVISE**

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 ⁴ , RE ⁵	RR-PUD, MHPD, RVPD
Western Communities Residential	AR	PUD
Low Residential	<u>AR⁴</u> , RE, RT, RTS, RS ⁴	PUD, TND, MHPD
Medium Residential	<u>AR⁴</u> , RE, RT, RS, RTU, RM/RH ²	PUD, TND, MHPD
High Residential	<u>AR⁴</u> , RE, RT, RS, RM, RH	PUD, TND, MHPD
Congregate Living Residential ²	RM	PUD, TND, TMD , MUPD, MXPDP ³

Notes:

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 ~~properties that were~~ zoned RM or RH prior to the Plan's August 31, 1989 adoption or are 3+ acres utilizing the Transfer of Development Rights and/or Workforce Housing Program.

3. The CLR designation is consistent with the ~~TND, TMD,~~ MUPD and MXPD when applied as an underlying designation for a mixed or multiple use project. Residential uses in CLR with RM or PUD zoning is limited to congregate living facilities. Such planned developments shall utilize the ULDC property development regulations for Institutional and Public Facilities future land use MUPD and the uses allowed shall be those allowed by the RM zoning district.
4. A lot with AR that was legally subdivided shall be considered a conforming lot. Properties with AR zoning with a residential future land use designation in the Urban Suburban Tier are not required to rezone when subdividing for a residential use provided that the newly subdivided density is a maximum of 1 unit per acre, or when developing a non-residential use that is allowed in AR. The Agricultural Residential zoning district is consistent with the Low, Medium, and High residential future land use designations. Properties with AR and Medium or High Residential future land use designations are required to rezone when subdividing. Properties with AR and a Low Residential future land use designation are not required to rezone provided that the maximum subdivided density does not exceed one unit per acre.
5. The RE zoning district is consistent with RR-5, RR-10, and RR-20 only for parcels which held RE prior to the adoption of the 1989 Plan.

B. Future Land Use Element, Rural Residential Protection and Agriculture

REVISIONS: To make changes to policies and provisions related to rural residential future land use designations. The added text is underlined, and the deleted text ~~struck out~~.

1. **REVISE Policy 2.2.1-m: Non-Residential Uses Allowed in Residential Future Land Use Designations.** 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. 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. Park and Recreation uses designed to serve the residential area;
 2. Institutional uses designed to serve the residential area 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 designed to serve the residential area and subject to special criteria;
 4. Limited commercial uses within a Planned Development District designed for the convenience of the residents;
 5. Agricultural uses compatible with the residential area pursuant to Policy 2.2.1-v. ~~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 excavation operations.

2. **New Policy 2.2.1-v: Agricultural Uses in Residential Future Land Use Designations in the Rural and Exurban Tiers.** *Limited Agricultural uses are expected to co-exist with residential uses. Agricultural uses allowed in the residential future land use designations must be compatible with the protection of the lifestyle and quality of life of the residents. Additionally, the County encourages the continuation and enhancement of the equestrian industry by acknowledging the keeping, raising and training of horses as an agricultural use and shall allow a wide range of related activities and accessory uses in appropriate locations throughout Palm Beach County. [relocated from FLUA regulation section] In addition, the County supports home based and sustainable agriculture by allowing agriculture on residential properties. The ULDC shall be revised to allow horses, poultry, and livestock in residential future land use designations in any Tier subject to regulations based upon parcel attributes rather than the parcel's Tier.*

3. **Policy 2.2.1-n: 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 non-residential uses and 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.
5. More intense non-residential uses may be allowed in residential zoning districts along major thoroughfares and roadways that are not residential streets.
6. Conditions of approval are included, if necessary, to ensure compatibility with surrounding residences. ~~Agricultural uses shall be allowed, subject to conditions of approval. These conditions may include but are not limited to: compatibility analysis; controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and, such other conditions of operation or other limitations found in the ULDC. Conditions would be imposed concurrent with development approval either as a conditional use, a site plan, or any other process identified in the ULDC. Failure to meet these standards and conditions shall subject the agricultural use to the enforcement procedures in Article 10 of the ULDC.~~ [Relocated from FLUA regulation section]

4. **DELETE Language from FLUA Regulation Section**

~~**Land Development Regulations in the Urban Service Area-Urban/Suburban Tier.**
The County may apply the ULDC standards for rural residential areas in the~~

~~Urban/Suburban Tier in low density areas in the Residential future land use designations which are used for agricultural purposes, or on parcels with a Special Agricultural (SA) land use category.~~

~~Areas within the Urban Service Area/Suburban Tier may be suitable for agricultural use throughout the implementation period of the Plan. It is not the intent of the Plan to encourage premature urbanization of these areas; however, 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 in the residential land use designation must be compatible with the protection of the residential lifestyle and quality of life.~~

~~The County may permit agricultural land uses and operations in the Urban Service Area /Suburban Tier to support the agricultural industry, provided such land uses and operations are compatible with adjacent and surrounding land uses. existing agricultural use within the Urban Service Area /Suburban Tier shall be considered to be a conforming use. Any expansion of existing agricultural uses, and any new agricultural uses, shall be consistent with all applicable requirements in the ULDC.~~

Exhibit 2
Map of AR Zoning in Urban Suburban Tier

Exhibit 3 Correspondence

**PIONEER ROAD PROPERTY
OWNERS ASSOCIATION, INC.
6781 Pioneer Road
West Palm Beach, FL 33413**

July 19, 2018

Request of the Pioneer Road Property Owners Association is to add stronger language to proposed Policy 2.2.1-p, with highlighted language below

Policy 2.2.1-p: Rural Enclaves in Urban Service Area Application of Rural Standards.

The County recognizes that there are long established rural residential enclave communities and homesteads in locations within the Urban Suburban Tier that have Low Residential future land use designations. The County supports the continuation of these rural areas in order to encourage a high quality of life and lifestyle choices for County residents. The County shall adopt ULDC provisions by a specific overlay to protect the rural or exurban character of any intact, compact, large rural enclave in the Urban Suburban Tier which has a Low Residential designation and is subject of a Neighborhood Plan listed in FLUE Policy 4.1-c. In addition, within rural-residential-enclave communities and homesteads 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.

Residential FLU & Zoning

AR Zoning in US Tier - Urban FLU

Legend

-  Urban Suburban Tier
-  Municipalities

AR by FLU

-  LR1
-  LR2
-  LR3
-  MR5
-  HR8
-  HR12

