

**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: June 6, 2019
Ordinance 9, 2019**

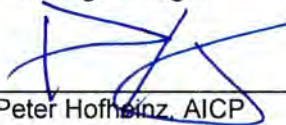
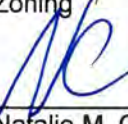



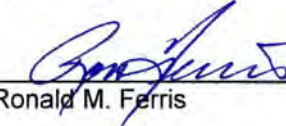
Subject/Agenda Item

Amendment to the City's Land Development Regulations

First Reading and Public Hearing: A request initiated by Eastwind Development, LLC to amend Section 78-154(g)(4) of Chapter 78, the Land Development Regulations, of the City's Code of Ordinances. The proposed amendment will provide for a density bonus for projects in Mixed Use zoning districts that include a workforce or affordable housing component.

[X] Recommendation to APPROVE

[] Recommendation to DENY

<p>Reviewed by: Planning Manager</p>  Peter Hoffmeyer, AICP Development Compliance and Zoning Manager N/A Bahareh Wolfs, AICP Director of Planning and Zoning  Natalie M. Crowley, AICP City Attorney  R. Max Lohman, Esq.	<p>Originating Dept.: Planning & Zoning: Project Manager</p>  Joann Skanja, AICP Principal Planner <input type="checkbox"/> Quasi – Judicial <input checked="" type="checkbox"/> Legislative <input checked="" type="checkbox"/> Public Hearing <p>Advertised: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 5/22/2019 Paper: Palm Beach Post</p>	<p>Finance: Accountant</p>  Tresha Thomas Fees Paid: <u>Yes</u> Funding Source: <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u> Budget Acct.#: <u>N/A</u> Effective Date: <u>N/A</u> Expiration Date: <u>N/A</u>	<p>Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approval w/ Conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____</p> <p>Attachments:</p> <ul style="list-style-type: none"> • Development Application • Project Narrative • Ordinance 9, 2019
<p>Approved By: City Manager</p>  Ronald M. Ferris	<p>Affected parties: <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required</p>		

EXECUTIVE SUMMARY

An Applicant-initiated request to amend Section 78-154(g)(4) of the City's Land Development Regulations (LDRs) to provide for a density bonus for projects in Mixed Use zoning districts that propose a workforce housing or affordable housing component. Staff is recommending approval.

BACKGROUND

The City Centre PUD is currently developed with 99,063 square feet of non-residential uses over the majority of the site; however, the six-story office building that is currently approved and vested on the vacant Parcel F in the southern portion of the site has remained unbuilt. The subject site is located within the PGA Boulevard Corridor Overlay District.

The Applicant, Eastwind Development, LLC is requesting to develop a multifamily residential project with a workforce housing component on Parcel F. A residential use is not currently allowed under the site's existing future land use and zoning designations of Commercial (C) and General Commercial (CG-1). The Applicant has submitted concurrent application requests to modify the zoning of the subject site to Mixed Use District (MXD) and future land use of the project to Mixed Use (MXD), and is also seeking a density bonus for the workforce housing project, that currently is not provided for in the City's Code or Comprehensive Plan for MXD Planned Unit Developments (PUDs). Therefore, a concurrent Comprehensive Plan Text Amendment petition has also been submitted in order to provide consistency between the City's Code and Future Land Use Element of the Comprehensive Plan.

PROPOSED AMENDMENT

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 78 – LAND DEVELOPMENT

Article IV. Zoning Districts

Sec. 78-154 - PUD – Planned unit development overlay district.

Subsections (a) through (f) remain in full force and effect

(g) *Density.* The density permitted in a PUD district shall not exceed the allowable density permitted in the comprehensive plan. Residential densities permitted in a PUD shall comply with the standards provided below.

Subsections (1) through (3) remain in full force and effect

(4) Mixed use PUD.

- a. Establishment. Planned unit developments with an underlying mixed use future land use plan designation or more than one underlying future land use plan designation may be approved by the city council. Mixed use PUDs shall include a minimum of three types of land uses and shall be planned for a diversification of uses, structures, and open spaces in a manner compatible with surrounding land uses and development patterns. A single use shall not occupy more than 60 percent of the site area proposed for a mixed use PUD.
- b. Specific requirements. Requirements applicable to mixed use PUDs are established in section 78-157.
- c. Density bonus. In mixed use land use areas, as designated in the comprehensive plan, the city council may approve a density bonus of up to 3.0 dwelling units per acre in PUDs. The density bonus may be allowed in development order applications that propose to construct affordable or workforce housing as defined in the city's comprehensive plan.

Staff Comment: This addition of a new subsection creates a provision for bonus density for mixed use planned unit development projects that propose an affordable or workforce housing component. This same density bonus of 3.0 dwelling units per acre already exists in the City's Comprehensive Plan for Residential High but does not currently exist for residential portions of Mixed Use; see below for existing language for high density residential land use areas.

- (2) Density bonus. In high density residential land use areas, as designated in the comprehensive plan, the city council may approve a density bonus of up to 3.0 dwelling units per acre in PUDs. The density bonus may be allowed in development order applications which propose to construct affordable housing as defined in the city's comprehensive plan. The city council may allow an increase in the total gross density for PUDs to an absolute maximum of 15.0 dwelling units per acre. However, in no case shall the net density exceed 15.0 dwelling units per acre. Net density shall be defined as the total number of dwelling units divided by the total number of acres in the site plan.

STAFF ANALYSIS

The Applicant is seeking to create the same opportunity for a density bonus for Mixed Use land use areas that currently exists in the City's Code for high density residential land use areas. Accordingly, the language proposed by the Applicant for the new subsection 78-154(g)(4)(c) is consistent with the density bonus language that is currently provided for in Section 78-154(g)(2) for high density residential land use areas. The Applicant has modified the language slightly to incorporate the term *workforce* in addition to affordable housing, consistent with the definitions, provisions, and categories of the Housing Element of the City's Comprehensive Plan. Language regarding the absolute maximum of 15.0 dwelling units per acre and a glitch regarding net density has been omitted.

The proposed LDR text amendment is consistent with the intent of Policy 1.1.1.15 of the Future Land Use Element of the City's Comprehensive Plan for Mixed Use Development that is "intended to foster infill and redevelopment efforts, to deter urban sprawl *and to encourage new affordable housing opportunities*, as well as lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project." Providing for additional density for the inclusion of affordable or workforce housing in areas where office, restaurant, retail, and neighborhood commercial uses are existing and/or planned to be clustered together within a Mixed Use project, and in close proximity in surrounding projects along adjacent arterial roadways furthers the goals and vision of the City's Comprehensive Land Use Plan. Placing additional housing units in areas of close proximity to these uses is a crucial pillar of the success of Mixed Use projects.

Further, Staff has a growing awareness of the housing affordability crisis that exists not only in Palm Beach County but nationwide. The City is a recipient of Community Development Block Grant funds where federal dollars are used for rehabilitation of the existing housing stock, improving affordability. The provision for a density bonus for workforce or affordable housing in Mixed Use areas is yet another step toward addressing this issue that is also in line with current national planning trends.

Staff has evaluated the proposed change on a Citywide basis and the proposed modification is consistent with the intent of the City's Code and Comprehensive Plan to provide incentives for the development of workforce and affordable housing, in a manner that provides for internal consistency within the City's Code.

PLANNING, ZONING, AND APPEALS BOARD

The Planning, Zoning, and Appeals Board reviewed the subject petition at their May 14, 2019, regular meeting and recommended approval by a vote of 6 to 1.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of Ordinance 9, 2019.

CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

LDR-19-02-0000;

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:

- | | |
|--|---|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Concurrency Certificate |
| <input type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Administrative Approval | <input type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Administrative Appeal | <input checked="" type="checkbox"/> Other <u>LDR Text Amendment</u> |

Date Submitted: December 20, 2018

Project Name: City Centre Planned Unit Development (LDR Text Amendment)

Owner: City Centre Associates, LLC

Applicant (if not Owner): Eastwind Acquisitions, LLC (Contract Purchaser)

Applicant's Address: 5604 PGA Blvd #109, PBG, FL Telephone No. 561-370-6602

Agent: Urban Design Kilday Studios

Contact Person: Anne Booth E-Mail: aboorth@udkstudios.com

Agent's Mailing Address: 610 Clematis Street, Suite CU02, West Palm Beach, FL 33401

Agent's Telephone Number: 561-366-1100

FOR OFFICE USE ONLY

Petition Number: _____ Date & Time Received: _____

Fees Received

Application \$ _____ Engineering \$ _____

Receipt Number: _____



Architect: Corwil Architects, Albert Cordoves, (305) 448-7383

Engineer: McLeod/McCarthy & Associates, Todd McLeod (561) 689-9500

Planner: Urban Design Kilday Studios, Anne Booth (561) 366-1100

Landscape Architect: Urban Design Kilday Studios, Helen Cohen (561) 366-1100

Site Information:

Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: Southwest corner of PGA Boulevard and US Highway One.

Address: 2000 PGA Boulevard, PBG, FL

Section: 04 Township: 42 Range: 43

Property Control Number(s): 52-43-42-04-30-002-0000 / 52-43-42-04-30-004-0000
52-43-42-04-30-001-0000 / 005-0000 / 006-0000 / 007-0000 & 52-43-42-04-30-007-0280

Acreage: 13.58 Current Zoning: PUD w/CG1 Requested Zoning: MXD w/CG1/RH

Flood Zone ^B Base Flood Elevation (BFE) – to be indicated on site plan

Current Comprehensive Plan Land Use Designation: CG

Existing Land Use: Commercial/Retail Center Requested Land Use: MXD-Mixed Use

Proposed Use(s) i.e. hotel, single family residence, etc.: Mixed Use
Res/Com - See attached plans

Proposed Square Footage by Use: See attached master site plan

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):
136 residential apartments and clubhouse proposed, existing commercial to remain

Justification

Information concerning all requests (attach additional sheets if needed.)
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: This application is part of a request for concurrent review of the following: A modification of the Comprehensive Plan Future Land Use Plan Map from CG-1 to MXD, a Comprehensive Future Land Use Plan Text amendment to include MXD's in Policy 1.1.3.4, a LDR modification to add a density bonus option for an MXD PUD, a PUD amendment requesting 136 apartments, concurrency, and rezoning of the PUD to MXD. Please see the project narrative for details of the specific requests.

2. What will be the impact of the proposed change on the surrounding area?

Approval of this request will not have a significant impact on the surrounding area. The change of use on Parcel F from office to residential will provide an opportunity for a mixed use development with essential services housing. The change will reduce the height, traffic and infrastructure impacts of the previous approval.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

Compliance with the Vision Plan and the Comprehensive Plan have been addressed in the Project Narrative.

4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

All requirements for preservation of natural resources and native vegetation were addressed with the approval of the PUD.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

The proposed amendment does not trigger the requirement for AIPP.

6. Has project received concurrency certification?

An application requesting a modified concurrency certification has been submitted.

Date Received: _____

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately 0.0 mile(s) from the intersection of _____

PGA Blvd & U. S. Highway One. , on the north, east, south, west side of _____

PGA Boulevard (street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared **JOHN F WEIR**, Manager of **EASTWIND ACQUISITIONS, LLC**, who, being by me first duly sworn, on oath deposed and says:

1. That, **Eastwind Acquisitions, LLC**, is the Contract Purchaser of the property described in the attached Legal Description, and;
2. That, he is the Manager of **Eastwind Acquisitions, LLC** and is authorized to act on its behalf, and;
3. That, **Eastwind Acquisitions, LLC** is requesting zoning, permitting and government approvals for the subject property in the City of Palm Beach Gardens, Florida, and;
4. That, he has appointed Anne Booth and Urban Design Kilday Studios to act as authorized agents on his behalf to accomplish the above, and;
5. That, **Eastwind Acquisitions, LLC**, and/or its successors or assigns, commits to proceed with the proposed development in accordance with the approval and such conditions and safeguards as may be set by the City in such approval, and;
6. That, **Eastwind Acquisitions, LLC**, or its successors or assigns, commits to complete the development according to the plans approved by such approvals, and to continue operating and maintaining such area, functions, and facilities as are not to be provided, operated or maintained by the City of Palm Beach Gardens pursuant to written agreement, and;
7. That, **Eastwind Acquisitions, LLC**, commits to bind any successors in title to any commitments made in the approval.

By: Eastwind Acquisitions, LLC, a Florida limited liability company

5604 PGA Boulevard, Suite 109
Street Address

561-370-6800
Telephone Number

jweir@eastwinddevgroup.com
Email Address

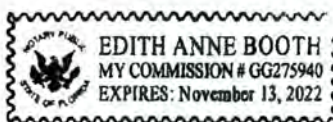
John F. Weir
Name: John F. Weir
Title: Manager

Palm Beach Gardens, Fla. 33418
City, State, Zip Code

Sworn and subscribed before me this 4th day of December, 2018

Edith Anne Booth Edith Anne Booth
Print Name: Notary Public:

11/13/22 My Commission expires:



Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared **BRIAN WAXMAN**, President of **AW City Centre, LLC**, Manager of **City Centre Associates, LLC**, who, being by me first duly sworn, on oath deposed and says:

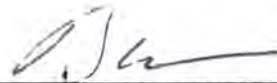
1. That, **City Centre Associates, LLC**, is the fee simple title owner of the property described in the attached Legal Description, and;
2. That, **AW City Centre, LLC**, is the manager of **City Centre Associates, LLC**, and;
3. That, he is the President of **AW City Centre Associates, LLC** and is authorized to act on behalf of both **City Centre Associates, LLC** and **AW City Centre, LLC.**, and;
4. That, **City Centre Associates, LLC** has entered into a contract with **Eastwind Acquisitions, LLC**.to purchase Parcel F of the City Centre PUD, and;
5. That, **Eastwind Acquisitions, LLC** is requesting zoning, permitting and government approvals for the subject property in the City of Palm Beach Gardens, Florida, and;
6. That, he has appointed John F. Weir of **Eastwind Acquisitions, LLC** and Anne Booth and Urban Design Kilday Studios to act as authorized agents on his behalf to accomplish the above, and;
7. That, **City Centre Associates, LLC**, and/or its successors or assigns, commits to proceed with the proposed development in accordance with the approval and such conditions and safeguards as may be set by the City in such approval, and;
8. That, **City Centre Associates, LLC**, or its successors or assigns, commits to complete the development according to the plans approved by such approvals, and to continue operating and maintaining such area, functions, and facilities as are not to be provided, operated or maintained by the City of Palm Beach Gardens pursuant to written agreement, and;
9. That, **City Centre Associates, LLC**, commits to bind any successors in title to any commitments made in the approval.

By: AW City Centre, LLC, a Delaware limited liability company, Manager of City Centre Associates, LLC

117800 US Highway One, Ste 305
Street Address

561-687-5800
Telephone Number

bwaxman@awproperty.com
Email Address



Name: Brian Waxman
Title: President

North Palm Beach, Fla, 33408
City, State, Zip Code

561-689-1255
Fax Number

Sworn and subscribed before me this 4th day of December, 2018

LAURINE SHANNON
Print Name:


Notary Public:

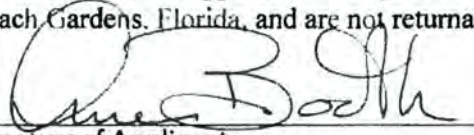
May 15, 2021 My Commission expires:



Applicant's Certification

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:



Signature of Applicant

Owner

Anne Booth

Print Name of Applicant

Optionee

610 Clematis Street, STE CU02

Street Address

Lessee

West Palm Beach, FL 33401

City, State, Zip Code

Agent

561-366-1100

Telephone Number

Contract Purchaser

561-366-1111

Fax Number

abooth@udkstudios.com

E-Mail Address



Permit # _____

Financial Responsibility Form

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for re-imbursement purposes. **All activities related to the pending permit(s) will cease until any outstanding invoices are paid.**

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City's Planning and Zoning Department if the name and/or address of the responsible party changes at any time during the application review process.

Brian Waxman
Owner signature: Brian Waxman, President

12-4-18
Date

City Centre Associates, LLC
By: AW City Centre, LLC,
it's Manager
Owner printed name

See attached
Property Control Number

DESIGNEE/BILL TO:
Eastwind Acquisitions, LLC
5604 PGA Blvd, #109, PBG, FL 33418
Attn: Jack Weir

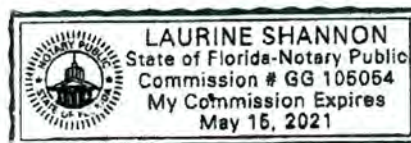
John F. Weir
Designee Acceptance Signature:
John F. Weir, Manager
Eastwind Acquisitions, LLC

NOTARY ACKNOWLEDGEMENT

STATE OF Florida
COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 4th day of December, 2018, by Brian Waxman. He is personally known to me or has produced _____ as identification.

Laurine Shannon
Notary public signature
LAURINE SHANNON
Printed name



State of _____ at-large

My Commission expires: May 15, 2021

PROJECT NARRATIVE CITY CENTRE PUD

LDR Text Amendment

December 20, 2018

Amended January 30, 2019

Amended April 8, 2019

Amended April 29, 2019

Urban Planning and Design
Landscape Architecture
Communication Graphics

Introduction

On behalf of the Applicant, Eastwind Acquisitions, LLC, Urban Design Kilday Studios hereby respectfully submits this application request for a Land Development Regulation Text Amendment to modify Section 78-154(g)(4) to include a new section (c) to allow density bonuses for MXD's that include affordable or workforce housing.

Concurrent Application Requests

The Applicant for the City Centre PUD has submitted several applications which are being reviewed concurrently with this text amendment application request. If approved, the applications will modify the Future Land Use Plan designation, Rezone the Commercial PUD to an MXD PUD, and modify the approved Master Site Plan to allow residential units within the MXD PUD. The concurrent applications include the following:

- Concurrency to allow a 136-unit residential development in lieu of 57,300 Square Feet of office
- A Future Land Use Plan Map Amendment for the entire PUD from Commercial to Mixed-Use (MXD)
- Rezoning for the entire PUD to Mixed Use
- A PUD Amendment to allow site plan approval of 136 residential apartments with a MXD base density of 7 DU's/acre and a density bonus of 3 DU's/acre, and
- A Comprehensive Future Land Use Plan Text Amendment to modify Policy 1.1.3.4., Subsection (c) to allow MXD's with affordable or workforce housing to have densities up to 10 DU's/acre.

Proposed LDR Text Amendment

The Applicant is requesting a text amendment to the Land Development Regulations Section 78-154 – PUD Planned Unit Development Overlay District, Subsection (g)(4) Mixed Use PUD, to add Subsection (c) as follows:

c. Density Bonus. In Mixed Use land use areas, as designated in the comprehensive plan, the city council

610 Clematis Street
Suite CU02
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

may approve a density bonus of up to 3.0 dwelling units per acre in PUD's. The density bonus may be allowed in development order applications which propose to construct affordable or workforce housing as defined in the city's comprehensive plan.

FLUP Policy 3.2.1.9.B as well as LDR Section 78-157 Table 18, establishes a maximum density of 15 DU's/acre for an RH PUD. The LDR's allow the City Council to approve density bonuses up to 15 DU's/acre for an RH PUD. The proposed Text Amendment is requesting approval to allow MXD's with affordable or workforce housing to have the same opportunity as a RH PUD.

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ORDINANCE 9, 2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78. LAND DEVELOPMENT. AT SECTION 78-154. TO ADD A NEW SUBSECTION (g)(4)(c) IN ORDER TO PROVIDE A DENSITY BONUS FOR PLANNED UNIT DEVELOPMENTS IN MIXED USE FUTURE LAND USE AREAS THAT PROVIDE A WORKFORCE OR AFFORDABLE HOUSING COMPONENT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City's Land Development Regulations currently provide for an affordable housing density bonus for Planned Unit Developments in Residential High land use areas; and

WHEREAS, providing a density bonus for the provision of affordable and workforce housing in Planned Unit Developments (PUDs) in Mixed Use (MXD) land use areas is consistent with the goals, objectives, policies, vision, and intent of the City's Mixed Use future land use area policy; and

WHEREAS, Eastwind Development, LLC approached the City to modify the City's Land Development Regulations to provide for a workforce or affordable housing density bonus in MXD PUDs; and

WHEREAS, this Ordinance was reviewed by the Planning, Zoning, and Appeals Board, sitting as the duly constituted Local Planning Agency for the City, at a public hearing on May 14, 2019, and the Board recommended approval by a vote of 6 to 1; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

- 1 b. Building permits. Building permits shall not be issued for construction of any
 2 portion of a commercial structure in a residential PUD until at least 25
 3 percent of the total number of dwelling units within the PUD are under
 4 construction. An applicant may request a waiver to reduce the required
 5 threshold for dwelling units under construction.
- 6 c. Location. Commercial development in residential PUDs shall be
 7 constructed in one or more locations that optimize availability to residents
 8 of the PUD. Commercial developments within a PUD shall be designated
 9 on the PUD master plan. The location of the commercial development is
 10 subject to the overall standards listed below.
- 11 1. The size, intensity, and proposed uses within the proposed commercial
 12 development are appropriate as PUD-serving uses and are not of a
 13 nature requiring a larger market area.
 - 14 2. The proposed commercial development may contain civic uses of a
 15 PUD-serving nature, including postal services, meeting facilities,
 16 recreation facilities, and administrative offices.
 - 17 3. The proposed commercial development site is not accessible from any
 18 public or private roads abutting the PUD.
 - 19 4. The proposed commercial development site is generally located at the
 20 center of a project.
 - 21 5. The proposed commercial development site is not visible from any public
 22 roads abutting the PUD.
 - 23 6. The proposed commercial development site is located approximately
 24 equidistant from dwellings to be located at the perimeter of the PUD.
 - 25 7. The proposed commercial development site is located at the intersection
 26 of two or more neighborhood collector or neighborhood-serving roads.
 - 27 8. The proposed commercial development site will not be advertised in any
 28 fashion on abutting public roads.
 - 29 9. The applicant may be required to provide a market study to demonstrate
 30 the restricted nature of the market area.

31 (4) Mixed use PUD.

- 32 a. Establishment. Planned unit developments with an underlying mixed use
 33 future land use plan designation or more than one underlying future land
 34 use plan designation may be approved by the city council. Mixed use PUDs
 35 shall include a minimum of three types of land uses and shall be planned
 36 for a diversification of uses, structures, and open spaces in a manner
 37 compatible with surrounding land uses and development patterns. A single
 38 use shall not occupy more than 60 percent of the site area proposed for a
 39 mixed use PUD.
- 40 b. Specific requirements. Requirements applicable to mixed use PUDs are
 41 established in section 78-157.
- 42 c. Density bonus. In mixed use land use areas, as designated in the
 43 comprehensive plan, the city council may approve a density bonus of up to
 44 3.0 dwelling units per acre in PUDs. The density bonus may be allowed in
 45 development order applications that propose to construct affordable or
 46 workforce housing as defined in the city's comprehensive plan.

1 (The remaining subsections remain in full force and effect as previously adopted.)

2
3 **SECTION 2.** All Ordinances or parts of Ordinances in conflict be and the same are
4 hereby repealed.

5
6 **SECTION 3.** Should any section or provision of this Ordinance or any portion
7 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
8 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

9
10 **SECTION 4.** Specific authority is hereby granted to codify this Ordinance.

11
12 **SECTION 5.** This Ordinance shall become effective immediately upon adoption.

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14 (The remainder of this page intentionally left blank.)
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PASSED this ____ day of _____, 2019, upon first reading.

PASSED AND ADOPTED this ____ day of _____, 2019, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
BY: _____	_____	_____	_____
Mark T. Marciano, Mayor			
_____	_____	_____	_____
Rachelle A. Litt, Vice Mayor			
_____	_____	_____	_____
Maria G. Marino, Councilmember			
_____	_____	_____	_____
Carl Woods, Councilmember			
_____	_____	_____	_____
Matthew Jay Lane, Councilmember			

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
R. Max Lohman, City Attorney

