Planning, Zoning & Building Department
PLANNING DIVISION - Staff Report
PUBLIC HEARING - Board of County Commissioners - NOVEMBER 4, 2026

County Initiated Text Amendment

I. General Data

Project Name:	**Compatibility Text Amendment**
Element:	Future Land Use
Project Manager:	Bryan M. Davis, CNU-a, Principal Site Planner/Urban Designer
Staff Recommendation:	Staff recommends ***approval*** based on the findings and conclusions presented in this report.

II. Item Summary

Proposed Text Amendment. The item before the Board is a set of proposed revisions to the Comprehensive Plan related to Compatibility due to recently enacted law. The proposal consists of changes to the Plan as indicated:

- Revisions to the **Future Land Use Element** to establish new policy and factors that ensure compatibility between residential uses.

Staff Assessment. The proposed modifications to the County's Comprehensive Plan will bring the County into compliance with new statutory regulations effective January 1, 2027. The proposed Comprehensive Plan amendments will help ensure regulatory predictability and standardize objective considerations in evaluating compatibility for residential to residential uses.

ULDC Implications. The proposed amendment to the Plan will anchor subsequent revisions to the ULDC, as required by HB 399.

III. Hearing History

Local Planning Agency/Planning Commission (LPA/PLC): ***Approval***, motion by Cedric Thomas, seconded by Gary Brown, passed in an 8 to 0 vote at the August 14, 2026 public hearing. Commission discussion included clarifications that the compatibility requirements apply only to residential-to-residential situations, and the assessment of compatibility and potential mitigation measures contemplated for inclusion in the ULDC. There was no public comment.

Board of County Commissioners (BCC) Transmittal: ***Transmit***, motion by Commissioner Marino, seconded by Commissioner Weiss, passed in a 7 to 0 vote at the August 26, 2026 public hearing. There was no Board discussion. There was no public comment.

State Review Agencies: The State Land Planning Agency reviewed this amendment under Round 26-03 ESR and issued a letter dated October 9, 2026 stating that the Agency had no comment on the proposed amendment.

Board of County Commissioners Adoption: Scheduled for November 4, 2026.

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IV. Intent

The item before the Board is a set of proposed revisions to policies in the Comprehensive Plan related to compatibility. This is in response to recently enacted law passed by the Florida Legislature requiring local government comprehensive plans to "include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category."

The proposal consists of changes to include factors for assessing the compatibility of residential uses within residential future land use categories as follows:

- Amendments to the Future Land Use Element to establish policy meeting the new statutory requirement:
    - Establish new policies to require factors for assessing the compatibility of allowable residential uses within a residential future land use designation, and further considerations for the ULDC to incorporate.

V. Data & Analysis

This section provides data and analysis to support the proposed revisions.

A. Background

Fundamentally, compatibility (in land use terminology) ensures that adjacent parcels are able to exist without undue negative impacts upon the other. Compatibility generally involves discussions of different densities and intensities of use of adjacent parcels and evaluated in relative terms of whether the proposal is more or less dense than the adjacent condition, and an evaluation of the impacts that new or proposed development may have upon its surroundings. Based upon the size and configuration of the lot, as well as the proposed density and intensity for the lot, compatibility is broadly assessed based on: 1). the proposed building and site configuration; 2). traffic generation, access, and vehicular and pedestrian circulation; and, 3). operational impacts anticipated, if the new residential use is developed.

The definition for "compatibility" is found in Florida's Community Planning Act (Chapter 163.3164(9) FS), which states that "'Compatibility' means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." Compatibility is further refined in 163.3177(6)(a)3.g FS, which requires the future land use element of the Comprehensive Plan to include criteria to "provide for the compatibility of adjacent land uses." Chapter 163.3202(2)(b) further narrows the "relative proximity" component, in that it requires that the land development regulations contain specific and detailed provisions necessary to implement the Plan that "regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses…" To sum up, the current statutes require that generally, a "nuisance" situation is avoided for adjacent parcels but makes no reference to any specific set of land uses.

2026 Legislative Session Changes: Chapter 2026-7 Laws of Florida added a new subsection to 163.3194 FS requiring comprehensive plans and land development regulations to provide factors for evaluating and determining residential compatibility, to minimize and mitigate potential incompatibilities (see Exhibit 2). Under the new regulations, zoning petitions (rezoning, subdivision, site plan approvals, etc.), staff are required to identify incompatibilities in writing, if issuing a recommendation for denial. For written recommendations of denial, the staff must also include discussion of why the applicant's proposed mitigation is inadequate.

B. Review of Existing Provisions and Preliminary Findings

Existing Comprehensive Plan Basis for Compatibility: The County's Comprehensive Plan does not further define compatibility and is reliant upon the statute. However, there are references to compatibility (and incompatibility), but no further clarifications as to what constitutes compatibility. There is a broad concept included in the County Directions—the underpinnings and basis for the Comprehensive Plan itself—"Land Use Compatibility." County Direction #4 reflects the compatibility requirement: "Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated." There are further "Characteristics of a Livable Community" that reference eliminating existing incompatible land uses, and allowing for commercial uses in the tier system, "compatible with the character of the tier." In the County's Urban-Suburban Tier there is Policy 1.2.-a #6 which states:

> **Policy 1.2-a:** Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:
> …
> 6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.

There are similar requirements for the other tiers (Exurban, Rural, Agricultural Reserve), but the Urban-Suburban Tier is the tier that is mandated to accommodate most of the development in the County, is the area that is prime for redevelopment efforts and densification. In the residential policies of the Future Land Use Element, there is a policy that speaks to the protection of residential uses from incompatible future land uses, and the need to protect from adverse impacts. This is found in Policy 2.2.1-b, as follows:

> **Policy 2.2.1-b:** Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain(ed) to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.

Policy 2.2.1-b is the most directly applicable existing policy direction in the Plan regarding residential compatibility. Additional policies similarly speak broadly to ensuring compatibility, or as above in preventing the encroachment of incompatible uses and activities but provide no specific guidance as to what constitutes compatibility or incompatibility.

Furthermore, as found in Policy 2.2.1-b, there are other policies that explicitly defer the requirement to ensure compatibility to zoning and the land development regulations, particularly when it comes to site design (e.g., Future Land Use Element Policy 4.3-i). Thus, the existing statutory requirement found in 163.3177(6)(a)3.g FS to ensure compatibility in the land use element is delegated to the land development regulations, and is implemented through the various zoning processes. Therefore, requirements of new legislation as they pertain to the factors for residential future land use compatibility are not met in the current Plan, and an amendment is necessary for compliance with HB 399.

C. Proposed Amendment and Revisions

This section of the report provides supporting information for the proposed amendments.
The amendments to the Comprehensive Plan propose to establish factors for residential compatibility and anchor the requisite measures for mitigating or minimizing any potential incompatibility for residential

uses. New policies are proposed for the Future Land Use Element, in Policy 2.2.1-x, and 2.2.1-y. These policies are in response to the new legislation and informed by the preceding analysis.

A new Policy 2.2.1-x is proposed to directly address the new requirement in 163.3194(7)(a) FS for the comprehensive plan. Given that the legislation only requires factors for assessing the compatibility of residential uses within a future land use category, but then in 163.3194(7)(d)2 exempts the subsection from planned unit developments (PUDs) and master planned communities, its is anticipated that the new requirement would only apply to parcels that would not be the subject of further subdivision, i.e., they would most likely be multi-family residential use. There are extant provisions in the ULDC that address the compatibility of different uses within PUDs, and the same is true of other master planned communities, such as the County's Traditional Town Development (TTD) future land use and zoning. As the unincorporated County has no residential historic districts, the policy does not need to incorporate provisions for them. The policy includes five new factors, broadly described as the land use designation for the proposed project, the proposed density, the overall site design (inclusive of all aspects of land use and zoning controls), the overall context (consistent with existing policy in FLUE Policy 2.2.1-b, and more generally FLUE Policy 1.2-a.6, and County Direction #4), and an evaluation of how it also meets other Plan provisions (e.g., Overlays, Neighborhood Plans, etc.). Subsequent amendments to the ULDC may further detail additional standards for evaluation, but these are the most general ones, and those that would also be applied during any future land use atlas amendments, and if the County elects to explore density increases beyond those currently contemplated in the Comprehensive Plan.

New Policy 2.2.1-y is written to anchor ULDC amendments in the Plan, and include factors for assessing compatibility of residential uses, and mitigation/minimization measures to reduce incompatibilities. The factors cover the broad concepts outlined earlier in the report (building/use/site configuration, traffic/access/circulation, and operational impacts). The mitigation measures proposed are broad, but include a reduction in overall density, transitioning densities downward to be more similar to adjacent parcels, additional separations, and increased screening/buffering at the property line. Given the effective date of the statute (January 1, 2027), the ULDC amendments will soon follow this amendment.

ULDC Revisions: Subsequent amendments to the ULDC will be necessary to implement the proposed policies and the newly enacted legislation.

VI. Public & Municipal Review

Intergovernmental Plan Amendment Review Committee (IPARC): Notification was sent to the County's Intergovernmental Plan Amendment Review Committee (IPARC), a clearinghouse for plan amendments, on July 24, 2026. At the time of publication of this report, only one inquiry from the City of Palm Beach Gardens was received. No other calls or written requests for information or objections to the amendment were received.

VII. Assessment & Conclusions

The proposed modifications to the County's Comprehensive Plan will address the recent statutory changes and provide additional guidance and considerations for compatibility determinations for development proposals contemplating residential uses near and adjacent to existing residential uses. The proposed Comprehensive Plan amendments will provide a more consistent framework for evaluating compatibility between residential uses at the land use and zoning stage.

As such, staff recommends ***approval*** of this amendment.

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Exhibit 1
Proposed Comprehensive Plan Revisions

A. Future Land Use Element

REVISIONS: To establish new policy and strategies within the Future Land Use Element related to compatibility. The added text is underlined, and the deleted text struck out.

NEW Residential Land Use Compatibility.

NEW **Policy 2.2.1-x:** For any residential projects not within Planned Development Districts, the County shall consider the following factors in determining residential compatibility between residential uses:

1. the future land use designation of the parcel and adjacent parcels;
2. the development potential, including proposed density bonuses;
3. the design attributes of the project;
4. the physical integration of a project and its relation to the broader neighborhood and community; and
5. the extent to which the project furthers the Goals Objectives and Policies of the Plan.

NEW Policy 2.2.1-y: For any residential projects not within Planned Development Districts, the ~~The~~ ULDC shall be amended to include factors for assessing compatibility of residential uses, as well as mitigation and minimization measures for reducing incompatibilities, as follows:

1. The factors may include intensity, density, scale, building size, mass, bulk, height and orientation, lot coverage, lot size and configuration, architectural style, permeability, screening, buffers, setbacks, transitional areas, signage, traffic and pedestrian circulation and access, and operational impacts, such as noise, odor, and lighting; and
2. The measures to reduce potential incompatibility between residential uses; such options shall include, but are not limited to, a reduction in density and or intensity, reduction or stepping down of building heights, increased setbacks, and increased buffering and landscape screening standards.

Exhibit 2
Excerpt, Section 6, Chapter 2026-7 Laws of Florida (enacted HB 399)

Section 6. Effective January 1, 2027, subsection (7) is added to section 163.3194, Florida Statutes, to read:

163.3194 Legal status of comprehensive plan.—

(7)(a) Local government comprehensive plans and land development regulations must include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category.

(b) Land development regulations must incorporate measures for mitigating or minimizing potential incompatibility.

(c)1. Before recommending denial of an application for rezoning, subdivision, or site plan approval on compatibility grounds, local government staff must identify with specificity each area of incompatibility and may recommend mitigation measures to the applicant.

2. If the applicant has proposed mitigation measures, the local government may not deny an application on compatibility grounds unless the denial includes written findings stating that the proposed mitigation measures are inadequate and that feasible mitigation measures do not exist.

3. A denial of an application on compatibility grounds must specify with particularity the area or areas of incompatibility, including applicable standards and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that feasible mitigation measures do not exist. References to “community character” or “neighborhood feel” are not sufficient, in and of themselves, to support a denial of an application on compatibility grounds.

4. A local government’s approval of an application may include requirements or conditions to mitigate or minimize compatibility concerns.

(d) This subsection does not apply to any of the following:

1. Compatibility between uses in different future land use categories, including rural, agricultural, conservation, open space, mixed-use, industrial, or commercial use.

2. Applications for development within planned unit developments or master planned communities.

3. Applications for development within historic districts designated before January 1, 2026.

(e) This subsection does not require approval of an application that is otherwise inconsistent with the applicable local government comprehensive plan or land development regulations.

Exhibit 3
Correspondence