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2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
4 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
5 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
6 89-17, AS AMENDED; AMENDING THE TEXT OF THE
7 **FUTURE LAND USE ELEMENT** (TO MODIFY POLICY 3.5-D
8 ENHANCING THE TRAFFIC REQUIREMENTS FOR LAND USE
9 AMENDMENTS); AND AMENDING ALL ELEMENTS AS
10 NECESSARY; PROVIDING FOR REPEAL OF LAWS IN
11 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
12 FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
13 PROVIDING FOR AN EFFECTIVE DATE.
14

15 **WHEREAS**, on August 31, 1989, the Palm Beach County Board of
16 County Commissioners adopted the 1989 Comprehensive Plan by Ordinance
17 No. 89-17;

18 **WHEREAS**, the Palm Beach County Board of County Commissioners
19 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
20 II, Florida Statutes; and

21 **WHEREAS**, the Palm Beach County Board of County Commissioners have
22 initiated amendments to several elements of the Comprehensive Plan in
23 order to promote the health, safety and welfare of the public of Palm
24 Beach County; and

25 **WHEREAS**, the Palm Beach County Local Planning Agency conducted
26 its public hearings on June 18 & 25 and July 9, 2004 to review the
27 proposed amendments to the Palm Beach County Comprehensive Plan and
28 made recommendations regarding the proposed amendments to the Palm
29 Beach County Board of County Commissioners pursuant to Chapter 163,
30 Part II, Florida Statutes; and

31 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
32 the governing body of Palm Beach County, conducted a public hearing
33 pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2004
34 to review the recommendations of the Local Planning Agency, whereupon
35 the Board of County Commissioners authorized transmittal of proposed
36 amendments to the Department of Community Affairs for review and
37 comment pursuant to Chapter 163, Part II, Florida Statutes; and

38 **WHEREAS**, Palm Beach County received on November 17, 2004 the
39 Department of Community Affairs "Objections, Recommendations, and
40 Comments Report," dated November 15, 2004, which was the Department's
41 written review of the proposed Comprehensive Plan amendments; and

1 WHEREAS, the written comments submitted by the Department of Community
2 Affairs contained no objections to the amendments contained in this
3 ordinance;

4 WHEREAS, on December 13, 2004 the Palm Beach County Board of
5 County Commissioners held a public hearing to review the written
6 comments submitted by the Department of Community Affairs and to
7 consider adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Element of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

- 18 A. Future Land Use Element, to modify Policy 3.5-D enhancing
19 the traffic requirements for land use amendments;
20 C. Amending all elements as necessary for internal
21 consistency.

22 Part II. Repeal of Laws in Conflict

23 All local laws and ordinances applying to the unincorporated area
24 of Palm Beach County in conflict with any provision of this ordinance
25 are hereby repealed to the extent of such conflict.

26 Part III. Severability

27 If any section, paragraph, sentence, clause, phrase, or word of
28 this Ordinance is for any reason held by the Court to be
29 unconstitutional, inoperative or void, such holding shall not affect
30 the remainder of this Ordinance.

31 Part IV. Inclusion in the 1989 Comprehensive Plan

32 The provision of this Ordinance shall become and be made a part
33 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
34 Ordinance may be renumbered or relettered to accomplish such, and the

1 word "ordinance" may be changed to "section," "article," or any other
2 appropriate word.

3 Part V. Effective Date

4 The effective date of this plan amendment shall be the date a
5 final order is issued by the Department of Community Affairs or
6 Administration Commission finding the amendment in compliance in
7 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
8 applicable. No development orders, development permits, or land uses
9 dependent on this amendment may be issued or commence before it has
10 become effective. If a final order of noncompliance is issued by the
11 Administration Commission, this amendment may nevertheless be made
12 effective by adoption of a resolution affirming its effective status,
13 a copy of which resolution shall be sent to the Florida Department of
14 Community Affairs, Division of Community Planning, Plan Processing
15 Team. An adopted amendment whose effective date is delayed by law
16 shall be considered part of the adopted plan until determined to be
17 not in compliance by final order of the Administration Commission.
18 Then, it shall no longer be part of the adopted plan unless the local
19 government adopts a resolution affirming its effectiveness in the
20 manner provided by law.

21 APPROVED AND ADOPTED by the Board of County Commissioners of
22 Palm Beach County, on the 13 day of December, 2004.

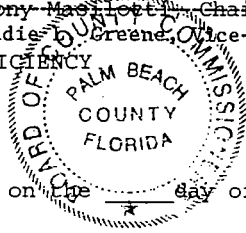
23 ATTEST:
24 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

25 By: [Signature]
26 Deputy Clerk

27 By: [Signature]
28 Tony MacLott, Chairman
29 Addie D. Greene, Vice-Chair

30 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
31 [Signature]
32 COUNTY ATTORNEY



33 Filed with the Department of State on 13 day of
34 December, 2004.

EXHIBIT 1

A. Future Land Use, Traffic Requirement Modifications for Land Use Amendments

REVISIONS: To modify Policy 3.5-d enhancing the requirements of the traffic analysis for land use amendments. The added and deleted text is shown in underlined and ~~strikethrough~~ format.

Policy 3.5-d: The County shall not approve a change to the Future Land Use Atlas which:
a) results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon the MPO's 2025 Long Range Transportation Plan dated March 18, 2002. Significant impact shall be as defined in Table 3.5 -1.

**TABLE 3.5-1
Significant Impact**

Net Trip Generation**	Distance
1 - 50	No significant impact
51 - 1,000	Only address directly accessed link on first accessed major thoroughfare*
1,001 - 4,000	One (1) mile*
4,001 - 8,000	Two (2) miles*
8,001 - 12,000	Three (3) miles*
12,001 - 20,000	Four (4) miles*
20,001 - up	Five (5) miles*

* A project has significant traffic: (1) when net trips increase will cause the currently adopted LOS for FIHS facilities to be exceeded; and/or (2) where net trips increase impacting roads not on the FIHS are is greater than one percent (1%) for volume to capacity ratio (v/c) of 1.4 or more, two percent (2%) for v/c of 1.2 or more and three percent (3%) for v/c of less than 1.2 of the ~~currently adopted~~ level of service "D" capacity on an AADT basis of the link affected up to the limits set forth in this table. The laneage shall be as shown on the MPO's 2025 Long Range Transportation Plan dated March 18, 2002.

** When calculating net trips increase, consideration will be given to alternative modes of transportation (i.e. bicycle lanes, bicycle paths, bus lanes, fixed rail, and light rail facilities) in reducing the number of net trips. These alternative modes must either be operating at the time of the change to the Future Land Use Atlas or be included in both the Transportation Element (Mass Transit) and the Capital Improvement Element of the Comprehensive Plan.

or;

b) results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1-b.

This Policy shall not be applicable to the Scientific Community Overlay. (Round04-ERP)

CODRS CODING JRM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (Palm Beach) COUNTY ORDINANCE # (04-059)
(e.g., 83-001)

PRIMARY KEYFIELD
 DESCRIPTOR: (Comprehensive Planning)

SECONDARY KEYFIELD
 DESCRIPTOR: (Land Use Planning)

OTHER KEYFIELD
 DESCRIPTOR: ()

ORDINANCE DESCRIPTION: (Plan Text Amendment)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (89-17); AMENDMENT # 2: ()

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: (); REPEAL # 3: ();
 REPEAL # 2: (); REPEAL # 4: ();

(Others repealed: list all that apply):

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()

KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: ()

Rev. 4/2006



TEXT AMENDMENT STAFF REPORT AMENDMENT ROUND 04-2

Item Name:	Traffic Requirements Modifications - Land Use Amendments
Element:	Future Land Use Element (FLUE)
Item Before the Board:	To hold a public hearing on a proposed amendment to the Future Land Use Element, Policy 3.5-d modifying and enhancing the traffic requirements for land use amendments.
Meeting Date:	Final Report, December 13, 2004
Project Manager:	Vinod Sandanasamy, Senior Transportation Planner
MOTION: To <i>adopt</i> the proposed amendment.	

- A. Planning Recommendation:** Staff recommends *approval* based on the assessments and conclusions presented in this report.
- B. LPA Recommendation:** Motion to recommend *approval* passed in a unanimous vote (12-0) at June 25, 2004 Public Hearing. There was minimal Board discussion and no public comment on this item.
- C. BCC Transmittal Action:** Motion to *transmit* passed in a unanimous vote (5-0, with Commissioners Aaronson and Newell absent) at the July 19, 2004 Public Hearing. There was minimal Board discussion and no public comment on this item.

POST TRANSMITTAL ACTION

- A. **ORC Report Findings:** None
- B. **Response to ORC Report:** None
- C. **Revisions Not Previously Reviewed:** Revisions not previously reviewed are shown in double underline and ~~double strike through~~ format. Revision was done to specifically review long term traffic impacts based on the MPO's 2025 Long Range Transportation Plan dated March 18, 2002.
- D. **BCC Adoption Action:** Motion by Comm. Aaronson, seconded by Comm. Koons, to *adopt an ordinance* passed in a unanimous 5-0 vote (with Comm. Masilotti and Comm. Marcus absent) at the December 13, 2004 Public Hearing. There was minimal Board discussion and no public comment on this item.

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I. SUMMARY REPORT

A. BACKGROUND

Policy 3.5-d requires proposed land use amendments to address traffic conditions on certain roadways in the long-range roadway network. According to this Policy, all land use amendments are required to meet LOS D on all roadways where the land use amendment has a traffic impact of 3% of LOS D or greater. Land use amendments cannot be approved if there is a greater than 3% traffic impact on a roadway in the long-range roadway plan that is projected to exceed LOS D.

An issue has been raised concerning land use amendment with a traffic impact less than 1% of LOS D on a roadway in the long-range roadway plan that is projected to exceed LOS D. The proposed amendment will require land use amendment to address smaller traffic impacts (less than 3%) based on the projected long-range volume to capacity (v/c) ratios.

The proposed change also requires land use amendments to address the five-year capacity issues in the form of a new Test 2 (to be adopted in the ULDC consistent with the TE Policy 1.1-b, see exhibit 2). This addition will provide for predicting and addressing capacity deficiencies in the more accurate short-range traffic analysis. As a result, the projects getting land use changes approved will be more likely to meet concurrency when they come in for development. Small scale amendments currently are required to go through concurrent rezoning, addressing short-range traffic impacts in the form of a concurrency study.

B. THE PROPOSED AMENDMENT

1. Amendment Intent and Summary

The intent of the proposed amendment is to:

- a) Provide for a sliding scale of significance based upon the total v/c (accounting for the net trip increase resulting from the proposed land use amendment) on the affected link;
- b) Additionally, require the project to meet a new 5 year test (Test 2 to be adopted in the ULDC consistent with TE Policy 1.1-b); and
- c) To clarify that the long term traffic impacts of land use amendments will be reviewed specifically against MPO's 2025 Long Range Transportation Plan dated March 18, 2002.

This proposed amendment would revise the Future Land Use Element (FLUE) Policy 3.5-d modifying and enhancing the traffic requirements for land use amendments.

2. Unified Land Development Code Implications

This proposed amendment will not result in a subsequent amendment to the County's land development regulations in the Unified Land Development Code (ULDC).

C. ISSUE SUMMARY

- There is a need to coordinate between long-range and short-range traffic impacts resulting from a land use amendment.

D. PUBLIC AND MUNICIPAL REVIEW

1. **Intergovernmental Plan Amendment Review Committee (IPARC):** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review. The IPARC, of which Palm Beach County is a participating member, functions as a clearing-house for plan amendments.
2. **Other Notices:** Notification of this amendment was sent to all of the municipalities within Palm Beach County.

E. ASSESSMENT AND CONCLUSIONS

- The amendment will provide for better coordination between long-range and short-range traffic impacts resulting from a land use amendment.
- Short-range traffic analysis in the form of new Test 2 will provide a more accurate assessment of the whole project in terms of concurrency.

F. ALTERNATIVE ACTIONS

The following courses of action are available to the Board:

1. Recommendation of ***approval***;
2. Recommendation of ***approval with modifications***; or
3. Recommendation of ***denial***.

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II. EXHIBITS

1.	Proposed Text Changes	6
2.	Support Data and Analysis	7

EXHIBIT 1

A. Future Land Use Element, Policy 3.5-d

REVISIONS: To modify Policy 3.5-d enhancing the requirements of the traffic analysis for land use amendments. The added and deleted text is shown in underlined and ~~striketrough~~ format. The text added and deleted after BCC Transmittal is shown double underlined> and ~~double strike through~~ format.

Policy 3.5-d: The County shall not approve a change to the Future Land Use Atlas which:
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** When calculating net trips increase, consideration will be given to alternative modes of transportation (i.e. bicycle lanes, bicycle paths, bus lanes, fixed rail, and light rail facilities) in reducing the number of net trips. These alternative modes must either be operating at the time of the change to the Future Land Use Atlas or be included in both the Transportation Element (Mass Transit) and the Capital Improvement Element of the Comprehensive Plan.

or;

b) results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1-b.

This Policy shall not be applicable to the Scientific Community Overlay. (Round04-ERP)

EXHIBIT 2

SUPPORT DATA AND ANALYSIS

The amendment will provide for better coordination between long-range and short-range traffic impacts resulting from a land use amendment. The proposed amendment will require land use amendments to address smaller traffic impacts (less than 3%) based on the projected long-range volume to capacity ratios. Short-range traffic analysis in the form of new Test 2 will provide a more accurate assessment of the whole project in terms of concurrency. As a result, the projects getting land use changes approved will be more likely to meet concurrency when they come in for development. Small scale amendments currently are required to go through concurrent rezoning, addressing short-range traffic impacts in the form of a concurrency study. The proposed text change clarifies that future land use amendments will be reviewed specifically against the MPO's 2025 Long Range Transportation Plan dated March 18, 2002. This 2025 Long Range Transportation Plan does not include proposed DRIs like Scripps, Vavrus or Callery Judge Grove in the model. MPO's upcoming 2030 Long Range Transportation Plan would include Scripps and Vavrus in the model. Because of the uncertainty attached with DRIs such as Scripps, Vavrus and Callery Judge Grove it is not appropriate for other land use amendments in this vicinity to utilize the laneage/capacity currently being planned or programmed for these DRIs.

CONSISTENCY WITH COMPREHENSIVE PLAN

TE Policy 1.1-b below provides a framework for Test 2 –Five Year Analysis. The details for the new Test 2 are yet to be provided in the ULDC. The policy will be implemented once the new Test 2 details are adopted in the ULDC.

TE Policy 1.1-b: No development order shall be issued by the County or a municipality for any project that adds traffic to a thoroughfare network street or intersection as defined herein and in the Unified Land Development Code (ULDC) Traffic Performance Standard that causes a LOS in Test One or Test Two to fall below acceptable levels. Traffic shall be measured by application of Test One and Test Two as described below and set forth with greater specificity in the ULDC. Exceptions are limited to those Specific Exceptions as provided for in this Element.

1. Test One shall analyze(Omitted for brevity)
2. Test 2-Five Year Analysis: No project shall be approved for development by the County or a municipality unless it can be shown that the traffic impact of the proposed development meets the requirements of Test 2 as described in greater detail in the ULDC. A Test 2 analysis will address all traffic anticipated to be in place at the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement program in effect at the time of traffic analysis submittal. LOS E, provided for in Tables 2a through 2c shall be employed in application of Test 2 as set forth in greater detail in the ULDC.
3. The level of Service D thresholds(Omitted for brevity)
4. The Level of Service E thresholds(Omitted for brevity)

