

ORDINANCE NO. 2007 - 010

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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 **INTRODUCTION AND**
7 **ADIMINSTRATION ELEMENT** (TO MODIFY JUSTIFICATION
8 REQUIREMENTS FOR FUTURE LAND USE ATLAS
9 AMENDMENTS); **FUTURE LAND USE ELEMENT** (TO MODIFY
10 IN TABLE 2.2.2-1, ADDITIONAL CRITERIA FOR
11 DETERMINING THE DEPTH, WIDTH, AND USE FOR
12 COMMERCIAL AND INDUSTRIAL DESIGNATIONS FOR A LOT;
13 TO MODIFY POLICY 1.2.2-A REGARDING THE ABILITY OF
14 AN INFILL PROPERTY TO DEVELOP AT THE MAXIMUM
15 DENSITY OF ITS LAND USE DESIGNATION; TO MODIFY
16 LANGUAGE IN THE IMPLEMENTATION SECTION REGARDING
17 FREESTANDING USES IN THE INDUSTRIAL LAND USE
18 DESIGNATION; AND TO MODIFY TRANSFER OF
19 DEVELOPMENT RIGHTS POLICIES REGARDING ATTAINABLE
20 HOUSING; TO REVISE POLICIES TO FURTHER DEFINE
21 QUALIFYING CHARACTERISTICS OF A TRANSIT ORIENTED
22 DEVELOPMENT); **THE TRANSPORTATION ELEMENT** (TO
23 ESTABLISH A LOWER LEVEL OF SERVICE STANDARD FOR
24 TRANSIT ORIENTED DEVELOPMENTS; TO REVISE POLICIES
25 TO REFER TO A FIVE YEAR CAPITAL IMPROVEMENT
26 SCHEDULE); **THE CAPITAL IMPROVEMENTS ELEMENT** (TO
27 ADD A POLICY TO ACCOUNT FOR PROPORTIONATE SHARE
28 CONTRIBUTIONS; TO REVISE POLICIES TO REFER TO A
29 FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE; TO DELETE
30 POLICY 1.4-G REGARDING THE RURAL SERVICE AREA FOR
31 CONSISTENCY WITH PREVIOUSLY ADOPTED AMENDMENTS);
32 **THE CONSERVATION ELEMENT** (TO ADD AND MODIFY
33 POLICIES AND OBJECTIVES TO PREVENT WILDFIRES AND
34 MITIGATE THEIR IMPACTS); **THE FIRE RESCUE ELEMENT**
35 (TO ADD AND MODIFY POLICIES AND OBJECTIVES TO
36 PROMOTE WILDFIRE PREVENTION AND MITIGATION); **THE**
37 **UTILITY ELEMENT** (TO REVISE POLICIES TO REFER TO A
38 FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE); **THE**
39 **PUBLIC SCHOOL FACILITIES ELEMENT** (TO REVISE
40 POLICIES TO REFER TO A FIVE YEAR CAPITAL
41 IMPROVEMENT SCHEDULE); AND AMENDING ALL ELEMENTS
42 AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN
43 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
44 FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
45 PROVIDING FOR AN EFFECTIVE DATE.
46

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

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

53 **WHEREAS**, the Palm Beach County Board of County Commissioners have
54 initiated amendments to several elements of the Comprehensive Plan in
55 order to promote the health, safety and welfare of the public of Palm
56 Beach County; and

57 **WHEREAS**, the Palm Beach County Local Planning Agency conducted
58 its public hearings on February 9 and 22, March 9 and 30, and April

1 13, 2007 to review the proposed amendments to the Palm Beach County
2 Comprehensive Plan and made recommendations regarding the proposed
3 amendments to the Palm Beach County Board of County Commissioners
4 pursuant to Chapter 163, Part II, Florida Statutes; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
6 the governing body of Palm Beach County, conducted a public hearing
7 pursuant to Chapter 163, Part II, Florida Statutes, on April 18, 2007
8 to review the recommendations of the Local Planning Agency, whereupon
9 the Board of County Commissioners authorized transmittal of proposed
10 amendments to the Department of Community Affairs for review and
11 comment pursuant to Chapter 163, Part II, Florida Statutes; and

12 **WHEREAS**, Palm Beach County received the Department of Community
13 Affairs "Objections, Recommendations, and Comments Report," dated June
14 29, 2007 which was the Department's written review of the proposed
15 Comprehensive Plan amendments; and

16 **WHEREAS**, the written comments submitted by the Department of
17 Community Affairs contained no objections to the amendments contained
18 in this ordinance;

19 **WHEREAS**, on August 27, 2007 the Palm Beach County Board of County
20 Commissioners held a public hearing to review the written comments
21 submitted by the Department of Community Affairs and to consider
22 adoption of the amendments; and

23 **WHEREAS**, the Palm Beach County Board of County Commissioners has
24 determined that the amendments comply with all requirements of the
25 Local Government Comprehensive Planning and Land Development
26 Regulation Act.

27 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
28 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

29 **Part I. Amendments to the 1989 Comprehensive Plan**

30 Amendments to the text of the following Elements of the 1989
31 Comprehensive Plan are hereby adopted and attached to this Ordinance
32 in Exhibits 1 through 9:

33 1. **FLUA Amendment Requirements Text**, to modify justification
34 requirements for Future Land Use Atlas Amendments

35 A. **Introduction and Administration Element**

1 2. **Commercial/Industrial Zoning Clarifications Text - Table**
2 2.2.2-1, to modify Additional Criteria for Determining the Depth,
3 Width, and Use for Commercial and Industrial Designations
4 definition of lot in Table 2.2.2-1 for a lot,

5 A. Future Land Use Element

6 3. **Infill Maximum Density Exemption Text**, to modify Policy
7 1.2.2-a regarding the ability of an infill property to develop at
8 the maximum density of its land use designation

9 A. Future Land Use Element

10 4. **Industrial Future Land Use Text**, to modify language in the
11 Implementation Section regarding freestanding uses in the
12 Industrial land use designation

13 A. Future Land Use Element

14 5. **Transfer of Development Rights Program Text**, to modify
15 Transfer of Development Rights policies regarding attainable
16 housing

17 A. Future Land Use Element

18 6. **Transit Oriented Development Text**, to revise policies to
19 further define qualifying characteristics of a Transit Oriented
20 Development, and to establish a lower level of service standard
21 for Transit Oriented Developments

22 A. Transportation Element

23 B. Future Land Use Element

24 7. **Revenue Policy Addition and Six to Five Year Schedule**
25 **Change Text**, to add a policy to the CIE to account for
26 proportionate share contributions and to revise policies to refer
27 to a five year capital improvement schedule

28 A. Capital Improvement Element

29 B. Public School Facilities

30 C. Utilities Element

31 D. Transportation Element

32
33 8. **Rural Service Area Policy Corrective Text**, to delete Policy
34 1.4-g regarding the Rural Service Area for consistency with
35 previously adopted amendments

1 A. Capital Improvement Element

2 9. **Wildfire Prevention**, to add and modify policies and
3 objectives to prevent wildfires and mitigate their impacts

4 A. Conservation Element

5 B. Fire-Rescue Element

6 **Part II. Repeal of Laws in Conflict**

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

10 **Part III. Severability**

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

15 **Part IV. Inclusion in the 1989 Comprehensive Plan**

16 The provision of this Ordinance shall become and be made a part
17 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
18 Ordinance may be renumbered or relettered to accomplish such, and the
19 word "ordinance" may be changed to "section," "article," or any other
20 appropriate word.

21 **Part V. Effective Date**

22 The effective date of this plan amendment shall be the date a
23 final order is issued by the Department of Community Affairs or
24 Administration Commission finding the amendment in compliance in
25 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
26 applicable. No development orders, development permits, or land uses
27 dependent on this amendment may be issued or commence before it has
28 become effective. If a final order of noncompliance is issued by the
29 Administration Commission, this amendment may nevertheless be made
30 effective by adoption of a resolution affirming its effective status,
31 a copy of which resolution shall be sent to the Florida Department of
32 Community Affairs, Division of Community Planning, Plan Processing
33 Team. An adopted amendment whose effective date is delayed by law
34 shall be considered part of the adopted plan until determined to be
35 not in compliance by final order of the Administration Commission.

1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
5 Beach County, on the 27th day of August, 2007.

6
7 ATTEST
8 SHARON R. NIBOCK, CLERK
9 & COMPTROLLER
10 COUNTY

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

11 BY [Signature]
12 Deputy Clerk

[Signature] Addie L. Greene
13 Addie L. Greene, Chairperson

14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

15
16 [Signature]
17 COUNTY ATTORNEY

18
19 Filed with the Department of State on the ____ day of
20
21 _____, 2007.

22 T:\planning\AMEND\07-1 & 07-EDP1\admin\bccadopt\Ordinances\Ord1-NonORC.doc
23

EXHIBIT TABLE OF CONTENTS

1. **FLUA Amendment Requirements Text**, to modify justification requirements for Future Land Use Atlas Amendments
 - A. Introduction and Administration Element
2. **Commercial/Industrial Zoning Clarifications Text - Table 2.2.2-1**, to modify the definition of lot in Table 2.2.2-1, Additional Criteria for Determining the Depth, Width, and Use for Commercial and Industrial Designations
 - A. Future Land Use Element
3. **Infill Maximum Density Exemption Text**, to modify Policy 1.2.2-a regarding the ability of an infill property to develop at the maximum density of its land use designation
 - A. Future Land Use Element
4. **Industrial Future Land Use Text**, to modify language in the Implementation Section regarding freestanding uses in the Industrial land use designation
 - A. Future Land Use Element
5. **Transfer of Development Rights Program Text**, to modify Transfer of Development Rights policies regarding attainable housing
 - A. Future Land Use Element
6. **Transit Oriented Development Text**, to revise policies to further define qualifying characteristics of a Transit Oriented Development, and to establish a lower level of service standard for Transit Oriented Developments
 - A. Transportation Element
 - B. Future Land Use Element
7. **Revenue Policy Addition and Six to Five Year Schedule Change Text**, to add a policy to the CIE to account for proportionate share contributions and to revise policies to refer to a five year capital improvement schedule
 - A. Capital Improvement Element
 - B. Public School Facilities
 - C. Utilities Element
 - D. Transportation Element
8. **Rural Service Area Policy Corrective Text**, to delete Policy 1.4-g regarding the Rural Service Area for consistency with previously adopted amendments
 - A. Capital Improvement Element
9. **Wildfire Prevention**, to add and modify policies and objectives to prevent wildfires and mitigate their impacts
 - A. Conservation Element
 - B. Fire-Rescue Element

EXHIBIT 1

A. Introduction and Administration Element, FLUA Amendment Requirements

REVISIONS: To revise and update to revise with regards to FLUA Amendment Requirements. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

II. ADMINISTRATION

H. Applications For Amendment

The following conditions shall apply to any application for change in the Palm Beach County Comprehensive Plan:

1. The process for Amending the Comprehensive Plan shall be guided by the provisions of Florida Statutes Chapter 163, the Administrative Rules implementing it and in accordance with the provisions herein.
2. Amendments to the text, tables, charts, and maps shall be initiated only by the Board of County Commissioners or the Local Planning Agency.
3. Applications for an amendment to the Future Land Use Atlas (FLUA) for specific parcels of land shall be initiated only by the owner of the parcel, the Board of County Commissioners, or the Local Planning Agency.
4. ~~Site-specific amendments shall be based on one or more of the following factors, and a demonstrated need to amend the Future Land Use Atlas:~~
 - a) ~~Changed Projections: Changed projections in the Comprehensive Plan, including but not limited to amendments that would ensure provision of public facilities.~~
 - b) ~~Changed Assumptions: Changed assumptions in the Comprehensive Plan, including but not limited to the fact that an area's growth has altered the character such that the proposed development is now reasonable and consistent with land use characteristics.~~
 - c) ~~Data Errors: Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan.~~
 - d) ~~New Issues: New issues that have arisen since adoption of the Comprehensive Plan.~~
 - e) ~~Additional Detail or Comprehensiveness: Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan.~~
 - f) ~~Data Updates: Data updates.~~

unaltered text omitted for brevity

EXHIBIT 2

A. Future Land Use Element, Commercial/Industrial Zoning Clarifications - Table 2.2.2-1

REVISIONS: To delete/add wording relating to lots. The revisions are shown below with the added text underlined and the deleted text ~~struck-out~~.

Table 2.2.2-1 Additional Criteria for Determining the Depth, Width, and Use for Commercial and Industrial Designations

- F. A lot, or portion of a lot thereof:
1. was granted commercial or industrial zoning prior to August 4, 1980; and
 2. has a commercial or industrial land use designation on more than fifty percent of the lot area.

The county may rezone the entire lot to commercial or industrial.

(unaltered text omitted for brevity)

EXHIBIT 3

A. Future Land Use Element, Infill Maximum Density Exemption

REVISIONS: To add text to allow an infill property under the requirements of Policy 1.2.2-a to be developed at the maximum density of its land use designation. The revisions are shown below with the added text underlined.

Policy 1.2.2-a: To encourage redevelopment and infill, the County shall allow a parcels of land that cannot fulfill the minimum acreage requirement under its land use designation and, when applicable, frontage and/or depth requirements for a Planned Development to develop consistent with the character, intensity, and density of the: 1) Existing built environment; and/or 2) Potential built environment...

(unaltered text omitted for brevity)

EXHIBIT 4

A. Future Land Use Element, Industrial Future Land Use

REVISIONS: To revise and update uses permitted in the Industrial Future Land Use designation. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

Implementation Section, **INDUSTRIAL**, Uses

General. The Future Land Use Atlas delineates the Industrially designated areas to include lands primarily used for manufacturing, assembly, processing, research and development and wholesale distribution and storage of products. The land uses listed below are allowable within the Industrial future land use designation as permitted by the ULDC.

- 1) Mining, subject to the limitations included in the subsection entitled "Mining and Excavation";
- 2) Accessory commercial uses within buildings devoted to primary industrial uses (~~automotive paint and body shop, car wash and auto detailing, and repair and maintenance, general, shall be allowed as freestanding uses~~);
- 3) Commercial uses within areas zoned as Planned Industrial Park Developments;
- 4) Parks and Recreation;
- 5) Commercial Recreation;
- 6) Conservation;
- 7) Institutional and Public Facilities;
- 8) Transportation and Utility Facilities;
- 9) Communication Facilities;
- 10) Non-residential agricultural uses;
- 11) Caretakers' quarters;
- 12) Uses and structures accessory to a permitted use; and,
- 13) Residential uses, subject to the limitations described in the provisions for a Planned Industrial Park Development;
- 14) Commercial uses of an industrial nature that have impacts similar to industrial uses.

EXHIBIT 5

A. Future Land Use Element, Transfer of Development Rights Program

REVISIONS: To revise the Transfer of Development Rights Program with regards to workforce housing. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

REVISED Objective 2.6 Transfer of Development Rights

Palm Beach County shall implement a Transfer of Development Rights (TDR) program. The TDR program is designed to protect Environmentally Sensitive Lands and the Agricultural Reserve and to contribute to the County's attainable, workforce housing inventory.

REVISED Policy 2.6-a: The Transfer of Development Rights program shall:

1. designate sending areas;
2. assign densities within the sending areas on equitable bases, based on the parcel's location, development potential and value to the community;
3. delineate specific receiving areas, and designate appropriate density increases within each;
4. provide variable pricing for the County-owned TDR units, based on location and furthering the County Goals and Objectives contained within the Comprehensive Plan;
5. ~~establish incentives other than density, that the County would use to encourage Transfer of Development Rights; and,~~
5. require 50% of TDR units per project be provided as workforce housing units and each workforce housing TDR at no cost to the developer; and,
6. define administrative and legal requirements, including notification to the Property Appraiser's office and recordation in the public records.

REVISED Policy 2.6-b: The Workforce Housing program and the Transfer of Development Rights programs ~~are shall be~~ the required methods for increasing density within the County, unless an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or the applicant is using the Palm Beach County Page 89 - FLUE 1989 Comprehensive Plan Revised 8/21/06 Ordinances 2006-19,22-23 & 25 Workforce Housing Program, as outlined in the Housing Element of the Comprehensive Plan and the Palm Beach County Unified Land Development Code.

REVISED Policy 2.6-e: ~~By January, 2000, and annually thereafter the County PZ&B shall prepare an annual report that describes all TDR program activities during the previous year. The annual report shall be provided to the Board of County Commissioners. In addition the annual report shall evaluate the TDR Program to assess the need for additional sending areas. Should a need exist, the County shall investigate and designate, if warranted, the following as sending areas: school sites, historic and archaeological resources, and linked open space sites. Need shall be based upon at least a fifty (50) percent reduction in the number of TDR units in the County's TDR Bank or available in the private market.~~

DELETE Policy 2.6-i: ~~The County shall not approve the designation of receiving areas, which would result in an incompatibility with the surrounding land uses (both existing and future). Compatibility shall be determined based upon the following factors:~~

1. ~~The character of the proposed development in relation to the adjacent properties including building type and size and the gross and net densities of the proposed receiving area and the adjacent properties; and,~~
2. ~~Proximity of the proposed receiving area to environmentally sensitive lands.~~

~~The determination of compatibility may be made by the BCC or the Development Review Committee (DRC).~~

DELETE Policy 2.6-p: ~~By January 2000, the County shall seek municipal involvement by investigating and establishing, if feasible and warranted, a Countywide TDR program. The County shall utilize the Intergovernmental Plan Amendment Review Committee (IPARC) and the Issues Forum to seek municipal involvement.~~

III. IMPLEMENTATION

REVISED D. Transfer of Development Rights

Pursuant to Policy 2.6-4 h, the compatibility of a proposed Transfer of Development Rights (TDR) receiving area shall be determined based upon the following factors:

1. ~~The character of the proposed development in relation to the adjacent properties including building type and size and the gross and net densities of the proposed receiving area and the adjacent properties. The site development plan for the proposed receiving area must consider the natural topography, native vegetation, existing lakes and natural and man-made constraints found on-site and reflect the limitations imposed by these factors.~~
2. ~~By the proximity of the proposed receiving area to environmentally sensitive lands is and evaluated as follows:~~

A receiving area must not degrade adjacent Environmentally Sensitive Lands. Therefore, the receiving area shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the Conservation Lands Acquisition Selection Committee (CLASC) or sites designated as preserve areas according to Article 14.C, Vegetation Preservation and Protection of the Unified Land Development Code, so that the development is compatible with, and does not destroy or negatively impact the environmentally sensitive area according to the following table.

The determination of compatibility may be made by the BCC or the Development Review Officer (DRO).

EXHIBIT 6

A. Transportation Element, Transit Oriented Development

REVISIONS: To establish a lower level of service standard on intersections for transit oriented developments. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

1. **REVISED Policy 1.2-d:** The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, lower level of service standard for specific roadway segments and intersections are appropriate. Consequently, this policy provides for lower transportation facilities level of service standard for certain purposes on roadway segments and intersections:
 1. For the public purpose of allowing public and private schools (whose primary purpose is to provide kindergarten, elementary, or high school education) to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections.
 2. There is a public purpose to allowing hospital (as defined in Article 1 of the Unified Land Development Code) and hospital-related uses to be constructed or expanded on the original campus or on parcels contiguous to the campus which shall provide interconnectivity. In these cases, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Any project utilizing this exception and significantly impacting Strategic Intermodal System (SIS) facilities shall be required to address its impacts on SIS facilities pursuant to ULDC.
 3. ADDITION For the public purpose of allowing Transit Oriented Development to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Transit Oriented Development shall be those areas planned according to a Station Area Master Plan as this term is outlined in Policy 2.4-d.

B. Future Land Use Element

REVISIONS: To revise with regards to Transit Oriented Developments. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

1. **REVISED Policy 2.4-d:** ~~By December 2007, the Planning Division shall develop criteria to encourage Transit Oriented Developments to be located within a reasonable walking distance of a fixed transit node to increase the use and efficiency of mass transit.~~ The County shall encourage Transit Oriented Development (TOD) that shall provide an alternative mixed-use development pattern within a 1/4 mile radius of rail or light rail transit nodes. Transit Oriented Development may be allowed in all commercial, residential and institutional land use categories in the Urban/Suburban Tier. This pattern is an alternative to piecemeal, parcel-based development, and shall allow for a wide range of commercial and institutional uses, functionally integrated with residential uses, and shall include a concentrated area for retail, professional offices and services, cultural, and housing opportunities. Incorporated areas seeking to make use of revised Policy 1.2-d(3) of the Transportation Element shall do so by implementing the following strategies as part of their respective Comprehensive Plans and Land Development Regulations to the satisfaction of Palm Beach County.

A. TOD projects shall employ the following strategies:

1. Promote the optimum use of transit nodes by assuring the orderly development of land in Transit Oriented Development areas and improving access for pedestrians and vehicles alike.

2. Accommodate the needs of residents and workers in the vicinity of Transit Oriented Development areas.
 3. Provide for the incidental shopping needs of transit riders at transit nodes.
 4. Create a "park once" environment for all Transit Oriented Development, by providing retail commercial uses and professional office/services that contribute to a self-sufficient community, and that are directly linked to other Transit Oriented Developments.
- B. TOD Projects shall be designed utilizing the principles of traditional urban design addressing Streets and Blocks, Parking, Buildings, Mix of Uses, and a TOD Station Area Master Plan as described below:
1. Streets and Blocks. Properties developed as transit-oriented developments shall include a continuous public street network whereby streets are:
 - a. Designed with the inclusion of sidewalks and bicycle/pedestrian amenities to encourage walking and bicycle use;
 - b. Provide for efficient connections between buildings and the public realm. Said connections shall be accomplished by using the following: lighting for pedestrians/bicycles, weather protection at transit stops, sidewalks, covered corridors, raised pavers through parking lots, bollards, architectural elements, pocket parks/open space, and the like;
 - c. New sidewalks shall meet ADA requirements, and provide year-round functional connections to improved Rights-of-Way;
 - d. Designed for on-street parking and other traffic calming measures;
 - e. Provide for flexibility in land development regulations in order to create a pedestrian-friendly urban environment between buildings and roads;
 - f. Provide for public and private landscaping in order to create microclimates that further encourage pedestrian activity within transit areas and nodes;
 - g. Designed to accommodate feeder buses and trolleys. The perimeter of individual blocks shall not exceed 1800 linear feet, and individual block faces shall not exceed 600 feet, exclusive of alleyways serving primarily deliveries and garbage collection purposes.
 - h. Stand-alone automobile uses such as fueling stations, car and truck washes, and large parking lots are discouraged, unless designed in a manner to support adjacent development and providing clear, efficient pedestrian connection to adjacent roads and sidewalks. This provision shall not deem existing auto-oriented uses as non-conforming if said uses were legally conforming on the effective date of this chapter.
 2. Parking. To maximize pedestrian circulation, off-street surface parking areas within transit-oriented developments shall be limited to not more than ten percent of the gross developable area. Surface parking areas shall be located either mid-block (behind buildings) or in small parking lots. Large expanses of surface parking are prohibited. This goal may be achieved through the following strategies:
 - a. Establish land development regulations providing for maximum parking allotments and maximum surface parking allotments, in order to encourage use of transit;
 - b. Allow for the reduction in current parking requirements in order to maximize usable floor space in proximity to transit areas and nodes;

- c. Encourage shared parking lots for those uses which are likely to demand parking spaces at different times of day;
 - d. Structured parking lots are encouraged whenever they are located mid-block, behind buildings, and/or lined with uses friendly to pedestrians and/or residential uses.
 - 3. Buildings. The placement and design of buildings in transit-oriented developments is critical to the success of the pedestrian environment. The fronts of buildings and their main entrances shall be placed along streets to enhance the walkable pedestrian environment, and building fronts shall face other building fronts. All buildings shall contain no fewer than two stories of occupiable space. In mixed-use buildings, ground floor occupiable space shall be dedicated predominately for active uses, including retail or office uses, while upper floors shall contain predominately office and residential uses.
 - 4. Mix of Uses. Transit-oriented development provides employment opportunities, residential space, and retail areas. For projects to qualify for TOD designation, a mixture of these uses shall be located within the ¼-mile radius of the station to provide around-the-clock amenities for residents, employees, and visitors. Accordingly, in the absence of an adopted Station Area Master Plan, each individual transit-oriented development project must include a land use mix of as described below.
 - a. Not less than 30% of the total square footage of the TOD shall be dedicated to residential uses.
 - b. Residential densities shall be no less than 10 dwelling units per acre, and shall be calculated based on the total acreage of each individual project involving residential space.
 - c. Not less than 20% of the total residential units of the TOD shall be designated for workforce housing.
 - d. While Floor-Area Ratios (FAR) and lot coverage percentages are not specified in this section, buildings are encouraged to be compact in footprint and shall contain no fewer than two (2) stories in order to provide room for future expansion or new construction on the same site. Minimum FARs, where applicable, shall be defined within the respective municipality's Land Development Regulations.
 - 5. TOD Station Area TOD Master Plan. A transit-oriented development shall meet the requirements contained in Policy 2.4-d, be part of a Station Area TOD Master Plan, and be developed in an interactive public process and approved by the respective local government(s) and Palm Beach County.
 - a. A TOD Station Area Master Plan shall be incorporated by reference into the Palm Beach County Comprehensive Plan through the following process. A municipality encompassing a fixed-route station shall propose a Station Area Master Plan by submitting a preliminary plan to the Florida Department of Transportation (FDOT), the Treasure Coast Regional Planning Council (TCRPC), Palm Beach County staff, and other regional and federal agencies with jurisdiction over the area of the master plan. Comments received during the preliminary proposal shall be addressed in the municipality's adoption of the Station Area Master Plan into said municipality's Comprehensive Plan and/or Land Development Regulations. A subsequent final submission, meeting all requirements of Policy 2.4-d, shall then be filed with Palm Beach County to incorporate the Station Area Master Plan by reference after due public hearings and other processes.
 - b. The TOD Station Area Master Plan shall extend at least a quarter-mile radius from the station location and graphically depict the locations of the transit station, roadways, buildings, public spaces, and civic spaces within a half-mile radius of the transit station. This radius may be expanded according to parcel size, ownership

pattern, and the presence of supporting transit modes such as: fixed-route buses, and Rapid Bus Transit (RBT).

- c. The TOD Station Area Master Plan shall include an aerial photograph depicting all uses within a one-mile radius of the station, including major employers, residential developments, institutional/educational uses, and entertainment destinations.
- d. The TOD Station Area Master Plan shall indicate a mix of residential, commercial, retail, office, flex space, public and civic spaces. Examples of public spaces shall include parks, plazas, and greens. Examples of civic spaces shall include police stations, and all other areas, enclosed or exterior, that provide public services to residents and visitors alike.
- e. The TOD Station Area Master Plan shall include a market analysis and potential aggregated development program illustrating a preferred mix of uses to assist in the evaluation of individual TOD projects within the station area.
- f. No less than 5% of the total developable square footage of the TOD shall be dedicated to usable public space such as parks, plazas, greens, etc.
- g. No less than 2% of the total square footage of the TOD shall be dedicated to civic uses, such as police stations, intermodal transfer facilities.
- h. The TOD Station Area Master Plan shall graphically demonstrate an interconnected transportation network that efficiently and effectively links rail stations, bus stops, bike paths, sidewalks, buildings and open spaces in a cohesive manner.

EXHIBIT 7

A. Capital Improvement Element, CIE Revenue Policy Addition and Six to Five Year Schedule Change

REVISIONS: To add a revenue policy and to revise references from a CIE six year capital improvement schedule to a five year schedule. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

1. **RENUMBERED Policy 1.6-a-3~~4~~**
2. **NEW POLICY 1.6-a-3:** Contributions from the proportionate share process are included as a revenue source in the Five Year Road Program and CIE Schedule of Capital Improvements when required and appropriate.
3. **Six to Five Year Schedule Change** (*unaltered text omitted for brevity*)
 - Policy 1.2-e4 ... Palm Beach County ~~Six~~ Five Year Capital Improvement Schedule
 - Policy 1.3-a ... The ~~6~~ Five Year Capital Improvement Schedule
 - Policy 1.6-c-1 ... ~~Six~~ Five
 - Policy 1.6-c-2 ... ~~Six~~ Five
 - Policy 1.6-c-5 ... ~~six~~ five
 - Objective 1.7 ... ~~Six~~ Five
 - Policy 1.7-a ... ~~Six~~ Five
 - Policy 1.7-b ... ~~Six~~ Five

B. Public School Facilities Element, CIE Six to Five Year Schedule Change

REVISIONS: To revise and update references from a CIE six year capital improvement schedule to a five year schedule. (*unaltered text omitted for brevity*)

- Policy 1.1-f: ... ~~Six~~ Five
- Policy 1.1-g: ... ~~Six~~ Five
- Objective 1.3 Title ... ~~Six~~ Five
- Policy 1.3-a: ~~Six~~ Five

C. Utilities Element, CIE Six to Five Year Schedule Change

REVISIONS: To revise and update references from a CIE six year capital improvement schedule to a five year schedule. (*unaltered text omitted for brevity*)

- Policy 1.1-c: ... ~~six~~ five

D. Transportation Element, CIE Six to Five Year Schedule Change

REVISIONS: To revise CIE, Public School, Utilities, Transportation Element references from a CIE six year capital improvement schedule to a five year schedule.

- Policy 1.12-d: ... ~~Six~~ Five

EXHIBIT 8

A. Capital Improvement Element, Rural Service Area Policy Corrective Text

REVISIONS: To delete Policy 1.4-g. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

DELETED Policy 1.4-g ~~Policy 1.4-g: In accordance with the Future Land Use Objective 3.4, the County shall not subsidize urban levels of service for potable water or sanitary sewer services in the Rural Service Area. The County will limit funding of potable water and sanitary sewer services to special assessments or the collection of appropriate connections fees.~~

EXHIBIT 9

A. Conservation Element, Wildfire Prevention

REVISIONS: To revise and update with regards to Wildfire Prevention. The revisions are numbered below, and shown with the added text underlined.

GOAL 1: PROTECTION OF NATURAL RESOURCES

It is the GOAL of Palm Beach County to preserve, protect, and enhance the County's natural resources, encouraging the highest possible environmental quality and best long-term management of natural resources. [9J-5.013(2)(a) F.A.C.]

OBJECTIVE 1.3 Wildfire Prevention

The County shall implement the following policies applicable to Palm Beach County Natural Areas and those lands set-aside that are governed by a County approved management plan.

Policy 1.3-a: The County shall continue to coordinate fire management on Palm Beach County Natural Areas with the Florida Division of Forestry and the appropriate County or municipal Fire-Rescue Department to mitigate the potential of wildfires. The County's Department of Environmental Resources Management (ERM) shall assist with Community Wildfire Protection Plans and Firewise Communities, and shall promote educational awareness of prescribed burning.

Policy 1.3-b: The County shall use prescribed burns and mechanical methods in County Natural Areas to reduce fuel loads. Additionally, ERM shall install and regularly maintain perimeter fire breaks to reduce the potential for wildfires to enter or leave County Natural Areas.

Policy 1.3-c: The County shall pursue alternative fuel reduction methods in the event smoke management concerns prohibit the use of prescribed fire in highly developed urban areas.

Policy 1.3-d: The County shall assess and manage storm related debris along urban interfaces of County Natural Areas with the assistance of the Florida Division of Forestry.

Policy 1.3-e: The County shall pursue opportunities, such as State Hazard Mitigation Grant Funding, to preserve lands for natural resources (i.e. beaches and dunes, native vegetation, wetlands and barrier islands). A benefit of preserving lands for natural resources is hazard mitigation aimed at protecting development from natural disasters.

B. Fire-Rescue Element, Wildfire Prevention

REVISIONS: To revise and update with regards to Wildfire Prevention. The revisions are numbered below, and shown with the added text underlined.

OBJECTIVE 1.3 Level of Service: Non-Emergency Response

Palm Beach County shall maintain a Level of Service Standard for non-emergency functions.
...

Policy 1.3-g: The County shall continue to work cooperatively with the Florida Division of Forestry to support the FireWise Community Program and to provide educational outreach programs to encourage the development of Community Wildfire Protection Plans.

OBJECTIVE 1.4 Intergovernmental/Inter-Agency Cooperation

Palm Beach County shall develop service agreements to insure the orderly interaction with neighboring agencies and jurisdictions when assistance is required.
...

Policy 1.4-f: The County shall continue to support fire management efforts on ERM-managed Natural Areas in Fire Rescue's jurisdiction through cooperation with the Florida Division of Forestry and ERM to mitigate the potential of wildfires.

Unaltered text omitted for brevity

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

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 (850)245-6270 or Suncom 205-6270.

COUNTY: (<u>PALM BEACH</u>)	COUNTY ORDINANCE # (<u>2007 - 010</u>) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD	
DESCRIPTOR: (<u>COMPREHENSIVE PLANNING</u>)	
SECONDARY KEYFIELD	
DESCRIPTOR: (<u>LAND USE PLANNING</u>)	
OTHER KEYFIELD	
DESCRIPTOR: (_____)	
ORDINANCE DESCRIPTION: (<u>PLAN TEXT AMENDMENTS</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>89-17</u>)	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: (_____)	<small>Rev. 4/10/04</small>