

ORDINANCE NO. 2009 - 031

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ELEMENT (TO REVISE **POLICY 3.5-D LAND USE TRAFFIC ANALYSIS** REQUIREMENTS TO REQUIRE A CUMULATIVE LONG TERM TRAFFIC ANALYSIS IN DETERMINING SIGNIFICANT ROADWAY IMPACTS FOR PROPOSED FUTURE LAND USE ATLAS AMENDMENTS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 6, February 20, and March 13, 2009 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 13, 2009 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 30, 2009 which was the Department's written review of the proposed Comprehensive Plan amendments; and

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

WHEREAS, on August 25, 2009 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

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

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

Part I. Amendments to the 1989 Comprehensive Plan

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

- A. Future Land Use Element, Policy 3.5-6 Land Use Traffic Analysis Requirements**, to revise Policy 3.5-d to require a cumulative long term traffic analysis in determining significant roadway impacts for proposed Future Land Use Atlas Amendments;
- B. Amending all elements as necessary for internal consistency.**

Part II. Repeal of Laws in Conflict

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

Part III. Severability

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

Part IV. Inclusion in the 1989 Comprehensive Plan

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

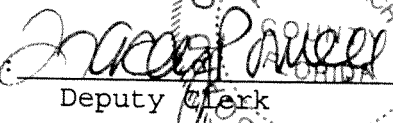

and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

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

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 25th day of August, 2009.

ATTEST: PALM BEACH COUNTY, FLORIDA,
SHARON R. BOCK, CLERK BY ITS BOARD OF COUNTY COMMISSIONERS

By:  Deputy Clerk
By:  John F. Koons, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the ____ day of _____, 2009.

EXHIBIT 1

A. Future Land Use Element: Policy 3.5-d Land Use Traffic Requirements

REVISIONS: To update Policy FLUE 3.5-d to revise land use analysis requirements. The revision is shown with the deleted text ~~strikethrough~~ and the added text underlined.

Policy 3.5-d: The County shall not approve a change to the Future Land Use Atlas which:

- 1) 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.~~ cumulative traffic comprised of the following parts a), b), c) and d):
 - a) Projected traffic volumes from the MPO's latest adopted Long Range Transportation Plan (LRTP) as amended to include latest available Future Land Use Atlas amendments that became effective subsequent to the adoption of the LRTP, and
 - b) Projected traffic from proposed land use amendment, and
 - c) Projected traffic from latest available Land Use Atlas amendments that were previously adopted but have not yet become effective, and
 - d) Projected traffic from concurrent Land Use Atlas amendments that are approved in the same Comprehensive Plan Amendment Round that significantly impact the same roadway segments as the proposed land use change.

For purposes of applying this Policy, traffic from land use amendments in parts b), and c) shall be layered on top of traffic from part a). If the cumulative traffic from parts a), b), and c) violates this Policy, then the traffic study for the land use amendment shall not be pre-approved by the Traffic Division and the land use amendment application shall not be accepted by the Planning Division for consideration in the current Comprehensive Plan Round.

Traffic from land use amendments in parts b), c), and d) shall then be layered on top of traffic from part a). If the cumulative traffic from parts a), b), c) and d) violates this Policy, then this information shall be provided to the County Commission for consideration in deciding which land use amendments and what densities/intensities for these amendments can be approved in the current Round to comply with this Policy.

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 trip increase will impact FIHS and SIS facilities which are already exceeding the adopted LOS or will cause the adopted LOS for FIHS or SIS facilities to be exceeded; and/or (2) where net trip increase impacting roads not on the FIHS or SIS 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 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 latest adopted LRTP.

** When calculating net trip increase, traffic associated with all prior Land Use Atlas amendment approvals for the property that has not yet received development order approvals, shall be cumulatively included in the analysis. Consideration will also 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;

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

This policy shall not be applicable to an Agricultural Enclave pursuant to Florida Statutes section 163.3162(5). This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO).