

ORDINANCE NO. 2007 -009

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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 **TRANSPORTATION**
7 **ELEMENT** AND THE **MAP SERIES**, MAP TE 15.1, (TO
8 DESIGNATE TWO CORRIDORS WITHIN THE **URBAN**
9 **REDEVELOPMENT AREA AS A TRANSPORTATION**
10 **CONCURRENCY EXCEPTION AREA** (TCEA) - MILITARY
11 TRAIL AND CONGRESS AVENUE APPROXIMATELY FROM
12 SOUTHERN BOULEVARD TO FOREST HILL BOULEVARD); AND
13 AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR
14 REPEAL OF LAWS IN CONFLICT; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989
16 COMPREHENSIVE PLAN; AND PROVIDING FOR AN
17 EFFECTIVE DATE.
18

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

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

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

29 **WHEREAS**, the Palm Beach County Local Planning Agency conducted
30 its public hearing on April 13, 2007 to review the proposed amendments
31 to the Palm Beach County Comprehensive Plan and made recommendations
32 regarding the proposed amendments to the Palm Beach County Board of
33 County Commissioners pursuant to Chapter 163, Part II, Florida
34 Statutes; and

35 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
36 the governing body of Palm Beach County, conducted a public hearing
37 pursuant to Chapter 163, Part II, Florida Statutes, on April 18, 2007
38 to review the recommendations of the Local Planning Agency, whereupon
39 the Board of County Commissioners authorized transmittal of proposed
40 amendments to the Department of Community Affairs for review and
41 comment pursuant to Chapter 163, Part II, Florida Statutes; and

42 **WHEREAS**, Palm Beach County received the Department of Community
43 Affairs "Objections, Recommendations, and Comments Report," dated June

1 29, 2007 which was the Department's written review of the proposed
2 Comprehensive Plan amendments; and

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

7 **WHEREAS**, the Palm Beach County Board of County Commissioners has
8 determined that the amendments as modified satisfy the concerns
9 addressed in the Department of Community Affairs' "Objections,
10 Recommendations and Comments Report" and comply with all requirements
11 of the Local Government Comprehensive Planning and Land Development
12 Regulation Act.

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

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

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

19 1. **Urban Redevelopment Area Traffic Concurrency Exception**
20 **Area (TCEA)**, to designate two corridors within the Urban Redevelopment
21 Area as a Transportation Concurrency Exception Area (TCEA) - Military
22 Trail And Congress Avenue, approximately from Southern Boulevard to
23 Forest Hill Boulevard

24 A. Transportation Element

25 B. Map Series, Map TE 15.1

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

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

30 **Part III. Severability**

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

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

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

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

27 ATTEST: PALM BEACH COUNTY, FLORIDA,
28 SHARON R. BOCK, CLERK OF COUNTY BY ITS BOARD OF COUNTY COMMISSIONERS
29 & COMPTROLLER COUNTY
30 DE FLORIDA

31 BY Judith Cashier BY Addie L. Greene
32 Deputy Clerk Addie L. Greene, Chairperson
33
34

35 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

36 [Signature]
37 COUNTY ATTORNEY
38
39

40 Filed with the Department of State on the ____ day of
41 _____, 2007.
42
43

EXHIBIT 1

A. Transportation Element, Urban Redevelopment Area (URA) Transportation Concurrency Exception Area (TCEA)

REVISIONS: To add Policy 1.2-v designating areas surrounding two corridors within the Urban Redevelopment Area Military Trail and Congress Avenue, approximately from Southern Boulevard to Forest Hill Boulevard, as a TCEA. The added text is shown underlined.

NEW Policy 1.2-v: Urban Redevelopment Area (URA) - Transportation Concurrency Exception Area (TCEA) is hereby established and designated. Only projects that are consistent with the Urban Redevelopment Area Master Plan as adopted by the BCC shall utilize the provisions of this TCEA. The boundaries of the TCEA are shown in TE Map 15.1 below. Projects within municipalities may utilize this TCEA provided that municipalities adopt regulations consistent with this policy, adopt affordable housing policy consistent with the County's workforce housing regulations, be consistent with the URA Master Plan and the County's land development regulations adopted to implement this plan. The TCEA shall be limited to the maximum allowable number of units, square footage, total daily trips, and total pm peak hour trips identified in Tables TE-7a and TE-7b of this policy. Any project utilizing this TCEA and significantly impacting the Strategic Intermodal System (SIS) shall be required to address its impacts on SIS facilities pursuant to the ULDC.

Prior to issuance of any Development Order for a project within the TCEA, the project must submit a traffic generation study for approval to the County Engineer. This traffic study shall show external project traffic and all other existing and committed development traffic in the area to demonstrate that the proposed project is within the limits for allowable land uses and trips set forth in Tables TE-7.A and TE-7.B.

Beginning March 1, 2011, the County's Planning Division in coordination with the Traffic Division shall prepare a biennial report to demonstrate compliance with the conditions set forth in this policy. Upon review by the Planning Director and the County Engineer, the biennial report will be submitted to the Board of County Commissioners (BCC) for consideration. In the event that any of the conditions below is not met, the BCC may amend or rescind any or all of this policy. The conditions are:

- 1. By January 2009, the County's Zoning Division in coordination with the Planning Division shall develop land development regulations designed to implement the objectives of the URA master plan. No developments shall be allowed to utilize this TCEA until the new regulations are adopted and are in effect.**
- 2. The development approvals utilizing this TCEA shall remain at or below the maximum allowable limits for units, square footage, total daily trips, and total pm peak hour trips set in Tables TE-7a and TE-7b of this policy. No building permits shall be issued for new development when the applicable maximum allowable limit for that land use is reached.**
- 3. Beginning with the March 1, 2015 biennial report, and at the end of each reporting period thereafter, the cumulative ratio of approved residential units to 1,000 square-foot approved office space shall remain above the minimum allowable ratios identified in Tables TE-7a and TE-7b.**
- 4. Beginning with the March 1, 2015 biennial report, and at the end of each reporting period thereafter, the cumulative ratio of approved residential units to 1,000 square-foot approved other non-residential space shall remain above the minimum allowable ratios identified in Tables TE-7a and TE-7b.**

**TABLE TE-7A
Urban Redevelopment Area--TCEA for Military Trail Corridor**

MONITORING TABLE

Allowable Land Use Intensities	Residential/ Rental Units	Retail²	Industrial/W arehouse	Office	Other Non- Residential
Planned Land Use Totals¹	2766	1,432,127	300,689	153,286	247,426
Allowable variance +/- (%)	15%	25%	10%	10%	10%
Maximum Allowable	3181	1,790,159	330,736	168,593	272,169
Minimum Allowable	2351	1,074,095	270,602	137,939	222,683
Allowable Vehicle Trips	Daily Traffic		PM Peak Hour Traffic		
Planned Land Use Net New Trips	15785		1590		

Allowable Land Use Ratios at Buildout	Residential/Office	Residential/Other Non-Residential (Incl. Industrial)
Minimum Allowable Ratios ³	14.0	3.9

¹ Includes existing development

² The unit for Non-residential developments is in square feet (sft).

³ Residential units divided by 1000 sft of Office or Other Non-Residential uses (Incl. Industrial).

TABLE TE-7B
Urban Redevelopment Area-TCEA for Congress Avenue Corridor
MONITORING TABLE

Allowable Land Use Intensities	Residential/Rental Units	Retail²	Industrial/Warehouse	Office	Other Non-Residential
Planned Land Use Totals ¹	1,743	619,949	35,146	180,521	58,188
Allowable variance +/- (%)	15%	25%	10%	10%	10%
Maximum Allowable	2,004	774,936	38,661	198,573	64,007
Minimum Allowable	1,482	464,962	31,631	162,469	52,369
Allowable Vehicle Trips	Daily Traffic		PM Peak Hour Traffic		
Planned Land Use Net New Trips	8213		913		
Allowable Land Use Ratios at Buildout	Residential/Office		Residential/Other Non-Residential (Incl. Industrial)		
Minimum Allowable Ratios ³	7.5		14.4		

¹ Includes existing development

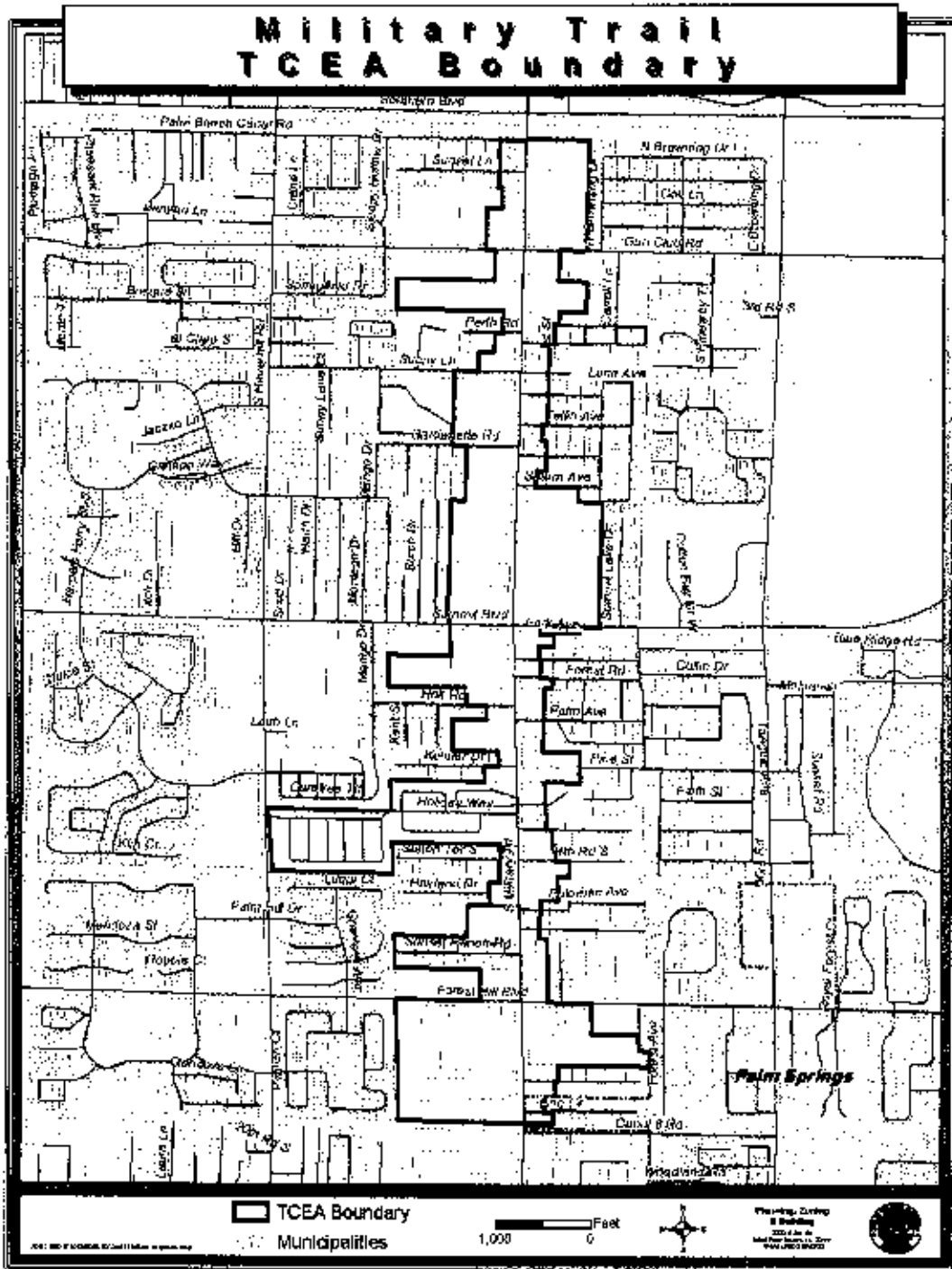
² The unit for Non-residential developments is in square feet (sft).

³ Residential units divided by 1000 sft of Office or Other Non-Residential uses (Incl. Industrial).

5. Mixed use centers should be strategically spaced, preferably located at major corridor intersections and should have frontage roads with parallel on-street parking.
6. By January 2009, the County's Planning Division in coordination with the County's Engineering Department, Palm Tran and the Metropolitan Planning Organization (MPO) shall undertake a detailed transit study to augment the existing Palm Tran bus services (Route 2 connects Congress Avenue to the Tri-Rail stations in West Palm Beach, Delray Beach and Boca Raton and Route 40 connects the junction of Southern Boulevard and Military Trail to the Tri-Rail station in West Palm Beach) and to explore shuttle bus services from the major employment centers in the two TCEA corridors to the two closest Tri-Rail stations in West Palm Beach and Lake Worth.
7. Transit stations for the two corridors should be built at locations identified in the URA master plan.
8. Projects utilizing this TCEA must meet at least three mitigation strategies out of the fourteen strategies available in the Okeechobee Boulevard Point System outlined in detail in Chapter P, Section 4 of the Traffic Performance Standards in the Unified Land Development Code.
9. Military Trail and Congress Avenue corridors shall maintain its current roadway sections accommodating a maximum of six lanes of traffic; three through lanes in each direction.
10. Consistent with the URA Master Plan, projects should increase North-South connectivity through the development or redevelopment of small and large parcels by requiring continuous frontage roads, connection of commercial parcels, consolidation of driveways through elimination of curb cuts, provision of access in the front and rear of existing and future developments and utilization of parking lot driveways to connect existing streets or frontage streets.
11. Consistent with the URA Master Plan projects should increase corridor capacity through neighborhood connectivity by requiring connectivity to all existing right-of-ways from all new developments or redevelopments, elimination of street closures, avoidance of right-of-way abandonment and by connecting missing links.

**B. Map Series, TCEA & CRALLS Map (TE 15.1), Urban Redevelopment Area (URA)
Transportation Concurrency Exception Area (TCEA)**

REVISIONS: To add the boundaries of the URA TCEA to TE Map 15.1



**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 - 009</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>LAND USE MAP 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: (_____)	

Rev. 4/10/04