ARTICLE 12

TRAFFIC PERFORMANCE STANDARDS

(This page intentionally left blank)

ARTICLE 12

TRAFFIC PERFORMANCE STANDARDS

CHAPTER A GENERAL

Section 1 Intent and Authority

A. Intent

The BCC finds that safe, convenient, and orderly flow of vehicular traffic is necessary for the health, safety, welfare, and convenience of the public. It is the intent of this Article to ensure that roadways are in place and adequate to provide a Level of Service (LOS) that will provide safe, convenient, and orderly traffic flow.

It is the intent of this Article to implement the Goals, Objectives, Policies, and standards of the Plan by amending and readopting the TPS Ordinance No. 90-40.

The BCC finds that the safe, convenient, and orderly flow of traffic will be achieved by the standards set forth herein.

Nothing in this Article shall preclude the BCC or other authority with the responsibility of issuing Development Orders from considering traffic, roadway, or Project conditions not specifically required by this Article or which are peculiar to the location, size, configuration, use, or relationship to the area of the proposed Project or the proposed Project itself; and to impose conditions necessary to serve the public interest.

B. Authority

The BCC has the authority to adopt this Article pursuant to Art. VIII, § 1(g), Fla. Const. and to Art. VIII, § 1, Fla. Const., the PBC Charter, F.S. § 125.01 *et seq.*, F.S. § 163.3161, and F.S. § 163.3202 *et seq.*

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

A. Other Definitions

1. For purposes of this Article, except as specifically provided herein or unless the context clearly indicates otherwise, the terms defined in the Code of PBC, Florida, and the Plan shall have the meaning therein. In the event of a conflict between the Code and the Plan, the Plan shall prevail. The capitalization of defined terms herein is for the reader's convenience only. Failure to capitalize shall not be construed as an intent not to use the term in its defined meaning.

Section 3 Applicability

A. General

1. Unless otherwise provided herein, this Article shall apply to all Site Specific Development Orders or any other official action of a Local Government having the effect of permitting the Development of land.
2. **Applicability to Incorporated Areas**
   The PBC Charter provides authorization to the BCC to adopt this Article for roads which are “not the responsibility of any municipality.” The Major Thoroughfare system identified in the Plan includes some roads which are the responsibility of a Municipality. The Charter precludes the applicability of this Article to roads that, while being on the Major Thoroughfare system, are the responsibility of a Municipality. Accordingly, in the case of setting the LOS, this Article shall not apply so as to restrict the issuance of Development Orders adding traffic to roads which are the responsibility of a Municipality.

B. Credits Against Project Traffic

This Section establishes a method for calculating credits against Project Traffic that may apply when seeking to amend a Previously Approved Development Order, or when applying for a Site Specific Development Order on property, which has an existing use. The burden shall be on the Applicant to demonstrate the eligibility and the amount of credit for a proposed Project. [Ord. 2011-016]

1. Any proposed amendment to a Previously Approved Development Order shall receive a credit for Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current Trip Generation rates and pass-by rates to the land use or uses previously approved by the Site Specific Development Order. The credit shall be adjusted as necessary to account for changes in traffic distribution resulting from modifications to the Previously Approved Development Order. The credit shall be reduced as applicable based on any subsequent reduction of square footage or number of units built pursuant to Master Plan or Site Plan amendment, and in accordance with any subsequent amendment to applicable Municipal rules, policies, or land development regulations.
2. Any application for a Site Specific Development Order on property on which there is an existing use shall receive a credit against Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current Trip Generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application.
3. A Project shall be eligible for a 100 percent credit against Project Traffic if the Previously Captured non-residential Project has received CO for interior tenant improvements for at least 80 percent of the gross leasable area for more than five years or the Previously Captured residential Project has received Building Permits for 80 percent of the units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013] [Ord. 2011-016]
4. An Urban Redevelopment Project located within a defined and mapped Existing Urban Service Area shall not be subject to the standards of Art. 12.B, Standard of this Article, for up to 110 percent of the traffic generation of the previously existing Development. The credit shall be calculated by applying current Trip Generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application. [Ord. 2007-013]

C. Non-Applicability

1. Local Government Applications

The Standards of this Section shall not apply to Local Government-initiated district boundary changes as part of an area-wide review and district boundary-change program, or any district boundary changes to conform with the Local Government Plan which does not authorize Development.

2. Development Order Time Limit Criteria

This Section shall not apply to PBC-initiated petitions to lower density/intensity under Development Order Time Limit Criteria in Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, of the Code. Nothing herein shall preclude the review of approvals under Development Order Time Limit Criteria, for consistency with this Section.

3. Entitlement

The Standards of this Section shall not apply to Site Specific Development Orders not exceeding Entitlement Densities/Intensities established in the Plan or Art. 12.E, Entitlement.

4. Special Events

The Standards of this Section shall not apply to Site Specific Development Orders issued for special events as described below:

a. For purposes of this Section, a special event is an activity which does not exceed three consecutive weeks a year, occurs no more frequently than once a year, and is open to the general public. It includes auto races, Fourth of July activities, parades, and festivals. It does not include recurring events such as baseball games, football games, concerts, races, and the like held in stadiums, amphitheaters, or other permanent facilities even if such facilities are used for special events. Each special event shall constitute a separate special event for purposes of calculating the number of weeks of the event. If the Plan is amended to provide more stringent provisions as to this exception, the Plan shall control.
b. For the purposes of this Section, a special part-time demand event is a Development that does not have more than 200 scheduled events during any calendar year and does not put traffic on the roadway system during the 100 highest traffic hours.
    1) The 100 highest traffic hours for the area of the special part-time demand shall be determined by the County Engineer based on information from permanent count stations.

2) The Development shall not be permitted if the daily traffic generated during a scheduled event has an impact that exceeds five percent of the LOS D standard volume on a roadway on the Florida Intrastate Highway System.
3) The Development shall be restricted to areas identified as Urban Infill, Urban Redevelopment, Existing Urban Service, or Downtown Revitalization areas in the Local Government's comprehensive plan.
4) A traffic report shall be prepared that identifies the Trip Generation of the Development, the modal split (if any), the location of the Development, and the month and time of day of scheduled events. The Development Order for the Development shall include monitoring and enforcement provisions restricting the Development to the number and timing of the events.

5. Subsequent or Amendments to Development Orders

a. Subsequent Implementing Development Orders

The standards of this Article shall not apply to Site Specific Development Orders which are subsequent implementing Development Orders to Previously Approved Site Specific Development Orders which were captured by this Article or the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance (Ordinance No. 90-6), but which are required by Local Government as part of the Development approved under the captured or Previously Approved Site Specific Development Order. Examples of these subsequent implementing Site Specific Development Orders are Subdivision approvals and Building Permits issued in a planned unit development (PUD) where the PUD is a Previous Approval or met the requirements of this Article (either directly or through the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance).

b. Amendments to Previously Captured Approvals

Amendments to Site Specific Development Orders which were captured by this Article or the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance (Ordinance No. 90-6) which do not increase the captured Site Specific Development Order's Net Trips or Net Peak Hour Trips on any Link or Major Intersection (including increases resulting from redistribution) shall not be subject to the standards of this Article. For purposes of this determination, the generation rates and capture rates of the captured Site Specific Development Order shall be updated to current generation and capture rates, if applicable, and shall be used to calculate whether there is any increase. If there is an increase, Net Trips shall be subject to the standards of this Article. In making this determination, all parcels or lots in their entirety taken together of any Previously Captured Approval shall be considered if it was approved as a single Project. [Ord. 2010-022]

6. Vested Rights

Notwithstanding the provisions of this Article to the contrary, the requirements of this Article shall not apply in any manner to impair vested rights established pursuant to Florida law, to the extent that any Project, or portion thereof, is vested as against the requirements of this Article.

7. Exceptions

The standards of this Article shall not apply to Site Specific Development Orders for the Coastal Residential use as set forth in Art. 12.I, Coastal Residential Exception and the special events, as set forth in Art. 12.A.3.C.4, Special Events. [Ord. 2011-016]

8. Requirements

The exceptions to the standards of this Article (LOS standards) do not obviate the requirement to report the Site Specific Development Order, or provide the Traffic Impact Study (where required), to the County Engineer.

D. Municipal Determination of Previous Approval

1. Validity

Only Valid Site Specific Development Orders which meet the definition of Previous Approval shall be considered valid Previous Approvals.

2. Procedures

The Municipality shall establish procedures for determining what Previous Approvals have been granted. The procedures shall be at the sole discretion of the Municipality. The Municipality shall send its determination as to each Previous Approval to the Traffic Division of the County Engineer within 15 days of its determination.

3. Timing

The County Engineer shall have ten working days, exclusive of tolled days, from the receipt of the determination of the Municipality to review and determine if additional information is required.

4. Additional Information

If the County Engineer requests additional information, he shall have 30 days, exclusive of tolled days, from the receipt of the additional information to notify the Property Owner and Municipality as to, and file, an action for judicial review.

5. Period to File

The Municipality's determination shall not be effective, and the period to file an action shall not commence, until either: (1) the County Engineer has not requested additional information within the ten-day period; or (2) if additional information is requested, the County Engineer has received all additional information requested.

6. Delivery

The documents sent pursuant to Art. 12.A.3.D.2, Procedures and Art. 12.A.3.D.4, Additional Information, shall be sent certified mail, return receipt requested, or hand delivered.

7. Appeals

The appeal or review shall be to a court of competent jurisdiction and may be filed by any substantially affected person, including any Local Government.

8. Limitation on PBC's Review/Appeal

a. The timeframes set forth in Art. 12.A.3.D.3, Timing, and Art. 12.A.3.D.4, Additional Information, above as to PBC are jurisdictional. Any failure on the part of PBC to timely send the notification shall result in the Municipality's determination being conclusive and binding.

b. Clerical errors in long-standing otherwise Valid Site Specific Development Orders on which Development commenced prior to February 1, 1990, shall not be grounds for appeal or review.

c. Any Municipal determination that there is a Previous Approval on a lot upon which building construction or infrastructure improvements have been made within the last three years which are consistent with the Development Order considered to be the Previous Approval shall not be appealed by PBC.

d. Any Municipal determination that a Valid Site Specific Development Order (as determined by PBC) issued prior to February 1, 1990, and within three years prior to February 1, 1990, is a Previous Approval and shall not be appealed by PBC.

9. Completion of Previous Approvals

The Municipality shall complete its review and determination of all properties within its jurisdiction as to Previous Approvals by July 1, 1991.

E. Municipal Concurrency Management System

A Municipality may, with the consent of PBC, enter into an intergovernmental agreement with PBC whereby the Municipality, by a concurrency management ordinance, implements the standards and requirements of this Article at different points in the land development approval process than those set forth in this Article. The agreement and ordinance shall ensure that all Development is subject to the standards and requirements of this Article, and that data is forwarded to PBC for capacity management and review consistent with this Article.

CHAPTER B STANDARD

Section 1 General

There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which would violate this standard. This standard consists of two tests. The first test relates to the Buildout Period of the Project and requires that the Project not add traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Buildout Period. The second test relates to the evaluation of traffic five years in the future and requires that the Project not add traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Five-Year Analysis Period. Total Traffic for Test 2 is based in part upon Background Traffic information from the TPS Database. Where a CRALLS has been adopted, those volumes shall apply. Where a CRALLS service volume has been adopted for one or more of the Links that constitute the legs of the intersection, the allowable service volume for the intersection shall be calculated as follows: allowable CRALLS intersection volume = [sum of CRALLS Link volume(s) or Link LOS D volumes (for those Links without CRALLS), whichever is applicable, for all legs of intersection / (sum of Link LOS D volume(s) for all legs of intersection)] x 1,400. For Test 2 purposes, LOS E volumes and a 1,500 critical sum shall be used in the preceding formula for determination of the allowable CRALLS intersection volumes. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2009-040]

Section 2 Project Buildout/Five-Year Standard

A. Buildout Test – Test 1, Part One and Two

No Project shall be approved for Site Specific Development Order unless it can be shown to satisfy the requirement of Parts One and Two of Test 1 as outlined below. [Ord. 2009-040]

1. Part One – Intersections

This Part requires analysis of Major Intersections, within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. For purposes of this Part One, Major Intersections also includes intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access where: (1) the intersection is signalized or where projected traffic volumes warrant a signal; and (2) the non-thoroughfare approach is projected to carry at least 200 two-way peak hour trips; and (3) the non-thoroughfare approach represents 20 percent or more of the intersection critical sum volume. [Ord. 2005-002]

a. The following Major Intersections shall be analyzed: [Ord. 2007-013]
   1) The Major Intersections in each direction nearest to the point at which the Project's traffic enters each Project Accessed Link, and where the Project Traffic entering or exiting the intersection from/to the Project Accessed Link is Significant. The intersections analyzed shall not exceed two intersections per Project Accessed Link. [Ord. 2007-013] [Ord. 2011-016]
   2) For the Projects on Southern Boulevard, the Urban Interchange(s) when it is the nearest Major Intersection to the point at which the Project's traffic enters the Project Accessed Link and when the Project Traffic entering and exiting the intersection is Significant. For purposes of determining Significance of the traffic entering and exiting the interchange, the traffic entering and exiting the ramps shall be considered against a directional ramp LOS D service volume of 2,100 vehicles per hour per lane. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2014-025]
   3) All Major Intersections where the Project Traffic comprises ten percent or more of the Total Traffic on at least one approach. [Ord. 2005-002] [Ord. 2007-013]

b. For signalized intersections that are not part of the SIS, SIS Connectors, FIHS, TRIP Funded Facilities, or grade-separated interchanges, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 planning methodology (CMA). In the event that one or more intersections exceed the Critical Volume threshold identified in Table 12.B.2.C, LOS D Intersection Thresholds, are grade-separated interchanges, or the intersections are part of the SIS, SIS Connectors, FIHS, or TRIP Funded Facilities, the Applicant shall conduct the intersection analysis of those intersections using the HCM operational analysis using the most recent version of the HCM. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2011-016]
   1) The HCM CMA and operational analysis shall comply with the default input values published by the County Engineer no more frequently than twice per year. Revisions to the input values may be made subject to approval by the County Engineer to reflect actual or projected field conditions where substantial differences from the published values can be demonstrated. [Ord. 2009-040]

2) If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C, LOS D Intersection Thresholds, the Project passes Part One of Test 1 and continues with the Part Two, Link analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C, LOS D Intersection Thresholds, the Project fails Part One of Test 1. [Ord. 2007-013] [Ord. 2009-040]

c. For unsignalized Major Intersections, the intersections shall be analyzed using the most recent version of the HCM unsignalized intersection analysis and all minor movements of Rank 2 or higher shall operate at LOS E or better. In addition, a signal warrant analysis with Total Traffic for the intersection may be required by the County Engineer. [Ord. 2009-040]

1) If a minor movement is not projected to operate at LOS E or better, then the Applicant may make intersection improvements in accordance with applicable Palm Beach County or FDOT Design Standards to satisfy the LOS standard. If these improvements require signalization of the intersection and if signalization is expected to be warranted at any time up to 24 months after the Project's final Certificate of Occupancy, then the Project may also be required to fund signalization. If, with these improvements, all minor movements of Rank 2 or higher will operate at LOS E or better, the Project passes Part One of Test 1. [Ord. 2009-040]

2) If no geometric intersection improvements are determined to be feasible by the County Engineer, then the Applicant shall agree to fund signalization of the intersection if warranted at any time up to 24 months after the Project's final Certificate of Occupancy. If the Applicant is not willing to agree to fund signalization of the intersection if warranted, the Project fails Part One of Test 1. [Ord. 2009-040]

2. Part Two – Links

a. This Part requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. The Total Traffic in the peak hour on the Link shall be compared to applicable thresholds in Table 12.B.2.C, LOS D Link Service Volumes, Peak Hour Traffic; Peak Direction volume threshold. The applicable facility class for each Link shall be determined on the basis of the number of traffic signals per mile anticipated by the County Engineer to be in place by the buildout timeframe of the proposed Project being evaluated. Additionally, for all Links where the Total Traffic peak hour directional volumes exceed the applicable threshold and for all Links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the Link shall be analyzed. If the Link is on Southern Boulevard, the at-grade intersection created by an Urban Interchange shall not be considered the intersection at the end of the Link since the intersection is actually not on Southern Boulevard. The Project shall include the next intersection with Southern Boulevard for analysis and compliance. [Ord. 2010-022]

The Project shall pass Part Two of Test 1 if: [Ord. 2010-022]

1) The Total Traffic peak hour directional volume on the Link is less than the applicable thresholds in Table 12.B.2.C, LOS D Link Service Volumes; and [Ord. 2007-013] [Ord. 2010-022]

2) For Links utilizing the uninterrupted flow service volume, the intersections are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C, LOS D Intersection Thresholds. [Ord. 2010-022]

For Links not utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold, where the Buildout Period is five years or fewer, and where the intersections at the end of the failing Link are less than or equal to the 1,400 Critical Volume or less than or equal to the Delay Threshold in Table 12.B.2.C, LOS D Intersection Thresholds a more detailed analysis as outlined in the Optional Analysis may be completed to demonstrate compliance with Part Two. [Ord. 2010-022]

For Links not utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold and where the Buildout Period is greater than five years or where the intersections at the end of the failing Link are greater than the 1,400 Critical Volume or greater than the Delay Threshold in Table 12.B.2.C, LOS D Intersection Thresholds, the Project fails Part Two of Test 1. [Ord. 2010-022]

For Links utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold, the Project fails Part Two of Test 1. [Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

b. Optional Analysis

The HCM arterial analysis operational methodology shall be conducted. For these Links, the Project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D as defined in Table 12.B.2.C, LOS D Speed Thresholds. If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test 1. If the speed is lower than the LOS D speed threshold, then the Project fails Part Two of Test 1. [Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

c. The Applicant may make Link or intersection improvements in accordance with published Palm Beach County or Florida Department of Transportation Design and Traffic Engineering Standards, as applicable, in order to satisfy Part Two of Test 1. [Ord. 2010-022]

B. Five-Year Analysis – Test 2

No Project shall be approved for a Site Specific Development Order unless it can be shown to satisfy the requirements of Test 2. This test requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. This analysis shall address the Total 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. The existing road network and State and County Five-Year Road Program improvements with construction scheduled to commence before the end of the Five-Year Analysis Period shall be the Test 2 Road Network assumed in the analysis. [Ord. 2006-043] [Ord. 2010-022]

1. The Total Traffic peak hour directional volumes shall be compared to the applicable thresholds in Table 12.B.2.C, LOS E Link Service Volumes. The applicable facility class for each Link shall be determined on the basis of the number of traffic signals per mile anticipated to be in place at the five-year analysis timeframe. Additionally, for all Links where the Total Traffic peak hour directional volumes exceed the applicable threshold and for all Links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the Link shall be analyzed. If the Link is on Southern Boulevard, the at-grade intersection created by an Urban Interchange shall not be considered the intersection at the end of the Link since the intersection is actually not on Southern Boulevard. The Project shall include the next intersection with Southern Boulevard for analysis and compliance. The Project shall pass Test 2 if: [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]
   a. The Total Traffic peak hour directional volume on the Link is less than the applicable thresholds in Table 12.B.2.C, LOS E Link Service Volumes; and [Ord. 2006-043] [Ord. 2010-022]
   b. For Links utilizing the uninterrupted flow service volume, the intersections are below the 1,500 Critical Volume or below the Delay Threshold in Table 12.B.2.C, LOS E Intersection Thresholds. [Ord. 2010-022]

      For Links not utilizing the uninterrupted flow service volumes, where the Total Traffic peak hour directional volumes exceed the applicable threshold but the intersections at the end of the failing Link are below the 1,500 Critical Volume or below the Delay Threshold in Table 12.B.2.C, LOS E Intersection Thresholds a more detailed analysis as outlined in the Optional Analysis may be completed to demonstrate compliance with Test 2. Otherwise, the Project fails Test 2. [Ord. 2010-022]

2. Optional Analysis

The HCM arterial analysis operational methodology shall be conducted. For these Links, the Project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS E as defined in Table 12.B.2.C, LOS E Speed Thresholds. If the speed is lower than LOS E, then the Project fails Test 2. If the speed is equal to or higher than the LOS E speed threshold, then the Project shall pass Test 2. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]

3. The Applicant may make Link or intersection improvements in accordance with published Palm Beach County or Florida Department of Transportation Design and Traffic Engineering Standards, as applicable, in order to satisfy Test 2. [Ord. 2010-022]

C. Level of Service Standard

1. The LOS D standard service volumes as to Average Daily Traffic, Peak Hour Traffic two-way, and Peak Season, Peak Direction (Test 1 for Links) are set forth in Table 12.B.2.C, LOS D Link Service Volumes. The LOS D thresholds relative to intersections are set forth in Table 12.B.2.C, LOS D Intersection Thresholds. The LOS D threshold associated with the HCM arterial analysis in terms of speed is provided in Table 12.B.2.C, LOS D Speed Thresholds.

2. The LOS E standard service volumes for Average Daily Traffic, Peak Hour Traffic two-way, and Peak Season, Peak Direction (Test 2 for Links) are set forth in Table 12.B.2.C, LOS E Link Service Volumes. The LOS E thresholds relative to intersections are set forth in Table 12.B.2.C, LOS E Intersection Thresholds. The LOS E thresholds associated with the HCM arterial analysis in terms of speed are provided in Table 12.B.2.C, LOS E Speed Thresholds. [Ord. 2006-043]
3. For roads on the SIS, SIS Connectors, FIHS, and TRIP Funded Facilities, the LOS standard shall be LOS D in Urban Areas, LOS C in Transitioning Urban Areas, Urban Areas, or Communities; and LOS B in Rural Areas as adopted by the FDOT. This standard must be met for roadways on a peak hour peak direction basis, in accordance with the methodologies specified in FDOT Chapter 14-94, F.A.C. [Ord. 2007-013]
4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a Development Order condition may not be necessary due to the adoption of a CRALLS. An Applicant with a Project that has a Development Order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the Concurrency Reservation (for Unincorporated Projects) or determination of the County Engineer (for Municipal Projects) has been amended to delete the applicable roadway phasing condition. If a Project has relied upon a CRALLS volume on a roadway and/or intersection to meet the standard, the subsequent Subdivision of that Project into separate lots shall still require all parcels or lots in their entirety taken together of that Subdivision to be addressed against the standard and any required CRALLS mitigation for the overall Project to be completed by the developers of the separate lots. [Ord. 2010-022]

Table 12.B.2.C – LOS D Link Service Volumes

Facility Type		ADT	Peak Hour Two-Way	Peak Hour Peak Direction		
				Class I	Class II	Uninterrupted Flow
2 Lanes Undivided (2)	2L	15,200	1,480	880	810	1,140
2 Lanes One-Way	2LO	19,900		2,350	2,120	
3 Lanes Two-Way	3L	15,200	1,480	880	810	
3 Lanes One-Way	3LO	30,200		3,530	3,220	
4 Lanes Undivided (2)	4L	31,500	3,060	1,860	1,680	3,150
4 Lanes Divided	4LD	33,200	3,220	1,960	1,770	3,320
5 Lanes Two-Way	5L	33,200	3,220	1,960	1,770	
6 Lanes Divided	6LD	50,300	4,880	2,940	2,680	4,980
8 Lanes Divided	8LD	67,300	6,530	3,940	3,590	
4 Lanes Expressway	4LX	73,600	6,770	3,720		
6 Lanes Expressway	6LX	110,300	10,150	5,580		
8 Lanes Expressway	8LX	146,500	13,480	7,420		
10 Lanes Expressway	10LX	184,000	16,930	9,320		

[Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

Notes:

1. Based on the 2009 FDOT Quality/Level of Service Handbook.
2. Service volumes for "undivided" roadways assume exclusive left-turn lanes are provided at signalized intersections. If there are no left-turn lanes, reduce these values by 20 percent.

Table 12.B.2.C – LOS D Intersection Thresholds

LOS	Critical Movement	HCM Operational Analysis
D	1,400	Greater than 35.0 to 55.0 seconds of delay

Notes:

1. The delay identifies seconds of delay greater than 35.0 and less than or equal to 55.0.

Table 12.B.2.C – LOS D Speed Thresholds

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
D	Greater than 21 to 27	Greater than 17 to 22	Greater than 14 to 18

Notes:

1. Speed values refer to a "range" of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.

Table 12.B.2.C – LOS E Link Service Volumes

Facility Type		ADT	Peak Hour Two-Way	Peak Hour Peak Direction		
				Class I	Class II	Uninterrupted Flow
2 Lanes Undivided (2)	2L	16,200	1,570	880	860	1,440
2 Lanes One-Way	2LO	21,100		2,350	2,240	
3 Lanes Two-Way	3L	16,200	1,570	880	860	
3 Lanes One-Way	3LO	31,900		3,530	3,400	
4 Lanes Undivided (2)	4L	33,300	3,230	1,860	1,780	3,570
4 Lanes Divided	4LD	35,100	3,400	1,960	1,870	3,760
5 Lanes Two-Way	5L	35,100	3,400	1,960	1,870	
6 Lanes Divided	6LD	53,100	5,150	2,940	2,830	5,650
8 Lanes Divided	8LD	70,900	6,880	3,940	3,780	
4 Lanes Expressway	4LX	79,400	7,300	4,020		
6 Lanes Expressway	6LX	122,700	11,290	6,200		
8 Lanes Expressway	8LX	166,000	15,270	8,400		
10 Lanes Expressway	10LX	209,200	19,250	10,580		

[Ord. 2005-002] [Ord. 2007-013] [Ord. 2010-022]

Notes:

1. Based on the 2009 FDOT Quality/Level of Service Handbook.
2. Service volumes for "undivided" roadways assume exclusive left-turn lanes are provided at signalized intersections. If there are no left-turn lanes, reduce these values by 20 percent.

Table 12.B.2.C – LOS E Intersection Thresholds

LOS	Critical Movement	HCM Operational Analysis
E	1,500	Greater than 55.0 to 80.0 seconds of delay

Notes:

1. The delay identifies seconds of delay greater than 55.0 and less than or equal to 80.0.

Table 12.B.2.C – LOS E Speed Thresholds

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
E	Greater than 16 to 21	Greater than 13 to 17	Greater than 10 to 14

Notes:

1. Speed values refer to a "range" of values that will achieve LOS E. For example speeds greater than 16 but less than or equal to 21 miles per hour will all be LOS E for a Class I roadway.

D. Radius of Development Influence/Project Significance

Table 12.B.2.D, Radius of Development Influence represents the Radius of Development Influence for the specific volume of the proposed Project's Net Trips. [Ord. 2006-043] [Ord. 2007-013]

Table 12.B.2.D – Radius of Development Influence

Net External Peak Hour		Two-Way Trip Generation	Radius
1	**through**	**20**	Directly accessed Link(s)
21	**through**	**50**	0.5 miles
51	**through**	**100**	1 mile
101	**through**	**500**	2 miles
501	**through**	**1,000**	3 miles
1,001	**through**	**2,000**	4 miles
2,001	**and**	**Up**	5 miles
[Ord. 2005-002] [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]			

Table 12.B.2.D – Test 1 Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95 and the Turnpike
Significance Level	1 percent LOS D within Radius, 5 percent LOS D outside Radius	5 percent LOS D
[Ord. 2006-043]		

Table 12.B.2.D – Test 2 Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95 and the Turnpike
Significance Level	3 percent LOS E within Radius, 5 percent LOS E outside Radius	5 percent LOS E
[Ord. 2006-043]		

1. For Test 1, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than one percent of the LOS D of the Link affected on a peak hour peak direction basis AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS D Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS D of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS D Link Service Volumes. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]
2. For Test 2, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than three percent of the LOS E of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS E Link Service Volumes AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS E of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS E Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS E of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C, LOS E Link Service Volumes. [Ord. 2006-043] [Ord. 2007-013] [Ord. 2010-022]
3. Pursuant to F.S. § 163.3180(6), any Project which is below the Significance level identified in Table 12.B.2.D, Test 1 Levels of Significance on a Link within its Radius of Development Influence that has been identified as ineligible for *de minimis* exception by the Florida Department of Community Affairs (DCA) must still meet the requirements of Test 1 for that Link. This Subsection shall not apply to a Project that consists of one Single Family home on an existing lot. [Ord. 2007-013] [Ord. 2008-003] [Ord. 2020-001]

E. Phasing

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

1. The proposed Project is able to comply with all the other Concurrency Requirements of the Plan in the Unincorporated Area.
2. The proposed phasing results in the proposed Project complying with the standards set forth in this Chapter.
3. The proposed phasing comports with the extent and timing of the Assured Construction.
4. The County Engineer confirms that construction is in fact Assured Construction.
5. For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to approval of the Traffic Impact Study that a Condition of Approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security. [Ord. 2007-013]
6. Building Permits for that portion of a Project approved with phasing which if standing alone would be the entitlement phase of the Project may be issued notwithstanding the standards in this Chapter.
7. Conditions of the Development Order are imposed or an Agreement is entered which ensure permits are restricted in accordance with the phasing.
8. Phasing shall be controlled by the non-issuance of Building Permits. Phasing may not occur by issuing Building Permits for any of the phased units or square feet and withholding the CO, inspections, or other items subsequent to the issuance of Building Permits. A Local Government may control phasing by a means prior to the issuance of Building Permits.
9. For any Project that has an approved buildout timeframe of 20 years or greater (including buildout time extensions) and is required to phase to intersection improvements more than three miles from the Project site, the Level of Service at the intersection may be reevaluated in light of existing and projected turning movement volumes from the TPS Database after the Project has received Certificates of Occupancy for Development generating more than 50 percent of its approved trips on a peak hour basis. If it is projected that the Adopted LOS can be maintained at buildout of the Project, then the Project may continue to pull Building Permits past the intersection improvement phasing threshold and the improvement no longer needs to be assured. The Project shall be required to monitor the intersection on a biennial basis until two years after the final Certificate of Occupancy to determine the need for any improvements to maintain the Adopted Level of Service. If subsequent monitoring shows that the originally-required intersection improvement or an alternative improvement is necessary to maintain the Adopted LOS at the originally-required intersection, then the phasing condition in the Project Development Order for the intersection improvement shall be administratively amended to include the new phasing threshold, after which no Building Permits may be issued until construction of the improvement has commenced. Construction of the intersection improvement shall be assured within six months of the date of the amended Project Development Order. If, however, it is a DRI with a Project Buildout of more than five years, then construction of the improvement shall be assured no less than three years prior to the date of the new phasing threshold. [Ord. 2010-022]

F. Reliance on Assured Road Construction

If a Project is approved or phased based on Assured Construction, Building Permits shall be granted for the phase or portion of the Project approved based on the Assured Construction no sooner than the award of a contract by a governmental agency for the construction of the improvement, or commencement of construction, subject to the following:

1. If intersection improvements are required to meet Test 1 and there is a scheduled road construction Project which would incorporate all or a portion of such intersection improvements, then the County Engineer, in his/her sole and exclusive discretion, may require payment for the cost of such intersection improvement provided all other requirements of the TPS have been satisfied. In that event, upon receipt of the payment, Building Permits shall be granted for a portion of the Project which is phased to such intersection improvements. The payment shall be based on a certified engineering estimate accepted by the County Engineer.
2. If the Assured Construction is in the "Palm Beach County Five Year Road Program Ordinance" as construction, or the FDOT's Adopted Work Program for construction, and was relied upon for the issuance of the Site Specific Development Order and the construction is subsequently deleted from the "Palm Beach County Five Year Road Program Ordinance," or the FDOT's Adopted Work Program, Building Permits for Development that was phased to that Assured Construction shall be issued, but not sooner than the end of the fiscal year construction was to commence. For purposes of this paragraph, "deleted" shall mean the elimination of the construction Project, the material reduction in the scope of construction work or funding thereof (as it affects the construction Project), the postponement of the construction Project for more than two years (one year for Projects approved prior to June 16, 1992) beyond the year the construction was originally programmed in PBC's Five-Year Road Program, or the FDOT's Adopted Work Program. [Ord. 2007-013]
3. **Three-Year Grace Period**

   Notwithstanding the requirements in this Subsection, a Project may receive a Building Permit if the required roadway improvements are in the first three years of PBC's Five-Year Road Program, and the Project is one of the following:

   a. located in the residential exception area per Transportation Element Policy 1.2-a;
   b. located in the Glades communities, delineated as the areas in the Urban/Suburban (U/S) Tier immediately east of Lake Okeechobee, and the areas with urban densities in the rural towns of Lake Harbor and Canal Point;
   c. located in the Revitalization and Redevelopment Overlay; or,
   d. the Project is a facility that is wholly owned and operated by State or Local Governments, or a public or private school as defined in the Introduction and Administration Element of the Plan.

G. Development of Regional Impact (DRI)

Development Orders for a DRI with a Project Buildout of more than five years may meet Test 1 based on Development Order conditions that phase Building Permits to the commencement of Assured Construction for the first five years of the Project and the construction of identified roadway Links in the 2020 Plan Network beyond the first five years of the Project. Any roadway improvement required beyond the first five years must be Assured Construction not less than three years before the date that the roadway improvement is required. No Building Permits within the DRI that are phased to a roadway improvement may be issued until the roadway improvement that the Building Permits are phased to is under construction.

Notwithstanding the provisions above, any Project which is a DRI, located east of I-95, which is phased to any single roadway Project costing in excess of 15 million dollars, may consider that roadway Project to be under construction for the purpose of issuing Building Permits if the roadway Project is in the first three years of an adopted work program. The DRI Development Order must include a condition that the roadway Project must be under construction no more than three years after the CO (or functional equivalent) for the portion of the Development that precipitated the need for the roadway Project.

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

A. Scope

A Traffic Impact Study shall be required for any proposed Project, except as set forth in Art. 12.D.1.C, No Study Needed. It shall be presented concisely using maps whenever practicable; and shall state all assumptions and sources of information. [Ord. 2007-013]

B. Criteria

The following criteria shall be addressed:

1. Level of Service (LOS)

The Adopted LOS for Test 1 and Test 2, as applicable, for all Major Thoroughfares within the applicable Radius of Development Influence shall be used.

2. Radii of Development Influence

The traffic study shall use the Radius of Development Influence for Test 1 and Test 2. [Ord. 2007-013]

3. Projected Buildout Period

a. Assumption

The Buildout Period of the Project shall be set forth in the Traffic Impact Study and shall be subject to the review and approval of the County Engineer, based on the following criteria: [Ord. 2007-013]

1) The size, type, and location of the proposed Project. [Ord. 2007-013]
2) Customary Buildout Periods for Projects of similar size, type, and location. [Ord. 2007-013]
3) Any other factors or conditions relevant to the specific Project, including special market conditions and schedules of Assured Construction. [Ord. 2007-013]

b. Enforcement

For enforcement purposes, the Buildout Period of the Project shall be deemed complete if any of the following is true: [Ord. 2007-013]

1) In the case of a non-residential Project, final COs have been issued for interior tenant improvements for 80 percent of the gross leasable area. [Ord. 2007-013]
2) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
   b) a Project Buildout Condition of Approval in the Development Order; and, [Ord. 2007-013]
   c) 80 percent or more of the total lots platted not more than four years after the expiration of the Project Buildout Condition of Approval in the Development Order, the completion of the proposed Project shall be issuance of Building Permits for 50 percent plus one of the total Project units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013]
3) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
   b) a Project Buildout Condition of Approval in the Development Order; and, [Ord. 2007-013]
   c) less than 80 percent of the total lots platted no more than four years after the expiration of the Project Buildout Condition of Approval in the Development Order, the completion of the proposed Project shall be issuance of Building Permits for 80 percent of the total Project units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013]
4) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued on or before August 27, 2007; [Ord. 2007-013]
   b) that do not have a Project Buildout Condition of Approval in the Development Order; and, [Ord. 2007-013]
   c) that have received Building Permits for 80 percent of the total Project units as set forth in the Master Plan or Site Plan as applicable the Project shall be deemed complete for the purposes of this Section. [Ord. 2007-013]
5) In the case of residential Projects with: [Ord. 2007-013]
   a) a Development Order issued after August 27, 2007; and [Ord. 2007-013]
   b) a buildout Condition of Approval in the Development Order, the completion of the proposed Project shall be the issuance of Building Permits for 80 percent of the total Project units as set forth in the Master Plan or Site Plan as applicable. [Ord. 2007-013]

6) For the purpose of implementing the aforementioned rules: [Ord. 2007-013]
   a) residential Projects which have received Building Permits for 50 percent or less of the total Project units (as set forth in the Master Plan or Site Plan as applicable) as of the date of expiration of the buildout Condition of Approval shall not receive any additional Building Permits until such time as a time extension for the buildout Condition of Approval is approved by the County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request; [Ord. 2007-013]
   b) residential Projects which have received Building Permits for 80 percent or more of the total Project units (as set forth in the Master Plan or Site Plan as applicable) as of the date of expiration of the buildout Condition of Approval shall be considered complete; [Ord. 2007-013]
   c) residential Projects which have received Building Permits for at least 50 percent plus one, but less than 80 percent, of the total Projects units (as set forth in the Master Plan or Site Plan as applicable) as of the date of expiration of the buildout Condition of Approval shall not receive any additional Building Permits until either: [Ord. 2007-013]
      (1) 80 percent or more of the total lots have been platted no more than four years after the expiration of the Project Buildout Condition of Approval in the Development Order, in which case the Project shall be deemed complete; [Ord. 2007-013]
      (2) a time extension for the buildout Condition of Approval is approved by the County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request. [Ord. 2007-013]

4. Project Phasing

The traffic study may reflect a proposed phasing schedule for the Development of the proposed Project. This schedule shall address the time at which each phase will place traffic impacts on the Major Thoroughfares within the Radius of Development Influence and shall include the following:

a. Generation

Project Traffic figures and assignments for each proposed phase; and

b. Assured Construction

Where the evaluation of phased traffic impact includes the effect of Assured Construction, sufficient information regarding the proposed construction to ensure that the roadways realistically will be constructed at the times stated.

5. Peak Hours

Generally, the study shall address the a.m. and p.m. peak hours, total Peak Hour Traffic, unless traffic characteristics dictate that only one of the peak hours is analyzed. In some cases, the County Engineer, may still require analysis of other peak hours where indicated by accepted traffic engineering principles. The total peak hours analyzed shall not exceed two in number.

a. The afternoon peak hour between four and seven p.m. during the Peak Season shall be studied in all cases. Generally, the morning peak hour between six and nine a.m. during the Peak Season shall be also studied, unless higher volumes occur outside of the six-to-nine a.m. period at the intersection are observed. In that case other peak hours outside of the six-to-nine a.m. period during the Peak Season shall be used.
b. Each a.m. and p.m. peak hour shall be the highest sum of the volume on the approaches to the intersection. It shall be the highest sum of four continuous 15-minute periods.
c. Once the a.m. and p.m. peak hours are established, the Peak Hour Net Trips shall be assigned to the Major Intersection and Link for the peak hours studied.

6. Off-Peak to Peak Season Factors

Off-Peak to Peak Season factors shall be established by the County Engineer for various areas of PBC based upon the best available data and generally accepted traffic engineering principles. Other factors based on generally accepted traffic engineering principles shall be used to update data where newer data cannot be obtained.

7. Compliance

The analysis must demonstrate compliance with the standards contained in Test 1 and Test 2.

8. Professional Services

The traffic study shall be prepared, sealed, and signed by a qualified Professional Engineer, licensed to practice in the State of Florida and practicing traffic engineering.

9. List

A list of Municipalities within the proposed Project's Radius of Development Influence.

10. Site-Related Improvements

In addition to the Link and intersection standards and studies, all peak hour(s) turning movements (including Pass-by-Trips) shall be shown and analyzed for all points where the Project's traffic meets the Project Accessed Links and other roads where traffic control or geometric changes may be needed, as determined by the County Engineer. Recommendations shall be made concerning signalization, turn lanes, or other improvements. PBC may require such improvements in the Unincorporated Areas to ensure the safe and orderly flow of traffic.

C. Traffic Volume Components

The Traffic Impact Study shall address the Total Traffic volumes at the Project Buildout Year and the Five-Year Analysis Period as outlined for Test 1 and Test 2. [Ord. 2006-043] [Ord. 2007-013]

1. Existing Traffic (Peak Season Peak Hour Traffic)

Peak Hour Traffic, two-way and directional shall be counted by PBC during the Peak Season as defined in this Article. Where current data (collected no more than 30 months prior to submittal of the Traffic Impact Study) are not available the Project shall conduct counts or upon approval by the County Engineer may establish the Peak Hour Traffic using approved K and D Factors. [Ord. 2007-013]

a. Counts

The Applicant may provide traffic counts in accordance with accepted traffic engineering principles. Counts shall be made during any continuous two-hour period on a weekday between 6:00 a.m. and 9:00 a.m. for any a.m. counts and 4:00 p.m. and 7:00 p.m. for p.m. counts. There shall be no counts on Fridays and legal holidays, unless otherwise authorized or required by the County Engineer, in accordance with accepted traffic engineering principles. All data are subject to review and acceptance by the County Engineer based upon accepted traffic engineering principles.

b. Factors

Where a Peak Season, Off-Peak Season, or directional traffic count is not readily available, the count for the Link or Intersection may be established using factors established by the County Engineer for various areas of PBC based on the best available data and generally accepted traffic engineering principles. [Ord. 2007-013]

2. Traffic Generation

Traffic generated by the Project shall be computed in the following manner:

a. Rates

To estimate daily and peak hour trips generated from the Project, trip rates published on the PBC Traffic Engineering website shall be used. If the use in the proposed Project is not listed in the PBC Traffic Engineering website Trip Generation tables, then the latest available Trip Generation Manual published by the Institute of Transportation Engineers (ITE) shall be used. A prior consultation with the County Traffic Engineer is required before using trip rates, other than that published on the PBC Traffic Engineering website. If the Applicant feels that any other method to estimate trips would provide more realistic trip estimate for the proposed Project, prior consultation and approval from the County Engineer is required. [Ord. 2014-025]

b. Local Conditions

The County Engineer shall publish, and update from time to time, Trip Generation rates for local conditions and, if applicable, these rates shall be used instead of the ITE rates.

c. Similar Developments

Actual traffic counts which establish the generation rate at three similar Developments located in similar areas as the one proposed may be used if approved by the County Engineer in accordance with accepted traffic engineering principles. These counts shall be made for the weekdays (excluding legal holidays) as set forth in Art. 12.C.1.B.5, Peak Hours, for each site and averaged.

d. Internal Traffic

It is acknowledged that some trips generated by mixed-use Projects do not exit the Project or enter the Major Thoroughfare system. Unless approved by the County Engineer, credit against the Trip Generation of a proposed Project shall not exceed ten percent of the gross Trip Generation of the Project, not including internalization between Service Station and Convenience Store uses. Additionally, credit for any individual land use within the proposed Project shall not exceed ten percent of the gross Trip Generation for the land use, except as provided herein. Internalization between Service Station and Convenience Store uses is established at 32 percent of the gross Trip Generation of the Convenience Store use.

e. Pass-by-Trips

It is acknowledged that some trips generated by a proposed non-residential Project are from Existing Traffic passing the proposed Project and are not newly generated trips. Credit against the Trip Generation of the proposed Project may be taken for these trips as published on the PBC Traffic Engineering website Trip Generation tables or in the latest Trip Generation Handbook, published by the Institute of Transportation Engineers (ITE), or as approved by the County Engineer. The study must detail: (1) all traffic generated from the Project; and (2) the number of Pass-By-Trips subtracted from the traffic generated by the Project during the Buildout Period of the Project. Pass-by rates for uses other than those listed in the PBC Traffic Engineering website or the ITE Trip Generation Handbook, and any percentage credit proposed to be taken in excess of that mentioned in this Article, must be justified based on accepted traffic engineering principles to the satisfaction of the County Engineer as part of the required traffic study, based upon the peculiar characteristics and location of the proposed Project. Factors which should be considered in determining a different pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding Major Thoroughfare system, and existing and projected traffic volumes. In no case shall the number of Pass-By-Trips exceed 25 percent of Existing Traffic plus Background Traffic on the Link, unless demonstrated otherwise to the satisfaction of the County Engineer based on generally accepted traffic engineering principles. [Ord. 2014-025]

3. Traffic Assignment

Total Traffic shall be computed, and traffic assignments of the Net Trips made, for each Link and Major Intersection within the Project's Radius of Development Influence and Test 2 Radius of Development Influence in conformity with accepted traffic engineering principles for both Test 1, and Test 2. The assignments shall address phasing and cover the Buildout Period of the Project for Test 1 and a five-year period for Test 2. [Ord. 2006-043]

4. Background Traffic

a. General

Existing Traffic volumes will likely change during the Buildout Period of the proposed Project and during the five-year Test 2 analysis period. The traffic study must account for this change in traffic based on Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis periods. The projection of Background Traffic shall generally be based upon the information set forth in the TPS Database, and shall be established in accordance with the requirements set forth in this Article and accepted engineering principles. It is recognized that errors and omissions may occur in the TPS Database which may need to be accounted for in a traffic study. The traffic study shall be amended to include any correction of errors or omissions in the TPS Database, so long as either the engineer preparing the traffic study or the County notifies the other party within 30 days of the initial submission of the traffic study and the error or omission should have been included in the database prior to the date of the initial submission of the traffic study. This change in traffic shall be shown as it relates to the proposed phasing. The projection of Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis period shall generally be based upon the TPS Database, and subject to the review and approval of the County Engineer, using the following criteria: [Ord. 2006-043] [Ord. 2011-016]

1) Historical growth shown on tables of County Engineer;
2) Characteristics of growth in the Radius of Development Influence;
3) Extent of existing, approved, and anticipated Development in the Radius of Development Influence;
4) Types and sizes of Development in the area;
5) Traffic circulation in the area;
6) Major Projects' impact;
7) New and assured road construction.

b. Historical Growth Tables

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed Project. The historical growth tables shall be based on historical daily traffic volumes. However, this change shall be applied on an average peak hour basis and a Peak Season, Peak Hours, Peak Direction basis if optional analyses are selected. The effect of residential and non-residential Projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering

judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area-wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer. [Ord. 2006-043] [Ord. 2007-013]

c. TPS Database

Using the TPS Database, all traffic from the unbuilt portion of Projects which have received a Concurrency Reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add Significant trips to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting traffic for Test 1. For Major Intersections, the TPS Database shall specifically account for all Project Traffic volumes if at least one approach to the intersection has a Project Traffic volume greater than or equal to one percent of the Adopted LOS D. No double counting of trips shall occur. For Test 2, only the traffic generated from the unbuilt portions of the Projects as set forth above which are projected to be built during the Five-Year Analysis Period shall be considered. [Ord. 2005-002] [Ord. 2006-043] [Ord. 2009-040]

5. Assured Construction

Assured Construction shall be considered completed as scheduled at the time of submittal of the Traffic Impact Study for the purpose of preparation of the study. Whether it is in fact Assured Construction and the timing of the Assured Construction shall be subject to the confirmation of the County Engineer. The Traffic Impact Study shall specifically identify the need for phasing based on Assured Construction. [Ord. 2007-013]

Section 2 Conditions

The Concurrency Reservation or Site Specific Development Order shall contain such conditions as are necessary to ensure compliance with this Article. The Local Governments, including the legislative and administrative boards, the DRO, and officials, issuing Concurrency Reservations or Site Specific Development Orders are authorized to, and shall, impose such conditions. The Local Governments including the legislative and administrative boards, the DRO, and officials shall require where necessary to ensure compliance with this Section that an Agreement be executed prior to the issuance of the Site Specific Development Order. Performance Security shall be required to ensure compliance with the conditions or performance under the Agreement or Condition of Approval. The Agreement or Conditions of Approval shall be binding on the owner, its successors, assigns, and heirs; and it, or notice thereof, shall be recorded in the Official Records of the Clerk of the Circuit Court in and for PBC, Florida.

CHAPTER D PROCEDURE

Section 1 Required Submission of Impact Study

A. Application Procedure

Prior to acceptance of any application for a Site Specific Development Order in the Unincorporated Area, or issuance of a Site Specific Development Order in the Incorporated Area, a non-refundable application fee established by the BCC from time to time to defray the actual cost for processing the application, shall be submitted along with the Traffic Impact Study or documentation sufficient to establish that the application is not subject to the standards of this Article.

In order to receive a time extension pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, the Applicant shall be required to submit either: [Ord. 2007-013]

1. A new Traffic Impact Study that meets the standards of this Article in effect at the time the extension is requested; or [Ord. 2007-013]
2. Documentation sufficient to establish that the Project with the additional time provided by the extension meets the standards of this Article in effect at the time the extension is requested. [Ord. 2007-013]

B. Review by County Engineer

The County Engineer or Municipal Engineer, as applicable, shall review the information submitted pursuant to this Article and determine whether the proposed Project complies with this Article. In the Unincorporated Area the County Engineer shall coordinate with the Planning Division whether the Site Specific Development Order meets the other Concurrency Requirements of the Plan. The procedures set forth in the Adequate Public Facilities Chapter, shall control; except as to any appeals from this Article, in which

case Art. 12.F, Appeals, of this Article shall control. Nothing herein or in the Adequate Public Facilities Chapter shall preclude direct informal communication between the County Engineer and the Applicant or his Agents. In the Unincorporated Area, a statement that an application for a Site Specific Development Order is being considered shall be sent to any Municipality within the proposed Project's Radius of Development Influence 30 days prior to the issuance of the Site Specific Development Order for all proposed Projects generating more than 100 Gross Peak Hour Trips. The statement shall be sent by U.S. Mail, or hand delivered.

C. No Study Needed

1. Residential

New residential Projects generating fewer than or equal to 20 Gross Peak Hour Trips based on PBC's adopted Trip Generation rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

2. Non-Residential

Non-residential Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBC's adopted Trip Generation rates shall not be required to submit a Traffic Impact Study. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer or in accordance with generally accepted traffic engineering principles.

3. Amendments

Projects generating less than or equal to 20 Gross Peak Hour Trips based on PBC's adopted Trip Generation rates shall not be required to submit a Traffic Impact Study for an amendment, provided the total Project, including the amendment, does not exceed 20 Gross Peak Hour Trips. The Net Trips shall be distributed over the Major Thoroughfare system by the County Engineer in accordance with generally accepted traffic engineering principles.

Section 2 Review of Traffic Impact Study

A. County Engineer Review

On all proposed Projects having more than 100 Gross Peak Hour Trips, the County Engineer shall have sole authority for reviewing Traffic Impact Studies for purposes of determining compliance with this Article.

B. Municipal Review

On all other proposed Projects the Municipality shall perform such review unless the Municipality provides in writing, delivered to the County, that the Municipality elects to require review by the County Engineer. If the Municipality elects to perform the review, it shall be done by a Municipal Engineer. The review shall be in accordance with the requirements of this Article. In the case of Municipal review, 30 days prior to approval of the application for the Site Specific Development Order, the Traffic Impact Study, along with the determination of the reviewing traffic engineer, shall be sent to the County Engineer, c/o Traffic Division, 2300 North Jog Road, West Palm Beach, Florida, 33411. A statement that the Municipality is considering an application for a Site Specific Development Order shall also be sent to any Municipality within the Project's Radius of Development Influence involved 30 days prior to issuance of the Site Specific Development Order for all proposed Projects generating more than one 100 Gross Peak Hour Trips. All documents under this Article shall be sent by U.S. Mail, or hand delivered.

C. Prohibitions

1. In the case of all Site Specific Development Orders issued by the DRO, no application shall be certified for inclusion on the DRO agenda if issuance of the Site Specific Development Order would be prohibited by this Article.
2. In the case of all other Site Specific Development Orders in the Unincorporated Area, no application shall be accepted if issuance of the Site Specific Development Order would be prohibited by this Article.
3. In all cases in the Unincorporated Area if the Site Specific Development Order does not meet the other Concurrency Requirements of the Plan, no application shall be certified for inclusion on an agenda of a reviewing body or accepted, as the case may be, except as otherwise provided by Art. 2.F, Concurrency (Adequate Public Facility Standards).
4. In the case of all Site Specific Development Orders in the Incorporated Area, no Site Specific Development Order shall be issued if such issuance would be prohibited by this Article. In no case shall the Site Specific Development Order be issued prior to 30 days following delivery of the notice in accordance with Art. 12.D.2.B, Municipal Review.

D. Appeals

Determinations of the County Engineer or Municipal Engineer must be in writing and any denial shall state the reasons thereof. Determinations of denial may be appealed pursuant to Art. 12.F, Appeals.

Section 3 Approval of Traffic Impact Study

When the County Engineer has found the proposed Traffic Impact Study to comply with the requirements of this Article, the County Engineer shall issue an approval letter to the Applicant with copies to the appropriate local governing bodies. This approval letter shall contain, at a minimum, a summary of the Project, its impacts on the surrounding roadway network, and any Conditions of Approval necessary to ensure compliance with this Article. The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development Order has been submitted, or the approval letter has been superseded by another approval letter for the same property. [Ord. 2007-013] [Ord. 2009-040]

CHAPTER E ENTITLEMENT

Section 1 General

The BCC recognizes that a reasonable and beneficial economic use of property should be afforded a Property Owner. This Section is intended to implement the provisions in the Plan that allows a reasonable and beneficial economic use of property while minimizing Trip Generation.

Section 2 Unincorporated Area

As to the Unincorporated Area, a Site Specific Development Order may be issued for a Project not exceeding Entitlement Density or Intensity set forth in the Plan, provided the order is otherwise consistent with the requirements of the Plan and land development regulations of PBC.

Section 3 Incorporated Area

As to the Incorporated Area, a Site Specific Development Order may be issued for a Project not exceeding Entitlement Density or Intensity as set forth in the Plan. As to residential land uses it shall be based on the densities set forth in Figure 2 of the Land Use Element of the Plan, that correspond to the Municipal density in its comprehensive plan, with any density exceeding 18 dwelling units per acre receiving the entitlement level set forth in the five to 18 dwelling unit-per-acre range. As to commercial and industrial, entitlement shall be two and one-half percent of the maximum square footage of floor area allowed under the land use category or zoning district of the Municipality.

Section 4 Discretion of Board

The BCC may exceed the limitations set forth in the Plan upon a determination by the Board that the limitations permitted by the Article would likely constitute a taking of land for public use for which compensation would have to be paid pursuant to law. This Section may only be exercised upon the special petition of the Property Owner to the BCC which affirmatively demonstrates by substantial competent evidence that no other economically feasible land use which would generate less traffic for the subject property is available because of: (1) this Article; (2) the nature of the land uses in the area; (3) the size and configuration of the property; and, (4) other relevant factors. The BCC shall receive the advice of the County Attorney and the County Administrator, and any other person it deems appropriate in exercising its discretion under this Section. If the subject lot is in the Incorporated Area, the BCC shall consider the advice, if any, of the Municipality in which the lot is located.

CHAPTER F APPEALS

Section 1 Board

Except as specifically provided in this Article, appeals from the decisions of the County Engineer or Municipal Engineer, and from all traffic engineering decisions made pursuant to this Article, shall be taken to the TPSAB. Appeals may be brought by the Applicant, any Municipality within the Project's Radius of Development Influence, and the County. The TPSAB shall consist of the Director of the MPO, a professional traffic engineer employed by a Municipality as a traffic engineer, a professional traffic engineer employed by another Florida county, a professional traffic engineer employed by the FDOT, District IV, and a professional traffic engineer who generally represents developers. Any individual serving on the TPSAB shall not be a person who participated in the decision being appealed, or who works for or is retained by a party to the appeal or a person who would be directly affected by the matter being appealed or the proposed Project to which the appeal relates. [Ord. 2011-016]

Section 2 Request/Notice

The appeal shall be requested in writing within 30 days of the decision of the County Engineer or Municipal Engineer, as applicable. The written request for the appeal shall state the grounds for objection. The appellant shall be given written notice of the date, time, and place of the TPSAB's consideration of the appeal. The appeal shall be limited to the issues raised in the objection.

Section 3 Hearing

A. Burden of Proof
The appellant shall present all relevant information to the TPSAB. The appellant shall have the burden of affirmatively demonstrating that the decision of the County Engineer or Municipal Engineer was in error. The County Engineer or Municipal Engineer shall be entitled to present information.

B. Reimbursement
Members shall serve without compensation but shall be reimbursed in accordance with PBC rules and regulations.

C. Quorum
A quorum shall consist of three members and a decision shall be made by affirmative vote of a majority of the members.

D. Decision
The TPSAB shall base its decision on the requirements of this Section and accepted traffic engineering principles. It shall state the reasons for the decision. A decision shall be rendered within 60 days of receipt of the written request for appeal.

Section 4 Appeal from the TPSAB

The decision of the TPSAB may be appealed by Petition for Writ of *Certiorari* to the 15th Judicial Circuit Court by either the Applicant or a Local Government within 30 days of the decision. Consideration shall be limited to the record established before the TPSAB.

Section 5 No Impairments of Judicial Rights or Remedies

Nothing in this Section shall be construed as a limitation on the rights or remedies of any person. Appeals from decision of persons other than the County Engineer or Municipal Engineer, and traffic engineering decisions, shall be by appropriate action to a court of competent jurisdiction, except as provided otherwise by law, including this Section.

CHAPTER G CONSTRAINED FACILITIES

Section 1 Purpose and Intent

It is recognized by the BCC that some Links and Major Intersections are not planned to be widened to width, laneage, or geometrics that can accommodate traffic from the density/intensity and location of land uses at the generally Adopted LOS. The BCC may determine that additional traffic impacts from new Development should be permitted on these Constrained Links and Major Intersections which are improved (or presumed to be improved under Test 2) to their ultimate width, laneage, and geometrics as contemplated by the Thoroughfare R-O-W Identification Map, Future Roadway System by Number of Lanes Map, and/or MPO Cost Feasible Long-Range Plan. In some cases, the BCC may designate a Link or Major Intersection as a temporary CRALLS in order to allow Development to occur prior to a planned roadway improvement Project. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a Constrained Roadway at Lower Level of Service (CRALLS). A County amendment to consider a CRALLS designation will rely upon, as appropriate, the data and analysis provided by the Local Government requesting the CRALLS designation. This Section establishes the procedures by which a proposed CRALLS amendment is reviewed in order to ensure an appropriate level of review. [Ord. 2011-016]

Section 2 Procedure

A. General
Constrained Facilities shall not automatically receive a reduced LOS. Determinations of whether a reduced LOS shall be set on a Constrained Facility, and what that LOS should be, shall be made by the BCC as

part of a text amendment to the Transportation Element of the Comprehensive Plan. The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Facility, if reduced. The CRALLS may be available for all Project Applicants to utilize, or it may be limited for use by a Project or Projects specified by the BCC. Implementation of mitigation strategies shall be a requirement for use of the CRALLS by a Project. Any proposed reduction in the LOS on a SIS or FIHS roadway shall be reviewed and approved by the State if required by Florida law, and the applying Local Government shall be responsible for coordinating with and obtaining State approval that may be required. [Ord. 2011-016]

B. Letter of Intent

Local Governments shall request a reduced LOS on a Constrained Facility by letter of intent up to 60 days and no later than 30 days prior to the window closing date for the applicable Amendment Round. At least ten days prior to delivering the letter of intent, the Local Government shall provide written notice to the County Commissioner for the Commission District in which the facility is located. Proof of such written notice provided to the District Commissioner, and the letter of intent, shall be delivered to the County Engineer and Planning Director and shall contain supporting information relating to the Determination Criteria of this Section. Upon receiving the letter of intent, the Planning Director shall schedule a Pre-Application Conference prior to the Planning Commission meeting at which initiations for the next Comprehensive Plan Amendment Round will be discussed. [Ord. 2011-001] [Ord. 2011-016]

C. Pre-Application Conference

Representatives from the following Agencies shall be invited to attend the Pre-Application Conference: (1) Local Government making application; (2) County including the Planning Division and County Engineering; (3) FDOT, District IV; (4) Treasure Coast Regional Planning Council; (5) MPO; and, (6) Other impacted Local Governments as determined by the County Engineer. Other interested governmental agencies may also attend the Pre-Application Conference at their option. The purpose of the Pre-Application Conference shall be to identify the issues for consideration, the likely impact of the proposal, the assumptions and changes made in socioeconomic data (including justification for such), the application requirements (including which should be waived, if any), and to coordinate review. [Ord. 2011-016]

D. Amendment Review

Within 30 days after BCC initiation, the applying Local Government shall, unless it has already done so, submit a complete CRALLS application, including data and analysis which addresses the Determination Criteria listed herein. The level of data and study needed for existing and future land use to review an application for a CRALLS designation shall be determined in the Pre-Application Conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved (whether they are or will be Collectors, minor Arterials, or principal Arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO for review. The advice of the MPO shall be considered by the PLC and the BCC when considering an application for a reduced LOS. [Ord. 2011-016]

Section 3 Determination Criteria

In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should be, and any conditions that shall be imposed, the Applicant, PLC, and the BCC shall consider the following public policy criteria. The application and amendment Staff Report shall include an analysis of the proposed CRALLS against these criteria: [Ord. 2011-001] [Ord. 2011-016]

A. Cause of the constraint; e.g., whether the laneage or geometrics are insufficient to accommodate projected traffic as a result of concerns relating to physical limitations, fiscal limitations, environmental areas, aesthetics, historically significant Development, or the character-of-area or neighborhood and the impact of adding lanes or changing the geometrics on such concerns. [Ord. 2011-016]
B. When more than one cause is identified, the extent to which each contributes to the constraint shall be considered.
C. Existence of, or proposed, “reliever” facilities and the proximity and continuity of such, and the extent to which they presently, or are projected to, relieve the Constrained Link.
D. The existing and projected Volume-to-Capacity Ratio given the adopted FLUE of Local Governments' comprehensive plans.
E. The extent of vested Development Orders, and non-vested land use, zoning district designations, or Development Orders.

(This page intentionally left blank)

F. The impact on the ability of Local Governments to allow Development consistent with their comprehensive plans; and the interjurisdictional compatibility of the various Local Government comprehensive plans as related to the Constrained Facility.
G. The practicability of adjusting land uses, zoning districts, and uses therein.
H. The impact on the ability of the overall Major Thoroughfare system in the area affected to function at the generally Adopted LOS.
I. The length of the Constrained Link(s).
J. The option of modifying the Plan, including the Thoroughfare R-O-W Identification Map, or other regulations to add lanes, improve geometrics, or reliever facilities.
K. Whether modifications can be made that would add capacity, and how much capacity would be added.
L. A description of mitigation measures required to be implemented by the Project(s) that would benefit from the proposed CRALLS. These include vehicular and non-vehicular travel options to alleviate traffic congestion that is anticipated to result from exceedance of the Adopted LOS on the CRALLS Link or Major Intersection. [Ord. 2011-016]

CHAPTER H MODIFICATION OR ELIMINATION OF LINK OR INTERSECTION

Section 1 Application to Modify or Eliminate Adopted Link or Intersection

A. Who May Apply
Only a Local Government may apply to the BCC to amend the adopted width, proposed geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements. [Ord. 2011-016]

B. Contents
The application shall contain a detailed and comprehensive traffic evaluation of all affected Links and Major Intersections, taking into account existing, committed, and FLU Development. [Ord. 2011-016]

C. Criteria
The following criteria shall be considered by the BCC in considering whether a Link's lanes, proposed geometrics, a Major Intersection's proposed geometrics, or the R-O-W width adopted in the Plan should be amended or a Link should be eliminated: [Ord. 2011-016]

1. Whether improvements are proposed to the Link or Major Intersection under consideration. [Ord. 2011-016]
2. Whether improvements are proposed to reliever Links or Major Intersections and the extent that such a reliever would impact traffic on the Link under consideration. [Ord. 2011-016]
3. The physical characteristics of the property adjacent to the Link or Major Intersection under consideration. [Ord. 2011-016]
4. The character of the area businesses or neighborhood adjacent to the Link or Major Intersection under consideration, and the extent of impact on such. [Ord. 2011-016]
5. The projected cost of adding additional capacity to the Link or Major Intersection, or reliever facilities and the amount of capacity that would be added. [Ord. 2011-016]
6. The existing and projected volume-to-capacity of the Link and the surrounding Major Thoroughfares before and after the proposed modification. [Ord. 2011-016]
7. The projected revenue for improving the Major Thoroughfare system and the likely priority of various improvements to the Major Thoroughfare system. [Ord. 2011-016]
8. Environmental character and the extent of impact on such. [Ord. 2011-016]
9. Historical significance and the extent of impact on such. [Ord. 2011-016]
10. Aesthetics and the extent of impact on such. [Ord. 2011-016]
11. Amount of existing R-O-W, and cost to obtain additional R-O-W. [Ord. 2011-016]
12. Impact on the provision of other public facilities. [Ord. 2011-016]

D. Procedure/Extraordinary Vote

1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing, modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the ability of Local Governments to allow Development consistent with their FLU elements of their plans; the BCC shall require a review and determination of whether a reduced LOS (CRALLS designation) should be set on the Link or other Links before the BCC eliminating the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the number of lanes shall require a majority-plus-one vote of the members of the BCC. No

elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a manner that would reduce capacity, or reducing the number of lanes on a Link shall be effected until any necessary adjustments are made to: (1) the Major Thoroughfare system (including capacity improvements or lower the Levels of Service, as appropriate); or (2) the land uses have been made to accommodate the elimination, narrowing, modification, or reduction. [Ord. 2011-016]

2. If it is clear that no impediment to: (1) achieving the Adopted LOS; or (2) Local Governments allowing Development consistent with the FLUE of their plans would result, the BCC may, by a majority vote of its members narrow the adopted width, modify the proposed geometrics of a Link, or Major Intersection, or reduce the number of lanes in the Plan without PLC review. Nothing herein shall require CRALLS review, application to the PLC, or notice to any Local Government for minor modifications to the proposed Major Thoroughfare system which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare system. Nothing herein shall require PLC review for waivers of expanded intersection requirements or R-O-W protection pursuant to Policy 2-d of the Transportation Element of the Plan. [Ord. 2011-001] [Ord. 2011-016]

CHAPTER I COASTAL RESIDENTIAL EXCEPTION

Section 1 Intent

The Coastal Residential exception to the LOS requirements of this Article promotes Urban Infill and deters urban sprawl. It also promotes redevelopment. It provides closer proximity of residential uses to commercial uses and employment bases, thereby reducing the impact on the overall Major Thoroughfare system, pollution, the use of fossil fuels and other resources, and the travel time and needs of the public. Because it applies only to the Incorporated Area, it also promotes annexation of Unincorporated Areas. Therefore, the public benefits of an uncrowded and efficient road system promoted by this Article are also promoted generally (but not necessarily on a specific Link or Major Intersection) by the creation of a Coastal Residential exception to the LOS requirements of this Article. The Coastal Residential exception may also result in more integration in the PBC School system.

Section 2 Creation

Because of these public benefits there is hereby established pursuant to Policy 1.2-a of the Transportation Element of the Plan a Coastal Residential exception which shall be within the Incorporated Area east of I-95, north of the Broward County Line, west of the Atlantic Ocean (excluding the barrier island), and south and east of a boundary from I-95 along PGA Boulevard to Prosperity Farms Road, then north to the western prolongation of the northern boundary of Juno Isles, then east to a point 600 feet west of U.S. Highway One, then north to the northern boundary of Juno Beach, then east to the Atlantic Ocean. It shall also be the Incorporated Area bounded on the south by the north boundary of the Jupiter Hospital, and its eastern and western prolongation between the Atlantic Ocean and Military Trail; bounded on the west by Military Trail and its northern prolongation to the North Fork of the Loxahatchee River, then meandering northwest along the northeast shore of the North Fork of the Loxahatchee River to the Martin County Line; bounded on the north by the Martin County Line; and, bounded on the east by the Atlantic Ocean, excluding the barrier island. It shall allow such residential Projects, and the residential portion of mixed-use Projects that otherwise meet the standards of this Article, in Incorporated Areas to receive a Site Specific Development Order notwithstanding the standards of this Article. The Coastal Residential exception shall not apply to conditions or limitations placed on residential Projects or the residential component of mixed-use Projects that are located within the boundaries of a Transportation Concurrency Exemption Area as designated pursuant to Art. 12.L, Transportation Concurrency Exemption for Projects That Promote Public Transportation. [Ord. 2005-002]

Section 3 Traffic Impact Study Information

The Applicant shall submit a traffic study providing traffic generation, assignment throughout the Test 1 Radius of Development Influence, and projections of future traffic at the site access. Traffic Impact Studies for mixed-use Projects must provide separate distributions and assignments for the residential and non-residential components.

Section 4 Municipal Levels of Service

Nothing in this Article shall be construed as derogating the requirement under F.S. ch. 163 that Municipalities set the LOS on PBC and State roads consistent with the PBC and State LOS to the maximum extent feasible. [Ord. 2019-005]

CHAPTER J TRANSPORATION CONCURRENCY MANAGEMENT AREAS (TCMA)

Section 1 Intent

The purpose and intent of this optional alternative transportation concurrency approach is to promote infill development within selection portions of urban areas in a manner that supports the provision of more efficient mobility alternatives, including public Transit. As a coordinated approach to land use and transportation development, the use of an area-wide LOS standard and an accommodation and management of traffic congestion may be employed. A TCMA is a compact geographic area within existing or proposed multiple, viable alternative travel paths, or modes for common trips.

Section 2 Area-Wide Level of Service

An area-wide LOS standard may be established for specific facilities in common corridors within a TCMA. The area-wide Level of Service standard must be maintained, as a basis for the issuance of Development Orders and Permits within the TCMA. The area-wide LOS standard may only be established for facilities on common corridors with similar functions, serving common origins and destinations.

A. The designation of a TCMA and the establishment of an area-wide LOS standard must be supported by data and analysis which:
    1. Demonstrate that the TCMA is compatible with and furthers the various portions and Elements of the Plan. When in a Municipality, the data and analysis shall also demonstrate that the TCMA is compatible with and furthers the various portions and elements of the Local Government's comprehensive plan.
    2. Provide justification for the size and boundary of the TCMA for consistency with the purpose of promoting the stated purpose of a TCMA.
    3. Demonstrate that the TCMA contains an integrated and connected network of roads and provides multiple, viable alternative travel paths, or modes for common trips.
    4. Demonstrate the basis for establishing the area-wide LOS standard and determine the existing and projected transportation facilities and services requirements that will support the requested area-wide LOS standards.
    5. Demonstrate that the area-wide LOS standard and other transportation services and programs will support infill development and redevelopment.
    6. Demonstrate that the planned roadway improvements and other transportation services and programs will accomplish mobility within and through the TCMA. The programs may include, but not be limited to Transportation System Management (TSM), Transportation Demand Management (TDM), and incentives to promote public Transit such as parking policies and provisions for intermodal transfer.
    7. Identify the impacts on other Local Governments, if any.
B. The Local Government shall establish and maintain an internally consistent transportation, land use, and capital improvement planning program. These programs shall be sufficient to meet and maintain the established area-wide LOS standard.

Section 3 Procedure

A. At least 30 days prior to a Local Government submitting a Plan amendment for a TCMA, a Pre-Application Conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the Local Government initiating the Plan amendment, the County Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating Local Government of the State planning agency's Objection, Recommendation and Comments Report.
C. The TCMA shall not become effective until the following actions are taken:
    1. The BCC finds the designation of the TCMA to be consistent with the Plan.
    2. The BCC finds the area-wide LOS standard to be appropriate, and can be maintained.
    3. The BCC adopts an amendment to the Plan establishing the TCMA.
    4. A Final Order is issued by the DCA finding the amendment or amendments in compliance.

CHAPTER K TRANSPORATION CONCURRENCY EXCEPTION AREAS (TCEA)

Section 1 Intent

The purpose and intent of this flexible transportation concurrency option approach is to reduce the adverse impact transportation concurrency may have on Urban Infill Development and Redevelopment and the achievement of other goals and policies of the State comprehensive plan, such as promoting the development of public transportation. Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exceptions provide flexibility for concurrency management in order to encourage the application of a wide range of planning strategies that correspond with the local circumstances of a specific geographic area. The exceptions apply to all land uses and Development and types of facilities within the expressly excepted area.

Section 2 Area Types

A Local Government must designate a TCEA in its comprehensive plan. A TCEA will be allowed only in one of the following areas:

A. A specific geographic area delineated in the Local Government comprehensive plan for Urban Infill Development. Such an area shall meet the following requirements:
    1. The area shall contain no more than ten percent developable vacant land. Developable vacant land shall not include water bodies and land designated for conservation use, natural reservations, public road R-O-W, public recreation sites, or other areas or uses designated in the Local Government's comprehensive plan as unavailable for Development.
    2. For areas where residential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average residential density shall be at least five dwelling units per gross residentially developed acre of land.
    3. For areas where non-residential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average non-residential intensity shall be at least a FAR of 1.0 per gross non-residentially developed acre of land.
    4. If neither residential nor non-residential uses comprise more than 60 percent of the developed land, then both the existing residential uses and non-residential uses shall meet the appropriate density and intensity criteria prescribed in Art. 12.K.2.A.2 and Art. 12.K.2.A.3 above. The term “gross developed acre” shall include all uses associated with the predominant land use including roads, parking, drainage, open space, landscaping, and other support facilities.
B. A specific geographic area delineated in the Local Government comprehensive plan for Urban Redevelopment. The Urban Redevelopment area must be within an Urban Infill area or within an Existing Urban Service Area that does not contain more than 40 percent developable land.
C. A specific geographic area delineated in the Local Government Plan for Downtown Revitalization within the designated central business district.

Section 3 Criteria

A. The designation of a TCEA must be supported by data and analysis which:
    1. Demonstrate that the TCEA is compatible with and furthers the various portions and Elements of the Plan. When in a Municipality, it shall also demonstrate that the TCEA is compatible with and furthers the various portions and elements of the Local Government Plan.
    2. Provide justification for the size and boundary of the TCEA for consistency with the purpose of promoting the stated purpose of a TCEA.
    3. Identify the impacts on other Local Governments, if any.
B. To implement the TCEA, the Local Government's comprehensive plan must contain guidelines and policies which specify programs to meet the transportation needs of the TCEA. The guidelines may contain a wide range of strategies that include: timing and staging plans, parking control and pricing policies, TSM, TDM, incentives to promote public Transit, and the utilization of creative financing tools for the provision of transportation services and facilities.
C. The guidelines and policies and programs to implement the TCEA must demonstrate by supporting data and analysis, including short and long-range traffic analysis, that consideration has been given to the impacts of the proposed Development within the TCEA on the FIHS and SIS. [Ord. 2009-040]

Section 4 Procedure

A. At least 30 days prior to a Local Government transmitting a Plan amendment for a TCEA to the DCA, a Pre-Application Conference shall be held. This pre-application meeting will be coordinated with the Planning Director. It will include representatives from the Local Government initiating the Plan amendment, PBC Traffic Division and Planning Division, the MPO, the FDOT, District IV, and the Treasure Coast Regional Planning Council.
B. Another conference shall be held with the representatives identified above within 30 days of receipt by the initiating Local Government of the State planning agency's Objection, Recommendation and Comments Report.
C. The TCEA shall not become effective until the following actions are taken:
    1. The BCC finds the designation of the TCEA to be consistent with the Plan.
    2. The BCC adopts an amendment to the Plan establishing the TCEA.
    3. A Final Order is issued by the DCA finding the amendment or amendments in compliance.

Section 5 Traffic Impact Study Information

A traffic study providing traffic generation, assignment throughout the Test 1 Radius of Development Influence and projections of future traffic at the site access must be submitted to PBC for proposed Project within the limits of a TCEA.

CHAPTER L TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION

Section 1 Intent

The purpose and intent of this Chapter is to allow a Local Government to grant an exception from the concurrency requirements for transportation facilities for Projects which promote public transportation. F.S. § 163.3164(38) defines Projects that promote public transportation as those that "directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or Projects that include fixed-rail or transit terminals as part of the building, and Projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities." Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exception requires that Projects establish meaningful facilities and programs that promote public transportation.

Section 2 Project Types

This exception is limited to Projects that meet the requirements of Art. 12.L.2.A and Art. 12.L.2.B, below:

A. The Project must be determined to be a Project which promotes economic development through job creation. At a minimum, the Project shall be 200 acres in size, and create, at Project Buildout, not less than 5,000 jobs at the Project site.
    1. For a Project located in the Unincorporated Area, the BCC shall make a determination that the jobs created shall be of a type and within a salary range that promote economic development.
    2. For a Project located in the Incorporated Area, the BCC and the Municipal commission shall make determinations that the jobs created shall be of a type and within a salary range that promote economic development.
B. The Project must be developed, owned, and operated by a not-for-profit agency. The Project and agency shall provide essential public services. At a minimum, the Project shall be 20 acres in size, and create, at build-out, not less than 2,000 jobs at the Project site.
    1. For a Project located in the Unincorporated Area, the BCC shall make a determination that the Project and agency provide essential public services.
    2. For a Project located in the Incorporated Area, the BCC and the Municipal commission shall make determinations that the Project and agency provide essential public services.
C. A Project that meets the requirements of Art. 12.L.2.A or Art. 12.L.2.B above may be a mixed-use Project, incorporating residential and/or commercial components. However, in no event shall residential and/or commercial retail uses combine to comprise more than 45 percent of the square footage of the GFA.

Section 3 Project Location

This exception is limited to Project that meet the following location criteria:

A. The Project shall not be located within the Coastal High Hazard Area.
B. All Projects must be located within PBC's U/S Tier and be adjacent to (i.e., abutting or separated only by other public or governmental R-O-W) the Tri-County Commuter Rail Authority line, or be adjacent to a street which is served by Palm Tran.

Section 4 Required Provisions to Promote Public Transportation

All Projects shall, at a minimum, provide all of the following transportation amenities:

A. The Project shall provide a site to Tri-Rail at the Project site, adjacent to the Tri-Rail tracks, for a station platform, ticket booth, and parking for at least 400 automobiles. When a Project is not adjacent to Tri-Rail, it shall provide a bus stop facility capable of handling two or more Palm Tran buses at a time with a covered waiting area of sufficient size to accommodate at least two percent of its employees.
B. The Project shall provide a financial incentive in the form of a subsidy of at least 50 percent of the annual ticket cost to at least five percent of the persons employed at the Project site for riding Tri-Rail and/or Palm Tran to and from the Project site for a minimum of 200 working days per year. As an alternative, the Development may provide equivalent funds directly to Palm Tran to subsidize this service.
C. The Project shall provide a Ridesharing information service to persons employed at the Project site.
D. The Project shall provide emergency transportation to those employees using mass Transit, Ridesharing, or other alternative modes of transportation (i.e., bicycles or pedestrian).
E. The Project shall apply access management techniques along all roadways fronting the Project.
F. The Project shall provide external pedestrian access to the Project, as well as an internal pedestrian system, accommodating persons with disabilities, as well as persons using alternative modes of transportation to the automobile.
G. The Project shall enter into an agreement with PBC to provide the provisions to promote public transportation detailed in Art. 12.L.4.A, Art. 12.L.4.B, Art. 12.L.4.C, and Art. 12.L.4.D above, in perpetuity. The Project will submit an annual monitoring report to the Palm Beach Planning Director that demonstrates that the requirements in Art. 12.L.4.A, Art. 12.L.4.B, Art. 12.L.4.C, and Art. 12.L.4.D above are being met. Each annual report shall be due on the anniversary of the first CO.

Section 5 Required Traffic Study

Projects utilizing this exemption will submit a traffic study that is consistent with all of the provisions of this Article. They shall also provide a transportation analysis that illustrates their impact on the FIHS and SIS to ensure that those impacts are considered in the approval process. [Ord. 2009-040]

Section 6 Required Roadway Improvements

Projects utilizing this exemption may be required to provide roadway, intersection, and/or signalization improvements to minimize their impact on the road network. These improvement will be determined by the County Engineer.

Section 7 Parking

Projects meeting the above requirements may apply for parking reductions pursuant to applicable codes.

CHAPTER M FIVE-YEAR ROAD PROGRAM

Section 1 Intent

The BCC of PBC Florida finds that the 1990 Traffic Performance Code adopted by Art. 12.A, General, through Art. 12.L, Transportation Concurrency Exemption for Projects That Promote Public Transportation is premised on PBC's commitment to adhere to and implement the adopted "Palm Beach County Five Year Road Program Ordinance," referred to as "Five-Year Road Program" in this Article and the 1989 PBC Plan, as amended, (referred to as "Plan" in this Section). PBC's failure to maintain its commitment to adhere to and implement its adopted Five-Year Road Program as set forth in this Section, shall result in a review and reconsideration of the Adopted LOS contained in this Article, and in the Plan.

Section 2 Description of Five-Year Road Program

The Five-Year Road Program was adopted by the BCC of PBC by Ordinance No. 85-40. In that Ordinance, as amended, and in the Plan, PBC adopted a reasonably attainable program of roadway construction for a five-year period and matched the construction of Projects with projected funding. Ordinance No. 85-40, as amended, further provides that prior to December of each year, the BCC shall consider the Ordinance to modify the list of Projects to create a viable list of funded Projects for the succeeding five years. The modification to the Five-Year Road Program shall continue to include, at a minimum, a description of the road Project, the type of road construction required, and the amount of money to be spent each fiscal year for plan preparation, R-O-W acquisition, and actual construction.

Section 3 Modification of Five-Year Road Program

A. Semi-Annual Modification of Five-Year Road Program

The deletion of construction Projects from the Five-Year Road Program may be done no more frequently than twice a year. For purposes of this Section, "deletion of a construction Project" shall mean the elimination of the construction Project, the failure to let a road construction contract, the removal of or failure to establish funding of the construction Project, the material reduction in the scope of work or funding (as it affects the construction Project), or the postponement of the construction Project in the Five-Year Road Program for more than two years beyond the year the construction was originally programmed in the 1988-92 Five-Year Road Program or in the Five-Year Road Program in which the construction was first added after 1987. It does not include delays associated with R-O-W acquisition as a result of judicial decision, redesign after the contract has been let, construction, or other delays not under the control of PBC.

B. Findings Required Prior to Deletion in the Adopted Five-Year Road Program

Prior to approving the deletion of any construction Project from the County's Five-Year Road Program, the BCC must find: (1) that the deletion of the construction Project will not result in any Link or intersection on the road network operating at greater than the Adopted LOS as defined in this Article if such Link would not have operated at greater than the Adopted LOS as defined in this Article had the Project been constructed as originally programmed in the adopted Five-Year Road Program; and (2) that no Project which was approved and phased based upon such Assured Construction would be denied Building Permits because of the deletion of the construction. If both findings can be made, then the construction Project may be eliminated by a majority vote except, if the Project is in the current fiscal year, in which case a majority-plus-one vote is required. If only the second finding can be made, then a Project not in the current fiscal year could be deleted by a majority-plus-one vote. However, in no case may a Project be deleted when the second finding cannot be made.

Notwithstanding the above, a Project may be deleted if an equivalent substitute Project replaces the original Project, in the same fiscal year. An equivalent substitute Project is a roadway Project in the same area that will serve substantially the same trips as the original Project. This substitution may be made by a majority-plus-one vote.

Section 4 Standards of Five-Year Road Program

Concurrent with the adoption of the annual Five-Year Road Program, the BCC shall determine whether PBC has adhered to and implemented its Five-Year Road Program. In order to make the determination that PBC had adhered to and implemented its adopted Five-Year Road Program, the BCC must find the following based upon substantial competent evidence:

A. Funding

The amount of funding of the current fiscal year of the Five-Year Road Program is, at a minimum, as contemplated in the Plan and the Five-Year Road Program.

B. New Fifth Year

The new fifth year being added to the Five-Year Road Program with Projects added to the Five-Year Road Program at a rate contemplated in the Plan.

C. Projects on Schedule

Fewer than 20 percent of the programmed road construction Projects (on a line-item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule.

Section 5 Effect of Failure of County to Adhere to and Implement its Adopted Five-Year Road Program

If the BCC does not continue to fund the Five-Year Road Program in accordance with the Plan, or does not continue to add Projects to the Five-Year Road Program at a rate contemplated in the Plan, as corrected, updated, or modified as permissible in F.S. § 163.3177(3)(b); or construction Projects consisting of 20 percent or more of the programmed construction Projects (on a line-item basis) from the preceding fiscal year over which PBC has control are more than 12 months behind schedule as determined after the effective date of this Section, above, the BCC shall review the Adopted LOS to determine whether it is realistic, adequate, and financially feasible.

CHAPTER N METHOD OF PRIORITIZING THROUGHFARE IMPROVEMENTS

PBC shall undertake data collection and review of such regarding Major Intersection capacity and peak hour Link capacity, along with ADT capacity. It shall use this information in programming Major Thoroughfare system improvements in the Five-Year Road Program.

The objective shall be to effectively spend available funds so as to maximize capacity, balancing the amount of capacity added, the cost of improvements, the time the improvements will be utilized, and the "expandability" of those improvements to the ultimate section of road. Volume to ADT capacity ratios shall be the preliminary criterion for prioritizing funding of improvements. Due consideration shall be given to the amount of area opened up for Development as a result of the various improvements. Deferral or elimination of Link improvements made unnecessary as a result of: (1) other Major Thoroughfare system improvements, such as intersection improvements; or (2) refined capacity analysis, shall not be considered the deletion of a road improvement, unless the deletion is of a Project scheduled for construction of the first year of the Five-Year Road Program or was scheduled for construction in the first year of a previous Five-Year Road Program. When evaluating whether a particular improvement should be deleted from the Five-Year Road Improvement Program, due consideration shall be given to previous reliance of improvements scheduled in the Five-Year Road Program.

In addition, the analysis shall identify improvements to relieve traffic demands on all deficient facilities which are not included in the Five-Year Road Program. PBC shall estimate traffic volumes to be on the roadway network at the end of the last year in the Five-Year Road Program and determine what additional improvements will be needed to meet those future traffic demands. These plans will be developed initially in 1991 and presented to the BCC annually in conjunction with the review and approval of the Five-Year Road Program, beginning in 1992. Consideration will be given to staging improvements by constructing intersection improvements or other spot roadway improvements such that maximum roadway system and funding efficiency are achieved. These improvements shall be included in the analysis but will not be required to be identified for construction in a certain year.

CHAPTER O PROJECT AGGREGATION

Section 1 Applicability

This Chapter concerning Project aggregation shall apply only to a lot in existence on or after March 31, 2003 or to a Project with a Development Order, an Agreement, or both, approved after March 31, 2003 that is subject to a Condition of Approval that expressly provides for Project aggregation. This Subsection shall not apply to Developments located within a designated Community Redevelopment Area (CRA) or "urban infill" area as defined in F.S. § 163.3164.

Section 2 Aggregation Criteria

Two or more land uses, or group of land uses, or land development activity or activities, or amendment(s) thereto (hereafter "Developments"), which require a Development Order(s), represented by their owners or developers to be separate Developments, shall be aggregated and treated as a single Project when each of the following criteria in paragraphs (1) through (3) is met.

A. The Developments generate more than 500 two-way peak hour trips when aggregated.
B. The same Person owns or has a significant legal or equitable interest or an option to obtain significant legal or equitable interest in each Development. A "significant legal or equitable interest" means that the same Person has an interest or an option to obtain an interest of more than 25 percent in each Development for the following types of interests: (1) a fee simple estate; (2) a leasehold estate of more than 30 years' duration; (3) a life estate; or, (4) similar equitable, beneficial, or real property interests in the Developments. A lessor's interest in a lease of more than 30 years is not a significant legal or equitable interest.

C. The Developments are part of a unified plan of Development as evidenced by meeting at least two of the following:
   1. There is a period of two years or less between the issuance of the first Building Permit, or issuance of a Development Order if the first Building Permit has not been issued, for one Development and subsequent traffic concurrency application for another Development. This subparagraph shall apply only if any portion of the parcels that contain the Developments: (1) presently share a common boundary; or (2) previously shared a common boundary or existed as a single parcel within two years from the date the earliest of the Developments received traffic concurrency approval.
   2. The Developments are physically proximate to one other. Two or more Developments shall be considered "physically proximate" when any portion of two or more Developments is contiguous or separated by a road R-O-W or public canal easement of 140 feet or less.
   3. A Master Plan or series of plans or drawings exists covering the Developments sought to be aggregated which have been submitted to a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence Development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose Local Government or a master drainage plan shall not be the sole determinant of the existence of a Master Plan which aggregates Developments; or
   4. The voluntary sharing of infrastructure that is indicative of a common Development effort or is designated specifically to accommodate the Developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, the Division of Florida Land Sales, Condominiums, and Mobile Homes, or the Public Service Commission. "Sharing of infrastructure" means the voluntary joint use by two or more Developments of internal roadways, internal recreational facilities or parks, amenities, or water, sewage, or drainage facilities specifically constructed to accommodate the Developments sought to be aggregated. Shared infrastructure does not include:
      a. Any joint or shared use of private or public infrastructure specifically required under an established policy of general applicability as set forth under a comprehensive plan adopted pursuant to F.S. ch. 163, an adopted Local Government ordinance or resolution, State Statute, or by adopted rule of Regional or State regulatory agencies;
      b. Any joint or shared use of public recreational facilities or parks so long as they were not conveyed by a Person with a significant legal or equitable interest in the Developments sought to be aggregated;
      c. Any joint or shared use of publicly-financed drainage or stormwater management facilities, roadways, or water or sewer facilities which were not constructed or financed specifically to accommodate the Developments considered for aggregation;
      d. Design features, financial arrangements, donations, or construction that is specified in and required by an Agreement between PBC and two or more Developments; or,
      e. Cross access or shared driveways.
   5. There is a common advertising scheme or promotional plan in effect for the Developments sought to be aggregated. "Common advertising scheme or promotional plan" means any depiction, illustration, or announcement which indicates a shared commercial promotion of two or more Developments as components of a single Development and is designed to encourage sales or leases of property.

Section 3 Exceptions

This Chapter concerning Project Aggregation is intended to prevent the division of one large Project into several smaller Projects in order to circumvent the purpose of this Article, not to aggregate separate and discrete Projects. Certain activities and circumstances, including the following, shall not be used by the County Engineer to aggregate two or more Developments:

A. Activities undertaken leading to the adoption or amendment of any Plan element described in F.S. ch. 163, pt. II.
B. The sale of unimproved parcels of land, where the seller does not retain significant legal or equitable interest in the future Development of the parcels.
C. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or Development of the parcels in which it has an interest.

D. Drainage improvements that are not designed to specifically accommodate the Developments sought to be aggregated.
E. Use of the same real estate broker to market and sell two or more Developments.
F. Agreements to authorize owners or developers to pool impact fees or impact fee credits, or to enter into front-end agreements or other financing arrangements by which they collectively agree to design, finance, donate, or build such public infrastructure, facilities, or services.
G. Nothing herein shall prevent the Development of a portion of a parcel owned by one Person where no unified plan of Development for the remainder of the parcel, or portion thereof, is evidenced.

Section 4 Procedure

A. In order to aggregate two or more Developments pursuant to this Chapter, the County Engineer shall provide written notice of intent to aggregate. This notice shall be delivered by certified mail to all affected Applicants seeking traffic concurrency approval. The notice of intent to aggregate shall: identify the Developments sought to be aggregated; explain the effect of aggregation on the Developments in the event a final determination has been made by PBC to aggregate the Developments; and, indicate that an affected current owner may appeal the decision of the County Engineer pursuant to Art. 12.D, Procedure, of this Article.
B. If the County Engineer's notice of intent to aggregate is not appealed, or if the TPSAB, or a court of competent jurisdiction, ultimately affirms the decision of the County Engineer to aggregate, the Developments shall be considered a single Project for the purposes of traffic concurrency. Once aggregated, the Applicant or Applicants seeking traffic concurrency approval shall prepare and submit to the County Engineer a single Traffic Impact Study that analyzes the aggregated Developments as a single Project. The Traffic Impact Study shall be subject to the review and procedural standards set forth in Art. 12.A.1.A, Intent, of this Code. Such review and procedural standards shall not affect the terms and conditions of an already approved Development Order, a prior Agreement, or both, related to traffic concurrency approval of an aggregated Development.

Section 5 Traffic Impacts

This Chapter shall be applied only for the purpose of evaluating the traffic impacts of a Project pursuant to the requirements of this Article.

Section 6 Traffic Concurrency

The application materials used for traffic concurrency approval shall be amended to require an Applicant to state whether or not the Project is subject to aggregation as set forth in this Chapter.

Section 7 Aggregation

Portions of this Chapter concerning aggregation are based on the aggregation regulations for DRI, codified in F.S. § 380.0651. Unless the context clearly indicates otherwise, the terms used in this Chapter shall have the same meaning and application as those terms that are provided for in the State regulation.

CHAPTER P OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM

Section 1 Purpose and Intent

The purpose of the Okeechobee Boulevard CRALLS Point System is to provide a means for approving new land development/redevelopment Projects that will have significant traffic impacts on Okeechobee Boulevard, but will provide acceptable mitigation for those impacts. In the case of Okeechobee Boulevard, there are few undeveloped properties without Development approvals that could still have significant traffic impact on the roadway. To allow for reasonable and beneficial economic use of these properties, the PBC BCC has determined that Okeechobee Boulevard from Military Trail to Jog Road is a constrained roadway facility where significant traffic impacts from new Development can be evaluated at a lower LOS standard than what is normally allowed. The mitigation of impacts for Okeechobee Boulevard by the strategies contained in this Point System will be accomplished in the following ways: [Ord. 2006-036] [Ord. 2010-022]

A. Reduction of single-occupant vehicle trips by encouraging Ridesharing, diversion to alternate travel modes, and Telecommuting. [Ord. 2006-036]
B. Reduction of peak hour vehicle trips by shifting these trips to other time periods. [Ord. 2006-036]

C. Reduction of land use densities and intensities for proposed development/redevelopment. [Ord. 2006-036]
D. Increase in land use densities and intensities for proposed development/redevelopment only in cases where land use mix maximizes Internal Trip capture and promotes feasibility of mass Transit modes. [Ord. 2006-036]

Section 2 Applicability

In addition to the standards imposed by this Article, all proposed Projects with significant Project Traffic on the Okeechobee Boulevard corridor from Jog Road to Military Trail shall be subject to the Okeechobee Boulevard CRALLS Point System. [Ord. 2006-036] [Ord. 2010-022]

Section 3 Procedure

A. General
Applicants must choose from 14 mitigation strategies set forth in this Chapter to accumulate points necessary for Development Order approval. Point totals shall be calculated pursuant to the Point System methodology. Applicants meeting the minimum required point totals will receive traffic concurrency approval provided all of the other standards of this Article have been met. [Ord. 2006-036]

B. Application Requirements
Applications must include a traffic study demonstrating compliance with Test 1 and Test 2 of this Article. Applications must also include a study identifying the mitigation strategies to be used by the Project, and a calculation of total points earned as a result. Applications shall initially be submitted to the County Engineer for review and comment to determine completeness. An application shall be found complete if it contains sufficient and accurate data and analysis for the County Engineer to determine whether or not the application complies with this Chapter. Any deficiencies in the completeness of an application identified by the County Engineer must be corrected and resubmitted in order for the application to be considered. [Ord. 2006-036]

C. Conditions of Approval
PBC shall impose Conditions of Approval and the recording of restrictive covenants as necessary to ensure compliance with the requirements of this Chapter. All Conditions of Approval shall be made part of the traffic concurrency and Development Order approved by the County or Municipality, as the case may be. [Ord. 2006-036]

D. Condition Monitoring
Development Order conditions imposed upon Projects in the Unincorporated Area will be monitored by the County Engineer. For Development Orders imposed upon Projects within Municipalities, monitoring reports with prescribed format and documentation shall be submitted to the relevant Municipality, as well as the County Engineer as required in Art. 12.P.4, Mitigation Strategies. Failure to meet the requirements of any strategy, any Condition of Approval imposed pursuant to this Chapter, or any monitoring report required by this Chapter, may result in enforcement action including but not limited to Code Enforcement actions and actions to modify or revoke the concurrency approval, Development Order, or both. [Ord. 2006-036]

E. Substitution of Alternative Strategies or Alteration of Existing Strategy at a Later Date
If the Property Owner wishes to alter an existing strategy or substitute another mitigation strategy or strategies after receiving initial Development Order Conditions of Approval for qualification under the Point System, then an application for a Development Order Amendment must be filed for approval by PBC. For Projects located in Municipalities, alteration or substitution of alternative strategies must be reviewed and approved by the County Engineer before the application for Development Order Amendment is submitted to the Municipality. If an approvable mitigation strategy of equivalent or greater points is substituted, or if the County Engineer determines that an alteration of an existing strategy provides mitigation equal to or greater than originally approved, the Development will not need to qualify again for approval under the Point System. [Ord. 2006-036]

F. Time Limits
Each approval shall be subject to specific time limitations. Expiration of the concurrency or failure to commence Development as set forth in Art. 2.E.2.C, Time Limitations for Commencement, will result in actions to modify or revoke the concurrency approval, Development Order, or both. If revoked, the capacity reserved will be returned to the system. [Ord. 2006-036]

G. Municipal Review

Notwithstanding the peak hour trip threshold set forth in Art. 12.D, Procedure, Projects located in Municipalities that require the Okeechobee Boulevard CRALLS in order to meet the County Traffic Performance Standards shall be subject to the requirements of this Chapter. Additional land use regulations may be imposed by the Municipality in conjunction with Point System review. [Ord. 2006-036]

Section 4 Mitigation Strategies

A. Strategy 1. Mixed-Use Development around Transit Corridors

1. Applicability

This strategy consists of providing a mixed-use Development near a Transit Corridor. This strategy cannot be combined with Strategy 2, Mixed-Use Development around Transit Centers. [Ord. 2006-036]

2. Qualifying Criteria

a. The Transit Corridor must be no more than one-quarter mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to Transit services and adjoining uses. [Ord. 2006-036]

b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]

c. A Master Plan or Site Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. [Ord. 2006-036]

d. Uses must be identified within the Master Plan or Site Plan. [Ord. 2006-036]

e. The Master Plan or Site Plan shall be approved as part of the Development Order. [Ord. 2006-036]

f. Minimum floor area ratio must be 0.5 per Net Acre. [Ord. 2006-036]

g. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net a.m. or p.m. trips for the Development. [Ord. 2006-036]

h. Non-residential land uses shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of ten percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a Local, Collector, or Arterial Street. [Ord. 2006-036]

3. Implementation Timeframe

The implementation timeframe will be defined as part of the Master Plan/Development Order. Master Plans and Development Orders for phased Developments must include interim qualifying criteria consistent with the above criteria. At each phase of Development, before CO will be granted, the interim criteria must be met. [Ord. 2006-036]

4. Monitoring and Enforcement

a. At the conclusion of each phase of Development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. [Ord. 2006-036]

b. As part of the Development approval process, a restrictive covenant must be recorded against all parcels of the Development indicating the minimum and maximum percentages allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during Development review. PBC shall not allow the conversion of uses that would result in a Project's failure to meet specified requirements. [Ord. 2006-036]

c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as Municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. [Ord. 2006-036]

d. Two years following Project Buildout, the developer, owner, or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. 0.4 for FAR 0.5 or higher per Net Acre, and at least 60 percent of the total square footage must be dedicated to residential use; [Ord. 2006-036]

b. 0.6 for FAR 0.75 or higher per Net Acre, and at least 70 percent of the total square footage must be dedicated to residential use; or, [Ord. 2006-036]

c. 0.8 for FAR 1.0 or higher per Net Acre, and at least 80 percent of the total square footage must be dedicated to residential use. [Ord. 2006-036]

B. Strategy 2. Mixed-Use Development around Transit Centers

1. Strategy

This strategy consists of developing a mixed-use Project near a Transit Center located on a Transit Corridor as either a unified or parcelized Development. This strategy cannot be combined with Strategy 1, Mixed-Use Development around Transit Corridors. [Ord. 2006-036]

2. Qualifying Criteria

a. The Transit Center must be no more than one-quarter mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to Transit services and adjoining uses. [Ord. 2006-036]

b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]

c. A Master Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. [Ord. 2006-036]

d. Uses must be identified within the Master Plan. [Ord. 2006-036]

e. Minimum floor area ratio must be 0.5 per Net Acre. [Ord. 2006-036]

f. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net a.m. or p.m. trips for the Development. [Ord. 2006-036]

g. Non-residential land use shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of ten percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a Local, Collector, or Arterial Street. [Ord. 2006-036]

3. Implementation Timeframe

The implementation timeframe will be defined as part of the Master Plan or Development Order. Master Plans and Development Orders for phased Developments must include interim qualifying criteria consistent with the above criteria. At each phase of Development, before CO will be granted, the interim criteria must be met. [Ord. 2006-036]

4. Monitoring

a. At the conclusion of each phase of Development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. [Ord. 2006-036]

b. As part of the Development approval process, a restrictive covenant must be recorded against all parcels of the Development indicating the minimum and maximum densities and intensities allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during Development review. PBC shall not allow the conversion of uses that would result in a Project's failure to meet specified requirements. [Ord. 2006-036]

c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as Municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. [Ord. 2006-036]

d. Two years following Project Buildout, the developer, agent, or Property Owner as appropriate may request alteration of existing strategies or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. 0.6 for FAR of 0.5 or higher per Net Acre, and at least 60 percent of the total square footage must be dedicated to residential use; [Ord. 2006-036]

b. 0.8 for FAR of 0.75 or higher per Net Acre, and at least 70 percent of the total square footage must be dedicated to residential use; or, [Ord. 2006-036]

c. 1.0 for FAR of 1.0 or higher per Net Acre, and at least 80 percent of the total square footage must be dedicated to residential use. [Ord. 2006-036]

C. Strategy 3. Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes

1. Strategy

This strategy consists of providing feeder service between the Project site and a rail station or multi-modal Transit Center, providing new Commuter Bus service between the Project site and residential areas, providing local or shuttle bus service between the Project site and major employers in the Okeechobee Boulevard corridor, or offering all employees free Transit passes for commuting to and from work. [Ord. 2006-036]

2. Qualifying Criteria

a. Developers must specify dedicated funding commitments to provide for direct costs of feeder services or Transit passes for a minimum of two years, or make a fair share contribution to be

determined by and paid to the appropriate local Transit agency for new or expanded services. [Ord. 2006-036]

b. Vehicles must be classified as either buses or minibuses. [Ord. 2006-036]
c. The Transit service must be no more than one-quarter mile walking distance from the nearest building entrance. [Ord. 2006-036]
d. The Project Site Plan must include provisions for Transit service infrastructure, including pick-up/drop-off areas and Transit circulation plans. Additionally, pedestrian connectivity between the Transit stop infrastructure and the primary use of the Development that complies with ADA criteria must be specified. [Ord. 2006-036]
e. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. [Ord. 2006-036]
f. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]
g. Proposed route(s) shall be subject to approval by PBC in consultation with Palm Tran. [Ord. 2006-036]
h. Proposed service associated with a non-residential site shall be operated at a minimum during the a.m. and p.m. peak hours during which the majority of site employees commute to and from work on all weekdays that the business(es) at the Project site is open. Proposed service associated with a residential site shall be operated at a minimum during the highest a.m. peak hour and highest p.m. peak hour on all weekdays that major employment centers along the Okeechobee corridor are open. [Ord. 2006-036]

3. Implementation Timeframe

This strategy must be in place one year from date of issuance of final Certificate of Occupancy for a single-building Project and one year from date of issuance of Certificate of Occupancy equaling 50 percent completion of a multiple-building Project. [Ord. 2006-036]

4. Monitoring and Enforcement

a. The Transit service is specified as part of a Master Plan or Site Plan, and the Development Order. Annual documentation of marketing efforts, funding, and participation for the free Transit pass program shall be provided to the Palm Beach County Engineer. [Ord. 2006-036]
b. Two years following Project Buildout, the Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]
c. By April 1 of each year, starting April 1 after the first full year after initiation of the Transit service, the developer, or their agent, must supply a report to the County Engineer as well as Municipality if applicable, identifying average daily and weekly ridership, the number of employees from the Project using the service, fees charged and revenues collected, and an evaluation of service operation with potential recommendations to increase the use of the service. [Ord. 2006-036]

5. Credit Factor

a. 0.05 for subscription bus service that operates with at least 50 percent employer subsidy; [Ord. 2006-036]
b. 0.05 for feeder service/Transit passes on routes with 30-minute peak hour headways; [Ord. 2006-036]
c. 0.10 for feeder service/Transit passes on routes with 20-minute peak hour headways; [Ord. 2006-036]
d. 0.15 for feeder service/Transit passes on routes with 10-minute peak hour headways; or, [Ord. 2006-036]
e. A 50 percent credit bonus will be given for feeder service that is operated with a peak headway as shown above and at least one-hour non-peak hour headways for a total period of at least 12 hours each weekday. The credit will double for feeder services offered free to the general public (not just site employees or residents). [Ord. 2006-036]

D. Strategy 4. Parking Management

Parking Management Strategy applies only to employee parking for non-residential Projects of at least 50,000 square feet of building area and mixed-use Projects with non-residential components of at least 50,000 square feet of building area. This strategy consists of the following: [Ord. 2006-036]

1. Qualifying Criteria

a. Parking lot must clearly identify separate parking areas for employees and customers, if any. Separate parking areas, including areas for employee preferred parking, shall be delineated on the Site Plan. [Ord. 2006-036]
b. Notwithstanding Art. 6, Parking, Loading, and Circulation, or other jurisdiction parking requirements, at least ten percent of the minimum number of parking spaces required by the

applicable County or Municipal code must be eliminated from the portion of the lot reserved for employees. [Ord. 2006-036]

c. Employees who drive to work must pay a daily fee of six dollars to park in the lot. The parking spaces for these employees must be located at the most remote point from the nearest building entrance relative to all other parking spaces. Employees who fail to pay the fee or park in an unauthorized space shall be subject to penalties including a fine equal to double the daily fee imposed, and in cases of repeated violations, towing. [Ord. 2006-036]

d. All fees and penalties collected from the employees who pay to park must be deposited in a separate parking fee fund. Monies in the fund shall be used to reduce traffic impacts by offering payments to employees who use public transportation or Vanpools in accordance with Strategy 5, Ridesharing Programs, offering payments to provide or fund in part shuttle service for employees in accordance with Strategy 3, Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes, or both. [Ord. 2006-036]

e. Employees who Rideshare do not pay a daily fee to park and may park in spaces designated for Ridesharing participants. Because of the above relationships, this strategy should be combined with Strategy 5, Ridesharing Programs. [Ord. 2006-036]

f. Applicant must specify a dedicated funding commitment from a source other than the parking fee to provide on-site monitoring and parking fee fund management. [Ord. 2006-036]

2. Implementation Timeframe

Parking lot configuration must be in place at the time of CO for any phase of the Project. Implementation timeframes for parking fees and use of parking fees to reduce traffic impacts shall be specified in the Development Order but in no event shall full implementation occur more than six months after Project Buildout. [Ord. 2006-036]

3. Monitoring

a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the Applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report shall at a minimum contain monthly and cumulative statistics providing: [Ord. 2006-036]

1) The number of total employees employed during each month and average number for the calendar year; [Ord. 2006-036]
2) The number of employees who paid parking fees; [Ord. 2006-036]
3) The number of employees who participated in Ridesharing or shuttle programs; [Ord. 2006-036]
4) The amount of fees collected; [Ord. 2006-036]
5) A report on the expenditure of the fees and fund balance at the end of each month and calendar year; [Ord. 2006-036]
6) An on-site monitoring report providing average number of Rideshare vehicles and paid parking vehicles in the lot each month, and the number of vehicles cited for improperly parking or parking without paying a fee per month. [Ord. 2006-036]

The report shall also include copies of all materials used in the Project informing employees of the strategy including lot regulations, daily fees, and opportunities for Ridesharing, public transportation, and shuttle service as appropriate. [Ord. 2006-036]

b. Two years following Project Buildout, the developer, owner, or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to Art. 12.P.3.F, Time Limits. In the event a substitution is authorized, all funds collected under this strategy shall be deposited in the Okeechobee Boulevard Mitigation Fee Trust Fund established in Strategy 14, Additional Mitigation Fee Payment. [Ord. 2006-036]

4. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.D, Strategy 4 Credit Factor Calculation. [Ord. 2006-036]

Table 12.P.4.D – Strategy 4 Credit Factor Calculation

$\text{Credit Factor} = \frac{P}{10 \times (\sqrt{S})}$
P = number of parking spaces eliminated by parking management
S = total size of non-residential building area in 1,000 sq. ft.
[Ord. 2006-036]

E. Strategy 5. Ridesharing Programs

Ridesharing Programs shall apply only to non-residential Projects and non-residential portions of mixed-use Projects with 20 or more employees. [Ord. 2006-036]

1. Qualifying Criteria

a. At least 15 percent of the Project employees must participate in Ridesharing within nine months of Project Buildout or as otherwise specified in the Master Plan. The Master Plan shall specify an alternate, backup mitigation strategy or corrective/incentive plan to be implemented if after nine months, 15 percent of the Project employees do not participate in Ridesharing. [Ord. 2006-036]

b. Projects must identify and fund a Ridesharing coordinator to assist participants, promote and facilitate the Ridesharing Program, and track performance of the Ridesharing Program for monitoring purposes. As an alternative, the Project may elect to participate in the existing South Florida Commuter Services Ridesharing Program by paying an annual membership fee. [Ord. 2006-036]

c. Applicants must identify a dedicated funding commitment to fund all aspects of the Ridesharing Program. This funding commitment shall include a commitment to provide at least a 50 percent subsidy of the out-of-pocket cost of any employee Vanpool utilizing the South Florida Vanpool Program. [Ord. 2006-036]

d. Preferential parking must be allocated for Ridesharing Program participants. Preferential parking spaces must be located closest to building entrances, with the exception of reserved spaces required by the ADA and delineated on the Site Plan. [Ord. 2006-036]

e. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]

f. No credit shall be received for Strategy 5, Ridesharing Programs, for those employees qualifying for credit under the non-peak hour work hours part of Strategy 13, Compressed Work Week/Non-Peak Hour Work Hours. [Ord. 2006-036]

2. Monitoring

a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the Applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report must be certified by an independent financial auditor and shall at a minimum contain monthly and cumulative statistics providing: [Ord. 2006-036]

1) The number of total employees employed during each month and average number for the calendar year; [Ord. 2006-036]
2) The number of employees who participated in Ridesharing; [Ord. 2006-036]
3) The number of days each employee participated in Ridesharing per reporting period; and, [Ord. 2006-036]
4) An accounting detailing the amount expended to fund the Ridesharing Program, including coordinator salary and amounts spent on promoting and monitoring the Ridesharing Program. [Ord. 2006-036]

The report shall also include copies of all materials used in promoting the Ridesharing Program. [Ord. 2006-036]

b. Two years following Project Buildout, the developer, owner, or agent as appropriate may request alteration or substitution of strategies pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

3. Implementation Timeframe

This strategy must be fully implemented within nine months of Project Buildout, or as otherwise set forth in the Master Plan or Site Plan. [Ord. 2006-036]

4. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.E, Strategy 5 Credit Factor Calculation. [Ord. 2006-036]

Table 12.P.4.E – Strategy 5 Credit Factor Calculation

$\text{Credit Factor} = \frac{E \times 2 \times D / 5}{50 \times (\sqrt{S})}$
E = number of on-site employees that are required to participate
D = number of weekdays per week that employees are required to participate
S = total size of non-residential building area in 1,000 sq. ft.
[Ord. 2006-036]

F. Strategy 6. Telecommuting Programs

1. Strategy

This strategy applies only to larger employers implementing formal policies, based on specific criteria, to allow and encourage employees to Telecommute. [Ord. 2006-036]

2. Qualifying Criteria

a. Project must be an employer of at least 20 people. [Ord. 2006-036]
b. Project must develop a formal policy and contract between employees and managers. The policy shall identify which job categories are suitable for Telecommuting, and what employees must do to participate. [Ord. 2006-036]
c. Employees must participate in the Telecommuting program an average of at least two weekdays per week. [Ord. 2006-036]
d. The projected level of participation, i.e., the number of employees participating and days per week Telecommuting, must be established in the Master Plan or Site Plan and maintained. [Ord. 2006-036]
e. Combining this strategy with Strategy 5, Ridesharing Programs, is encouraged. [Ord. 2006-036]

3. Implementation Timeframe

One year from Project Buildout to meet projected level of participation, or as otherwise specified in the Master Plan or Site Plan. [Ord. 2006-036]

4. Monitoring

a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a service report to the County Engineer, identifying the number of employees from the Development participating in the program and the number of days each employee Telecommutes. This monitoring report shall also include a copy of the Telecommuting policy and copies of each of the signed Telecommuting contracts entered during the reporting period. [Ord. 2006-036]
b. Two years following initiation of this strategy, the Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.F, Strategy 6 Credit Factor Calculation. [Ord. 2006-036]

Table 12.P.4.F – Strategy 6 Credit Factor Calculation

$\text{Credit Factor} = \frac{\text{E} \times 2 \times \text{D} / 5}{50 \times (\sqrt{\text{S}})}$
E = number of on-site based employees that Telecommute
D = number of weekdays per week that employees Telecommute
S = total size of non-residential building area in 1,000 sq. ft.
[Ord. 2006-036]

G. Strategy 7. Bicycle Parking Facilities

1. Strategy

This strategy consists of providing secure bicycle parking at residential and non-residential Developments. [Ord. 2006-036]

2. Qualifying Criteria

Minimum requirements for Bicycle Parking Facility shall be in accordance with the Table below: [Ord. 2006-036]

Table 12.P.4.G – Minimum Requirements for Bicycle Parking Facility

Use Type	Number of Parking Spaces
Commercial, Retail, and Institutional	1 bicycle space per 25 vehicle parking spaces
Multifamily and Mixed-Use Development	1 bicycle space per 4 dwelling units
[Ord. 2006-036]	

a. The secure bicycle parking facility must be provided within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. [Ord. 2006-036]
b. Combining this strategy with Strategy 4, Parking Management, is encouraged. [Ord. 2006-036]

3. Implementation Timeframe

Secured bicycle facility must be completed prior to issuance of the first CO. [Ord. 2006-036]

4. Monitoring and Enforcement

When this strategy is used, the provision of bicycle facilities, including the number and general location, shall be included in the Development Order/Master Plan. [Ord. 2006-036]

5. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.G, Strategy 7 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.G – Strategy 7 Credit Factor Calculation

$\text{Credit Factor} = \frac{0.5\ (P_B)}{2\ (P_T) + 9\ (R_U)}$
P_B = number of bicycle parking spaces created per above qualifying criteria a and b
P_T = total number of non-residential parking spaces
R_U = total number of residential housing units
[Ord. 2006-036]

H. Strategy 8. Provide Access Between Developments

1. Strategy

a. This strategy applies to vehicle and pedestrian connections between adjacent Projects and encourages the use of such interconnections to reduce the need to access abutting roadways. The Credit Factor is based on the standard internalization criteria used by the Traffic Division. [Ord. 2006-036]

b. For Projects on a CRALLS roadway, the credit will be based on the reduction of trips on the CRALLS roadway. Projects not directly on a CRALLS roadway will receive one-half the credit amount. [Ord. 2006-036]

2. Qualifying Criteria

a. The connection between the adjacent parcels must be conveniently located and designed to accommodate both vehicles and pedestrians. [Ord. 2006-036]

b. The pedestrian connection must be ADA accessible. [Ord. 2006-036]

c. Pedestrian connections between adjacent parcels or between building clusters within a single parcel shall be provided at a minimum of every 500 feet of building frontage or property line, and should be designed and located to maximize access to roadway corridors, Transit stops, and parking areas. [Ord. 2006-036]

d. The cross-access easement shall be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. A letter of agreement from the adjacent Property Owner shall be provided at the time of application in order to initially qualify for use of this strategy. If the Project is subsequently approved conditioned upon implementation of this strategy, the condition shall require a reciprocal cross-access easement at the same location on the adjacent property be recorded prior to the issuance of the first CO for the Project. Pedestrian crossings should incorporate treatments that provide the highest degree of visibility and safety for pedestrians. Recommended treatments include countdown signals, in-pavement lighting at crosswalks, raised pedestrian crosswalks, curb bulb-outs, and other traffic calming measures. These treatments should be applied where suitable, with special emphasis given in locations where pedestrians will cross Collector and Arterial Roadways, and in parking and circulation areas of large Developments. [Ord. 2006-036]

e. The cross access must be provided in addition to any other cross access required by government land development regulations or driveway permit conditions. [Ord. 2006-036]

f. Access for pedestrian use only will receive a reduced Credit Factor as set forth in Art. 12.P.4.H.5, Credit Factor, below. [Ord. 2006-036]

3. Implementation Timeframe

The precise timetable shall be determined as part of the Development Order approval process but the cross-access easements on both properties must be in place, as depicted on the plat or in the restrictive covenant, prior to issuance of the first CO for the Project. [Ord. 2006-036]

4. Monitoring and Enforcement

Since providing access between Developments is part of the Development Order/Master Plan, Code Enforcement or the Metropolitan Planning Organization Bicycle/Pedestrian Coordinator, or other County Departments, as appropriate, shall be able to inspect the cross-access connection at any time. [Ord. 2006-036]

5. Credit Factor

a. Project where the First Directly Accessed Link is a CRALLS roadway: [Ord. 2006-036]
   1) 0.1 of smaller retail for retail to retail; [Ord. 2006-036]
   2) 0.1 of residential for residential to retail; [Ord. 2006-036]
   3) 0.1 of office for office to retail; and, [Ord. 2006-036]
   4) 0.05 of office for office to residential [Ord. 2006-036]

b. Project where the First Directly Accessed Link is not on CRALLS roadway: [Ord. 2006-036]
   1) 0.05 of smaller retail for retail to retail; [Ord. 2006-036]
   2) 0.05 of residential for residential to retail; [Ord. 2006-036]
   3) 0.05 of office for office to retail; and, [Ord. 2006-036]
   4) 0.025 of office for office to residential [Ord. 2006-036]

c. The Credit Factor for pedestrian-only connections shall be one-tenth of the above numbers. [Ord. 2006-036]

I. Strategy 9. Provide Access to More Than One Road

1. Strategy

a. This strategy applies to properties that have access to two or more thoroughfare roadways, either directly, via non-thoroughfare roadways, or via shared access with an adjacent property. It is intended to allow better distribution of traffic onto the major roadway system as compared to Projects with single access. [Ord. 2006-036]

b. For Projects that directly access a CRALLS roadway, the credit is associated with the reduction of trips on the CRALLS roadway. The secondary access must be an alternative to access to a CRALLS roadway. For Projects that do not directly access a CRALLS roadway, the access must be on two or more thoroughfare roadways. These Projects will receive a lesser credit. [Ord. 2006-036]

2. Qualifying Criteria

a. Secondary access must be at an existing median opening to qualify for the full credit. If there is no median opening, the credit will be 50 percent less. Full credit shall be given if a median opening will be established concurrent with Development. [Ord. 2006-036]

b. The secondary access must be designed to accommodate both vehicles and pedestrians. [Ord. 2006-036]

c. The secondary access for the pedestrian connection must be ADA accessible. [Ord. 2006-036]

d. The access easement should be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. [Ord. 2006-036]

e. The secondary access must be provided in addition to any secondary access required by government land development regulations or driveway permit. [Ord. 2006-036]

f. For Projects not on CRALLS roadways, the secondary access will not necessarily reduce traffic on the CRALLS roadway, but will better distribute Project Traffic on the roadway system. The Credit Factor is reduced by 50 percent in these cases. [Ord. 2006-036]

g. Secondary access shall meet the access management requirements of the Municipality, County, or FDOT, as applicable; if not, then it must have been granted a Variance from the access management requirements prior to qualifying for credit. [Ord. 2006-036]

h. The secondary access may be an access point onto the CRALLS roadway that aligns with another thoroughfare and thus allows dispersion of some Project Traffic without impacting the CRALLS roadway except at the intersection. [Ord. 2006-036]

3. Implementation Timeframe

The precise timetable shall be determined as part of the Development Order approval process but the easement must be in place, as depicted on the plat or in the restrictive covenant, no later than issuance of the first CO for the Project. [Ord. 2006-036]

4. Monitoring

The Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. 1.0 at median opening for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]

b. 0.5 not at median openings for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]

c. 0.2 at median opening to another thoroughfare for Projects not on CRALLS roadway; [Ord. 2006-036]

d. 0.1 not at median opening to another thoroughfare for Projects not on CRALLS roadway; or, [Ord. 2006-036]

e. 0.4 for access onto CRALLS roadway that aligns with full median opening with another thoroughfare. [Ord. 2006-036]

J. Strategy 10. Low Generation Traffic Sensitive Uses

1. Strategy

This strategy consists of developing the Project with a low generation traffic sensitive use, with the intent of reducing traffic congestion. [Ord. 2006-036]

2. Qualifying Criteria

a. Credit will be given for this strategy only if credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]
b. Restrictive covenants on the parcel shall be filed describing the uses and associated densities and intensities that are allowed. [Ord. 2006-036]
c. The Master Plan or Site Plan shall identify, on a building and parcel basis, the building areas allocated to specific land uses for the Development. [Ord. 2006-036]

3. Implementation Timeframe

Determined during concurrency review. [Ord. 2006-036]

4. Monitoring

By April 1 of each year, starting April 1 after the first full year after occupying the site, the developer, or their agent, must supply a use report to the County Engineer, identifying uses, and their densities and intensities, active on the site. [Ord. 2006-036]

Two years following Project Buildout, the Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

a. Credit shall be determined by multiplying by three the percent reduction (expressed as a decimal) in two-way peak hour trips as compared to the typical average net external two-way peak hour trips per gross acre for Development in the area per the land use designation as of the effective date of adoption of this Section. The typical Development density and intensities based on an analysis of existing Developments in area of CRALLS are as follows: [Ord. 2006-036]
   1) Residential: as per maximum allowable under land use designation. [Ord. 2006-036]
   2) Retail commercial: 0.18 gross lot area coverage by buildings. [Ord. 2006-036]
   3) Office: 0.16 gross lot area coverage by buildings. [Ord. 2006-036]
   4) Industrial: 0.22 gross lot area coverage by buildings. [Ord. 2006-036]
   5) Institutional: 0.09 gross lot area coverage by buildings. [Ord. 2006-036]
b. It is further assumed that, for purposes of calculation and comparison, the typical gross lot area coverage intensities are based upon single-story buildings occupying the parcels. Also, for purposes of comparison, the typical density/intensity for the land use designations listed above shall be calculated using the general Trip Generation rate for that designation as published by the PBC Engineering and Public Works Department/Traffic Division, whereas the proposed Project shall be calculated using the specific Trip Generation rate for the proposed use if it is a Conditional Use under the applicable zoning district. [Ord. 2006-036] [Ord. 2017-007]
c. Credit Factor shall be calculated in accordance with Table 12.P.4.J, Strategy 10 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.J – Strategy 10 Credit Factor Calculation

$\text{Credit Factor} = \frac{3 \times (T_A - T_P)}{T_A}$
T_A = average net external 2-way peak hour trips per gross acre in area for applicable land use designation
T_P = Project net external 2-way peak hour trips per gross acre
[Ord. 2006-036]

6. Example

a. Proposed self-storage Development of 60,000 square feet on ten-acre parcel with industrial land use designation = 0.14 gross lot area coverage [Ord. 2006-036]
b. Average industrial gross lot area coverage = 0.22 [Ord. 2006-036]
c. Project net external two-way p.m. peak hour trips per gross acre = (60 x 0.26)/10 = 1.56 trips per gross acre [Ord. 2006-036]
d. Average net two-way p.m. peak hour trips per gross acre = 0.98 x (0.22 x 10 x 43,560/1,000)/10 = 9.39 trips per gross acre [Ord. 2006-036]
e. Credit Factor = 3 x [(9.39 - 1.56) / 9.39] = 2.5 [Ord. 2006-036]

K. Strategy 11. Intersection Modifications

1. Strategy

This strategy consists of improvements to signalized intersections on the CRALLS roadway. The intersection modification can include additional turn lanes or additional through lanes. [Ord. 2006-036]

2. Qualifying Criteria

a. This strategy applies only to intersections projected to exceed a critical sum of 1,200 during either the a.m. or p.m. peak hour by Project Buildout. [Ord. 2006-036]

b. Credit will only be given for this strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

c. Credit will not be given for that portion of the intersection modification that is required to mitigate just the traffic impacts of the proposed Development. [Ord. 2006-036]

3. Methodology for Analyzing Improvement

The intersection will be analyzed using the "sum of critical movements" approach as detailed in Art. 12.B, Standard. [Ord. 2006-036]

4. Implementation Timeframe

Determined during Site Plan review. [Ord. 2006-036]

5. Monitoring and Enforcement

When this strategy is used, the provision of intersection modifications shall be included in the Development Order as well as the Master Plan or Site Plan. The Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

6. Credit Factor

Equal to five times the percentage reduction (expressed as a decimal) of the "sum of critical movement" in the operation of the intersection during either the a.m. or p.m. peak hour. The reduction in the critical movement sum is calculated without considering the component of traffic attributable to the proposed Development itself. Credit Factor shall be calculated in accordance with Table 12.P.4.K, Strategy 11 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.K – Strategy 11 Credit Factor Calculation

Credit Factor = $5 \times (1 - CS_M / CS_E)$
CS_M = the existing sum of critical movements for the intersection
CS_E = the sum of critical movements for the intersection after the modification
[Ord. 2006-036]

7. Pooling Improvement by Multiple Developments

Multiple Developments may pool their resources to implement an intersection improvement if the combined trips from the Developments do not exceed the improvement to the intersection. In this case, the credit will be given proportionately according to each Development's contribution. [Ord. 2006-036]

8. Example

An intersection has an existing "sum of critical movements" of 1,500. A proposed improvement will result in a "sum of critical movements" of 1,350. The improvement is 5 x [1 - (1,350 / 1,500)] = 5 x (1 - 0.9) = 0.5. [Ord. 2006-036]

L. Strategy 12. Grade-Separated Interchange Improvement

1. Strategy

This strategy consists of dedicating R-O-W for a proposed grade-separated interchange or interchange modification. [Ord. 2006-036]

2. Qualifying Criteria

a. The interchange improvement must be approved by the Florida Department of Transportation District 4, PBC and/or Florida's Turnpike District, as appropriate. [Ord. 2006-036]

b. Credit will only be given for this strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

c. The dedication of R-O-W must be in addition to what is required by government land development regulations and must not be site-related. [Ord. 2006-036]

3. Implementation Timeframe

Determined during Site Plan review. [Ord. 2006-036]

4. Monitoring and Enforcement

When this strategy is used, the provision of grade-separated interchange improvements shall be included in the Palm Beach County Comprehensive Plan on either the Thoroughfare Right-of-Way Identification Map or Adopted Long Range Plan Map and the area to be dedicated shall be designated

in the Project's Development Order/Master Plan. The Project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant to Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

Percentage of total required grade-separated interchange improvement R-O-W dedicated by developer expressed as a decimal. [Ord. 2006-036]

M. Strategy 13. Compressed Work Week/Non-Peak Hour Work Hours

1. Strategy

A work site policy implementing a work schedule for full-time (i.e., working at least 35 hours per week) employees for a less than five-day work week by extending hours of work during the remaining work days, with start and end work times that fall outside the normal a.m. (seven to nine a.m.) and p.m. (four to six p.m.) peak hours. [Ord. 2006-036]

2. Qualifying Criteria

a. 20 percent or more of on-site employees must be working the compressed work week schedule. [Ord. 2006-036]
b. Either the start or end work time or both must fall outside the normal a.m. and p.m. peak hours of on-street traffic. [Ord. 2006-036]
c. The work schedules for the affected on-site employees need to be documented on an annual basis. [Ord. 2006-036]
d. Projects must include an on-site coordinator to assist participants in the program, as well as to facilitate program performance tracking and reporting. [Ord. 2006-036]
e. Project must develop a formal policy and contract between employees and managers that shall identify which job categories are eligible for the compressed work week/non-peak work hours option. [Ord. 2006-036]
f. Project must be an employer of 20 or more people. [Ord. 2006-036]
g. For those employees qualifying for credit under the non-peak hour work hours part of Strategy 13, Compressed Work Week/Non-Peak Work Hours, no credit shall be received for Strategy 5, Ridesharing Programs. [Ord. 2006-036]

3. Implementation Timeframe

One year from date of issuance of the first CO for the Project. [Ord. 2006-036]

4. Monitoring and Enforcement

a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a report to the County Engineer identifying the number of employees from the Development participating in the program and the total number of employees employed during the reporting period, and the work schedules of each participant. This monitoring report shall also include a copy of the compressed work week policy and copies of each of the signed compressed work week contracts entered during the reporting period. The County Engineer shall analyze the data for compliance with the Development Order. If the program fails to meet the plan's specified criteria within one year of Project Buildout, the owner, developer, or agent shall undertake remedial action, or institute an alternate mitigation strategy. [Ord. 2006-036]
b. Two years following initiation of the strategy, the Project's developer, owner, or t as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.P.3.F, Time Limits. [Ord. 2006-036]

5. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.M, Strategy 13 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.M – Strategy 13 Credit Factor Calculation

$\text{Credit Factor} = \frac{E \times (D + H / (5 - D))}{50 \times (\sqrt{S})}$
E = number of on-site based employees that participate in program
D = number of weekdays per week that the employees do not have to drive to work due to their participation in program
H = number of peak hours per week on work days during which participating employees will not drive to work
S = size of Project in 1,000 sq. ft.
[Ord. 2006-036]

N. Strategy 14. Additional Mitigation Fee Payment

1. Strategy

This strategy involves the payment of mitigation fees in excess of the amount required by the Code for Road Impact Fees. These fees shall be deposited in a separate Okeechobee Boulevard Mitigation Fee Account and shall be used by the BCC to fund road improvements or other Programs designed to improve traffic flow in the Okeechobee Boulevard corridor. [Ord. 2006-036]

2. Qualifying Criteria/Implementation Timeframe

a. Prepayment of the additional mitigation fees shall be required prior to issuance of the first Building Permit. [Ord. 2006-036]

b. Credit will only be given for this strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

3. Credit Factor

Credit Factor shall be calculated in accordance with Table 12.P.4.N, Strategy 14 Credit Factor Calculation, below: [Ord. 2006-036]

Table 12.P.4.N – Strategy 14 Credit Factor Calculation

0.001 x (additional amount of payment in $1,000s) + 0.005 x (percentage excess payment above required impact fee expressed as whole number - up to a maximum of 100%)
[Ord. 2006-036]

4. Example

A Project with a Road Impact Fee of 132,000 dollars agrees to pay 100 percent of its fee as an additional mitigation fee payment. The Project will thus qualify for a Credit Factor of (0.001 x 132) + (0.005 x 100) = 0.632. [Ord. 2006-036]

Section 5 CRALLS Mitigation Strategies – Point System Methodology

The following Section outlines the methodology for a preliminary Point System to be used in conjunction with CRALLS mitigation strategies. This system operates within the context of PBC's Traffic Performance Standards, in that it assigns trips impacting CRALLS facilities as part of the overall Trip Generation function. CRALLS Facilities Assigned Trips are defined to include the highest number of Project Net Trips that pass through any single point (intersection or Link) along the Okeechobee corridor that is within the Project's Radius of Development Influence (RDI). For example, this would include Project Trips assigned to all approaches to an Okeechobee intersection that lies within the RDI, including U-turn movements that must occur at the intersection. Once those assigned trips are understood and classified, a weighting factor can be applied to reflect the intensity of mitigation required by the developer. The "Credit Factor" used in this system corresponds to the sum of the Credit Factors derived from the mitigation strategies utilized. [Ord. 2006-036] [Ord. 2010-022]

Table 12.P.5 – Point System Methodology

CRALLS Facilities Assigned Trips (Net 2-way peak hour trips)	**Weighting Factor**	**Min. Points Needed to Fulfill Mitigation** (divide assigned trips by 10)
1-100	5	≤ 10
101-200	10	11-20
201-400	20	21-40
401-800	40	41-80
801-1,000 (1)	80	81-100
[Ord. 2006-036]		
Notes:		
1.	Net two-way peak hour trips in excess of this number shall be categorized and assigned weighting factors in a proportionate manner to the above Table. [Ord. 2006-036]	

A. Calculation to Determine Mitigation

The method of calculation to determine mitigation shall be in accordance with Table 12.P.5.A, Calculation to Determine Mitigation, below: [Ord. 2006-036]

Table 12.P.5.A – Calculation to Determine Mitigation

$\frac{\text{Number of assigned trips (1)} \times \text{Credit Factor}}{\text{Weighting factor}} = \text{Points earned}$	
[Ord. 2006-036]	
Notes:	
1.	The assigned trips include only those trips that are impacted by the specific mitigation strategy. [Ord. 2006-036]
2.	All Credit Factor calculations for each strategy are to be rounded off to the nearest one-hundredth prior to summing them to derive total points. [Ord. 2006-036]

B. Example Calculation

1. Impact

a. Development will impact 100 trips onto CRALLS facility. [Ord. 2006-036]

b. Developer needs ten points to achieve CRALLS mitigation. [Ord. 2006-036]

2. Mitigation Examples

a. Developer chose to implement an access to thoroughfare secondary to CRALLS roadway: [Ord. 2006-036]

$\frac{100 \times 0.10}{0.5} = 20 \text{ points}$
[Ord. 2006-036]

b. Developer chose to implement a feeder route with 30-minute headways: [Ord. 2006-036]

$\frac{100 \times 0.05}{0.5} = 10 \text{ points}$
[Ord. 2006-036]

CHAPTER Q PROPORTIONATE SHARE PROGRAM

Section 1 Purpose and Intent

The purpose of this Chapter is to establish a program that meets the requirements of to F.S. § 163.3180(5)(h), as may be amended, by allowing an Applicant to satisfy the traffic concurrency requirements of the ULDC and Plan by entering into a binding agreement to pay for or construct its proportionate share of required improvements. [Ord. 2006-043] [Ord. 2018-018]

Section 2 Applicability

The Proportionate Share Program shall apply to all Projects that fail to meet the standards of this Article on a Collector or Arterial Road that is not the responsibility of a Municipality, or that fail to meet the standards of this Article on a transportation facility maintained by FDOT. The Proportionate Share Program does not apply to Developments of Regional Impact (DRIs) using proportionate share under to F.S. § 163.3180(12), or to Projects exempted from this Article. [Ord. 2006-043] [Ord. 2018-018]

Section 3 General Requirements

A. An Applicant may satisfy the transportation concurrency requirements of Palm Beach County by making a proportionate share contribution, pursuant to the following requirements: [Ord. 2006-043] [Ord. 2018-018]

1. The proposed Development is consistent with the comprehensive plan and applicable land development regulations. [Ord. 2006-043]
2. Any improvement Project proposed to meet the developer's share obligation must meet Palm Beach County's design standards for locally maintained roadways and those of the FDOT for the State Highway System. [Ord. 2006-043] [Ord. 2018-018]
3. The proportionate share contribution is applied toward one or more mobility improvements that will benefit a regionally significant transportation facility. [Ord. 2018-018]
4. For Projects located within a Municipality, any Proportionate Share Agreement required by an Applicant in order to meet traffic concurrency must be entered into by the Applicant and PBC prior to receiving a DO from the Municipality. The County Engineer may rescind a traffic concurrency approval in the event the Project receives a Municipal DO prior to entering into a Proportionate Share Agreement with PBC. [Ord. 2018-018]

Section 4 Intergovernmental Coordination

Pursuant to Policies in the Intergovernmental Coordination Element of the Plan, Palm Beach County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the Local Government receiving the application for proportionate share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose. [Ord. 2006-043] [Ord. 2018-018]

Section 5 Application Process

A. In the event of a lack of capacity to satisfy transportation concurrency, the Applicant shall have the opportunity to satisfy transportation concurrency through the Proportionate Share Program pursuant to the requirements of Art. 12.Q.3, General Requirements. [Ord. 2006-043] [Ord. 2018-018]
B. Eligible Applicants shall submit an application to the County Engineer. The County may establish an application fee that does not exceed the cost to the County of reviewing the application. [Ord. 2006-043] [Ord. 2018-018]
C. The County Engineer shall review and evaluate the application as part of the Traffic Impact Study as set forth in Art. 12.D, Procedure. [Ord. 2006-043] [Ord. 2018-018]
D. When an application is deemed sufficient, complete, and eligible, a proposed proportionate share obligation and binding agreement will be prepared by the County Engineer or the Applicant and delivered to the appropriate parties for review. [Ord. 2006-043] [Ord. 2018-018]
E. No Proportionate Share Agreement will be effective until approved by the County. [Ord. 2006-043] [Ord. 2018-018]

Section 6 Determining Proportionate Share Obligation

A. Proportionate share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, and construction and contribution of facilities. [Ord. 2006-043] [Ord. 2018-018]
B. A Project eligible for participation under the Proportionate Share Program shall not be required to pay more than its proportionate share. The fair market value of the proportionate share mitigation for the impacted facilities shall not differ regardless of the method of mitigation. [Ord. 2006-043] [Ord. 2018-018]
C. The methodology used to calculate a Project's proportionate share obligation shall be as provided for in F.S. § 163.3180(5)(h), as follows: [Ord. 2018-018]

The cumulative number of trips from the proposed Development expected to reach roadways during peak hours from the complete build-out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the Adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the Adopted LOS.

OR

Proportionate Share = Σ [[(Development Trips$_i$) / (SV Increase$_i$)] x Cost$_i$]

Where:	
Development Trips =	Those trips from the stage or phase of Development under review that are assigned to roadway segment "i" and have triggered a deficiency per TPS.
SV Increase =	Service volume increase provided by the eligible improvement to roadway segment "i" per Art. 12.Q.3, General Requirements.
Cost =	Adjusted cost of the improvement to segment "i." Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical Development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred.

[Ord. 2006-043]

D. For the purposes of determining proportionate share obligations, the County Engineer shall determine costs of the improvement at the time of application, but shall be subject to an adjustment calculation to account for changes in road Development costs that may occur between the date of Proportionate Share Agreement and the date each Proportionate Share Payment is due. The method of calculating said adjustment and appropriate Producer Price Index for Commodities shall be included in the Proportionate Share Agreement. [Ord. 2006-043] [Ord. 2018-018]
E. If the County has accepted an improvement proposed by the Applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the Applicant and approved by the County Engineer or other method approved by the County Engineer. [Ord. 2006-043]

Section 7 Impact Fee Credit for Proportionate Share Mitigation

A. Proportionate share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate share mitigation is used to address the same capital infrastructure improvements contemplated by Art. 13, Impact Fees. [Ord. 2006-043] [Ord. 2018-018]
B. Impact fee credits for the proportionate share contribution will be determined when the transportation impact fee obligation is calculated for the proposed Development. Impact fees owed by the Applicant will be reduced per the Proportionate Share Agreement as they become due pursuant to Art. 13, Impact Fees. Once the credit has been exhausted, payment of Road Impact Fees shall be required for each permit issued. The impact fee credit shall be established when the proportionate share contribution is received by the County, or when the share amount is secured by Performance Security. [Ord. 2006-043] [Ord. 2018-018]
C. The proportionate share obligation is intended to mitigate the transportation impacts of a proposed Project. As a result, any Road Impact Fee credit based upon proportionate share contributions for a proposed Project cannot be transferred to any other Project. [Ord. 2006-043] [Ord. 2018-018]

Section 8 Proportionate Share Agreements

A. Upon execution of a Proportionate Share Agreement ("Agreement"), the Applicant shall receive a certificate of concurrency approval. Should the Applicant fail to apply for a Development Permit within 12 months, then the Agreement shall be considered null and void, and the Applicant shall be required to reapply. [Ord. 2006-043] [Ord. 2018-018]
B. Payment of the proportionate share contribution shall be non-refundable. [Ord. 2006-043] [Ord. 2018-018]
C. In the event an Agreement requires the Applicant to build one or more road improvements, all such improvements must be commenced prior to issuance of a Development Permit and assured by a binding agreement that is accompanied by a Performance Security sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of Certificates of Occupancy. [Ord. 2006-043]
D. Any requested change to a Development Project subsequent to a Development Order may be subject to additional proportionate share contributions to the extent the change would generate additional traffic that would require mitigation. [Ord. 2006-043]
E. Applicants may submit a letter to withdraw from the Proportionate Share Agreement at any time prior to the execution of the Agreement. The application fee and any associated advertising costs paid to Palm Beach County will be non-refundable. [Ord. 2006-043] [Ord. 2018-018]
F. Palm Beach County may enter into Proportionate Share Agreements for selected corridor improvements to facilitate collaboration among multiple Applicants on improvements to a shared transportation facility. [Ord. 2006-043] [Ord. 2018-018] [Ord. 2020-001]

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036; August 29, 2006] [Ord. 2006-043; September 1, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2010-005; February 2, 2010] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016, September 6, 2011] [Ord. 2014-025; September 3, 2014] [Ord. 2017-007; March 2, 2017] [Ord. 2018-018; August 29, 2018] [Ord. 2019-005; January 29, 2019] [Ord. 2020-001; January 28, 2020]