

ORDINANCE 9, 2020

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2
3
4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM
5 BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND
6 DEVELOPMENT REGULATIONS. AT SECTION 78-44. CONCURRENT
7 PROCESSING. BY ADOPTING NEW SUBSECTION (b)(1)d.; FURTHER
8 AMENDING CHAPTER 78. AT SECTION 78-46. APPLICATION
9 PROCEDURES. BY REPEALING SUBSECTIONS (d)(1)f and (e)(4)a.
10 AND READOPTING SAME, AS REVISED AND BY AMENDING
11 SUBSECTIONS (e)(7) AND (e)(7)f; FURTHER AMENDING CHAPTER 78.
12 AT SECTION 78-52. CONDITIONAL USES. BY REPEALING
13 SUBSECTIONS (d)(4)a. AND (d)(4)c. AND READOPTING SAME, AS
14 REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-61.
15 EFFECTIVE PERIOD OF DEVELOPMENT ORDERS AND
16 ENFORCEMENT OF CONDITIONS. BY REPEALING SUBSECTIONS
17 (c)(3), (c)(4), (c)(5), (d), (g)(2)a., (g)(2)b., (g)(2)c. AND READOPTING
18 SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT
19 SECTION 78-75. ADOPTED LEVELS OF SERVICE. BY REPEALING
20 SUBSECTIONS (a) AND READOPTING SAME, AS REVISED; FURTHER
21 AMENDING CHAPTER 78. AT SECTION 78-80. REQUIRED
22 APPLICATION MATERIAL. BY REPEALING SUBSECTIONS (a), (a)(3)a
23 AND (a)(10) AND READOPTING SAME, AS REVISED; FURTHER
24 AMENDING CHAPTER 78. AT SECTION 78-86. PROPORTIONATE
25 FAIR-SHARE PROGRAM. BY REPEALING THE TITLE AND
26 READOPTING SAME, AS REVISED. BY REPEALING SUBSECTIONS
27 (a), (b) AND (c) AND READOPTING SAME, AS REVISED. BY
28 REPEALING SUBSECTIONS (c)(1), (c)(2), (c)(3), (c)(4), AND
29 SUBSECTIONS (d) THROUGH (i) IN THEIR ENTIRETY; FURTHER
30 AMENDING CHAPTER 78. AT SECTION 78-159. PERMITTED USES,
31 MINOR AND MAJOR CONDITIONAL USES, AND PROHIBITED USES.
32 BY REPEALING SUBSECTION (f), AND SUBSECTION (j) AT NOTES
33 (44.1)f., (44.2)f., (49)a., (57)g.6. AND READOPTING SAME, AS
34 REVISED; FURTHER AMENDING CHAPTER 78. AT ARTICLE V.
35 SUPPLEMENTARY DISTRICT REGULATIONS. AT DIVISION 11.
36 TRAFFIC PERFORMANCE STANDARDS. BY REPEALING THE TITLE
37 AND READOPTING SAME, AS REVISED; FURTHER AMENDING
38 CHAPTER 78. AT SECTION 78-611. INTENT. BY REPEALING SECTION
39 78-611 AND READOPTING SAME, AS REVISED; FURTHER AMENDING
40 CHAPTER 78. AT SECTION 78-612. APPLICABILITY. BY REPEALING
41 SUBSECTION (a) AND READOPTING SAME, AS REVISED, BY
42 REPEALING SUBSECTIONS (b)(1), (b)(2), (b)(3) AND READOPTING
43 SAME, AS REVISED. BY REPEALING SUBSECTION (b)(4) IN ITS
44 ENTIRETY. BY REPEALING SUBSECTIONS (c)(1), (c)(2) AND (c)(3)
45 AND READOPTING SAME, AS REVISED; FURTHER AMENDING
46 CHAPTER 78. AT SECTION 78-621. ESTABLISHED. BY REPEALING

1 SUBSECTIONS (a) AND (b) AND READOPTING SAME, AS REVISED;
2 FURTHER AMENDING CHAPTER 78. AT SECTION 78-622. LEVEL OF
3 SERVICE STANDARDS. BY REPEALING TABLE 44 WITH NOTES AND
4 READOPTING SAME, AS REVISED. BY ADOPTING NEW TABLE 44A
5 WITH NOTE; FURTHER AMENDING CHAPTER 78. AT SECTION 78-623.
6 LINK STANDARD. BY REPEALING SUBSECTIONS (a) AND (b) AND
7 READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER
8 78. AT SECTION 78-624. INTERSECTION STANDARD. BY REPEALING
9 SUBSECTIONS (a) AND (b) AND READOPTING SAME, AS REVISED.
10 BY REPEALING SUBSECTION (c) IN ITS ENTIRETY; FURTHER
11 AMENDING CHAPTER 78. AT SECTION 78-625. RADIUS OF
12 DEVELOPMENT INFLUENCE. BY REPEALING SECTION 78-625 AND
13 READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER
14 78. AT SECTION 78-626. PHASING. BY REPEALING SECTION 78-626
15 AND READOPTING SAME, AS REVISED. BY REPEALING
16 SUBSECTIONS (c), (d) AND (e) AND READOPTING SAME, AS
17 REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-627.
18 RELIANCE ON COMMITTED ROADWAY IMPROVEMENTS. BY
19 REPEALING THE TITLE AND READOPTING SAME, AS REVISED. BY
20 REPEALING SUBSECTIONS (a), (b), (b)(1), AND (b)(2) AND
21 READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER
22 78. AT SUBDIVISION III. TRAFFIC IMPACT STUDIES. BY REPEALING
23 THE TITLE AND READOPTING SAME, AS REVISED; FURTHER
24 AMENDING CHAPTER 78. AT SECTION 78-641. SUBMISSION
25 REQUIRED FOR DEVELOPMENT APPROVAL. BY REPEALING
26 SECTION 78-641 AND READOPTING SAME, AS REVISED; FURTHER
27 AMENDING CHAPTER 78. AT SECTION 78-642. SCOPE. BY
28 REPEALING SECTION 78-642 AND READOPTING SAME, AS REVISED.
29 BY REPEALING SUBSECTIONS (a), (b) AND (c) AND READOPTING
30 SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT
31 SECTION 78-643. METHODOLOGY. BY REPEALING SUBSECTIONS
32 (a), (b), (d), (e), (f), (f)(2), (g)(1), (h)(1), (h)(2), (j)(1), (j)(2), (j)(3), (k), (l),
33 (l)(2), AND (m) AND READOPTING SAME, AS REVISED; FURTHER
34 AMENDING CHAPTER 78. AT SECTION 78-644. SITE RELATED
35 IMPROVEMENTS. BY REPEALING SECTION 78-644 AND
36 READOPTING SAME WITH A NEW TITLE AND AS REVISED; FURTHER
37 AMENDING CHAPTER 78. AT SECTION 78-751. DEFINITIONS. BY
38 REPEALING THE DEFINITIONS FOR "AVERAGE ANNUAL DAILY
39 TRAFFIC", "COMMITTED ROADWAY IMPROVEMENTS",
40 "CONCURRENCY", "EXISTING PEAK HOUR TRAFFIC", "EXISTING
41 TRAFFIC", "HISTORICAL TRAFFIC GROWTH TABLE",
42 "PERFORMANCE SURETY", "RADIUS OF DEVELOPMENT
43 INFLUENCE", "ROAD AGREEMENT", AND "TOTAL TRAFFIC" AND
44 READOPTING SAME, AS REVISED, BY REPEALING THE DEFINITIONS
45 FOR "MAJOR PROJECT", "MAJOR PROJECT MAP" AND "OFF-PEAK
46 SEASON" IN THEIR ENTIRETY, AND BY ADOPTING NEW

1 DEFINITIONS FOR “MULTIMODAL”, “QUALITY OF SERVICE
2 STANDARD” AND “PEAK-HOUR DIRECTIONAL TRAFFIC VOLUME”;
3 PROVIDING THAT EACH AND EVERY OTHER SECTION AND
4 SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL
5 REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED;
6 PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND
7 AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR
8 OTHER PURPOSES.

9
10
11 **WHEREAS**, the City Council adopted Ordinance 8, 2016, approving amendments
12 to the City’s Comprehensive Plan that provided various policies that established the
13 process and framework for the development of a Mobility Plan and Mobility Fee, pursuant
14 to Section 163.3180, *Florida Statutes*; and

15
16 **WHEREAS**, the City Council adopted Ordinance 16, 2019, approving and adopting
17 the City’s Mobility Plan and Mobility Fee Technical Report, consistent with the provisions
18 of Section 163.3180, *Florida Statutes*, that encourages local governments to develop
19 tools and techniques, including adoption of long-term strategies to facilitate development
20 patterns that support multimodal solutions, adoption of area-wide service standards that
21 are not dependent on any single road segment function, and establishing multimodal
22 service standards that rely primarily on non-vehicular modes of transportation where
23 existing or planned community design will provide an adequate level of personal mobility;
24 and

25
26 **WHEREAS**, Ordinance 16, 2019 established a Mobility Fee Assessment Area that
27 defines the area within which mobility fees are assessed, and a Mobility Fee Benefit Area
28 that defines the area within which mobility fees are expended. The Mobility Fee
29 Assessment Area is comprised of all areas of the City located east of the Beeline
30 Highway, as specified in the Ordinance. For these areas, traditional transportation
31 concurrency review and impact fee assessments are no longer applicable; and

32
33 **WHEREAS**, the property known as the Alton Development of Regional Impact
34 (DRI), formerly known as the Scripps Florida Phase II/Briger Tract that is located east of
35 the Beeline Highway, shall continue to be subject to Palm Beach County and Palm Beach
36 Gardens road impact fees and transportation concurrency pursuant to the existing
37 Proportionate Share Agreement dated April 1, 2010, and shall be exempted from the
38 Palm Beach Gardens Mobility Plan and Fees; and

39
40 **WHEREAS**, the City Council adopted Ordinance 19, 2019, amending Chapter 78
41 of the Land Development Code, Division 4, Citywide Impact Fees to incorporate the City’s
42 Mobility Fee Schedule and related text changes, consistent with the City’s Mobility Fee
43 Technical Report; and

1 **WHEREAS**, the City Council of the City of Palm Beach Gardens has determined
2 that various sections of Chapter 78 of the City's Code of Ordinances need to be amended
3 to provide consistency with the City's adopted Mobility Plan and Mobility Fee per
4 Ordinance 16, 2019; and

5
6 **WHEREAS**, this Ordinance was reviewed by the Planning, Zoning, and Appeals
7 Board, sitting as the Local Planning Agency, at a public hearing on June 9, 2020, and the
8 Board recommended approval by a vote of 7 to 0; and

9
10 **WHEREAS**, the City Council deems approval of this Ordinance to be in the best
11 interests of the health, safety, and welfare of the residents and citizens of the City of Palm
12 Beach Gardens and the public at large.

13
14
15 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
16 **OF PALM BEACH GARDENS, FLORIDA, that:**

17
18 **SECTION 1.** Chapter 78. Land Development. of the Code of Ordinances of the
19 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-44. Concurrent
20 processing. by adopting new subsection (b)(1)d.; providing that Section 78-44. shall
21 hereafter read as follows:

22
23 **Sec. 78-44. – Concurrent processing.**

24
25 (a) (This subsection shall remain in full force and effect as previously adopted.)

26
27 (b) *City council considerations.* In determining whether or not to accept or process
28 concurrent development applications, the city council may consider the following:

29
30 (1) Comprehensive plan amendment (CPA). If a CPA is proposed, whether the
31 proposal:

32
33 a. through c. (These subsections shall remain in full force and effect as
34 previously adopted.)

35
36 d. Meets the transportation standards included in Sections 78-612. through
37 78-644.

38
39 (2) through (4) (These subsections shall remain in full force and effect as
40 previously adopted.)

41
42 (c) and (d) (These subsections shall remain in full force and effect as previously
43 adopted.)

1 **SECTION 2.** Chapter 78. Land Development. of the Code of Ordinances of the
 2 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-46. Application
 3 procedures. by repealing subsections (d)(1)f. and (e)(4)a. and readopting same, as
 4 revised and by amending subsections (e)(7) and (e)(7)f; providing that Section 78-46.
 5 shall hereafter read as follows:
 6

7 **Sec. 78-46. – Application procedures.**
 8

9 (a) through (c) (These subsections shall remain in full force and effect as previously
 10 adopted.)
 11

12 (d) *Development review committee.* The development review committee (DRC) shall
 13 review all applications as provided herein.
 14

15 (1) DRC review. The growth management department shall forward the
 16 completed application to the members of the DRC, who shall review the
 17 application and shall submit their comments and recommendations to the
 18 growth management department director not less than fourteen (14) working
 19 days following receipt of the complete application. Incomplete submittals by
 20 applicants, review of environmental factors, lack of or incomplete responses
 21 to requests for additional information, complexity of the application, or need
 22 for additional information may delay DRC review and comments. In
 23 reviewing the application, the members of the DRC shall consider the
 24 following criteria:
 25

26 a. through e. (These subsections shall remain in full force and effect as
 27 previously adopted.)
 28

29 f. Conformity with city transportation standards and Palm Beach County
 30 traffic performance standards; as applicable.
 31

32 g. through j. (These subsections shall remain in full force and effect as
 33 previously adopted.)
 34

35 (2) through (4) (These subsections shall remain in full force and effect as
 36 previously adopted.)
 37

38 (e) *Application requirements.* Applications for development order approval shall
 39 submit the information required by these regulations or the growth management
 40 department and described herein. Additional copies may be requested by the
 41 growth management director. A description of information or items that may be
 42 requested is presented below.
 43

44 (1) through (3) (These subsections shall remain in full force and effect as
 45 previously adopted)
 46

1 (4) Area location map. Vicinity map of the area within one mile surrounding the
2 site, including the following:

- 3
4 a. Principal roadway, bicycle, and pedestrian network, ~~including and~~ mass
5 transit routes;
- 6
7 b. Major public facilities such as public schools, city and county parks and
8 recreation areas, hospitals, public buildings, etc.; and
- 9
10 c. Municipal boundary lines.

11
12 (5) and (6) (These subsections shall remain in full force and effect as previously
13 adopted.)

14
15 (7) Concurrency. Written confirmation from the applicable service providers of
16 the availability of all necessary facilities and systems, as indicated below, for
17 stormwater management, potable water, sanitary sewer, solid waste
18 disposal, fire protection, recreational and park areas, and ~~road transportation~~
19 system capacity. If written confirmation of service availability is provided on a
20 regular basis by a service provider, the applicant is not responsible for
21 securing written confirmation. This paragraph shall not apply to applications
22 for development approval for developments of regional impact.

23
24 a. through e. (These subsections shall remain in full force and effect as
25 previously adopted.)

26
27 f. ~~Traffic statement~~ Transportation studies.

28
29 1. West of the Beeline Highway – A traffic impact study (TIS) ~~All traffic~~
30 ~~statements for review by of the – Palm Beach eCounty traffic~~
31 ~~performance standards shall be filed with the city, who shall be~~
32 ~~responsible for submission to the – Palm Beach eCounty, when~~
33 ~~applicable as outlined below:~~

34
35 1a. ~~More than 1,000~~ 100 peak hour trips. A statement from the
36 county engineering department that the project, if generating
37 ~~1,000~~ 100 or more ~~average daily~~ peak hour trips, conforms to the
38 ~~1990 Palm Beach Countywide T~~ 1990 Palm Beach Countywide T ~~traffic P~~ traffic P
39 ~~S~~ S ~~standards, as amended, and that the project-generated trips~~
40 ~~are reserved. A statement from the city engineer that the~~
41 ~~proposed project complies with the city's level of service~~
42 ~~standards.~~

1 2b. Less than 4,000100 peak hour trips. A statement from the city
2 engineer that the proposed project, if generating less than
3 4,000100 average dailypeak hour trips, conforms to the traffic
4 performance standards adopted by both the county and the city,
5 and that the project-generated trips are reserved.
6

7 2. East and West of the Beeline Highway – A site assessment study
8 (SAS) for review by the city engineer only. A statement from the city
9 engineer that the proposed project meets transportation standards
10 adopted by the city. Transportation concurrency is not required east
11 of Beeline Highway.
12

13 (8) through (16) (These subsections shall remain in full force and effect as
14 previously adopted.)
15

16 (f) and Table 3 (These subsections shall remain in full force and effect as previously
17 adopted.)
18

19 **SECTION 3.** Chapter 78. Land Development. of the Code of Ordinances of the
20 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-52. Conditional
21 uses. by repealing subsections (d)(4)a. and (d)(4)c. and readopting same, as revised;
22 providing that Section 78-52. shall hereafter read as follows:
23

24 **Sec. 78-52. – Conditional uses.**
25

26 (a) through (c) (These subsections shall remain in full force and effect as previously
27 adopted.)
28

29 (d) *Criteria.* In addition to the application requirements listed above, a development
30 order application for a minor or major conditional use approval shall demonstrate
31 compliance with the criteria listed below.
32

33 (1) through (3) (These subsections shall remain in full force and effect as
34 previously adopted.)
35

36 (4) Public welfare. The proposed use provides for the public health, safety, and
37 welfare by:
38

- 39 a. Providing for a safe and effective means of bicycle and pedestrian
40 access;
- 41 b. Providing for a safe and effective means of vehicular ingress and egress;
- 42 c. Providing for an adequate roadwaytransportation system adjacent to and
43 in front of the site;
- 44
- 45
- 46

d. Providing for safe and efficient on-site traffic circulation, parking, and overall control; and

e. Providing adequate access for public safety purposes, including fire and police protection.

(5) through (13) (These subsections shall remain in full force and effect as previously adopted.)

(e) and (f) (These subsections shall remain in full force and effect as previously adopted.)

SECTION 4. Chapter 78. Land Development. of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-61. Effective period of development orders and enforcement of conditions. by repealing subsections (c)(3), (c)(4), (c)(5), (d), (g)(2)a., (g)(2)b., (g)(2)c. and readopting same, as revised; providing that Section 78-61. shall hereafter read as follows:

Sec. 78-61. – Effective period of development orders and enforcement of conditions.

(a) and (b) (These subsections shall remain in full force and effect as previously adopted.)

(c) *Time limitations.* Every development order shall include a time limitation by which build out of the project shall occur.

(1) and (2) (These subsections shall remain in full force and effect as previously adopted.)

(3) Planned unit developments (PUD). An approved planned unit development shall have a build out date established in the development order, which date shall be based upon the required traffic impact analysisstudy (TIS) and/or site assessment study (SAS) for the PUD.

(4) Planned community districts (PCD). An approved PCD and each parcel within an approved planned community district shall have a build out date established in the development order, which date shall be based upon the required traffic impact analysisstudy (TIS) and/or site assessment study (SAS) for the PCD.

(5) Site plans not within a PCD or PUD. Site plans shall have a build out date established in the development order, which date shall be based upon the required traffic impact analysisstudy (TIS) and/or site assessment study (SAS) for the site plan.

1 (6) and (7) (These subsections shall remain in full force and effect as previously
2 adopted.)
3

4 (d) *Determination of project build out.*
5

6 (1) A PUD shall be deemed built out when (a) all plats for the PUD have been
7 recorded; (b) all on-site infrastructure within the PUD (roads, sewer, water,
8 and drainage) has been substantially completed, except for the second lift of
9 asphalt, which may be guaranteed by appropriate surety; (c) all common-
10 area landscaping for the PUD has been installed or guaranteed; and (d) all
11 traffictransportation impacts have been mitigated or guaranteed by
12 performance security.
13

14 (2) A nonresidential PCD shall be deemed built out if (a) installation of all
15 infrastructure (roads, sewer, water, and drainage) has been substantially
16 completed, except for the second lift of asphalt, which may be guaranteed
17 by appropriate surety; (b) building permits for square footage generating
18 more than ten (10) percent of the total average daily trips as determined by
19 the concurrency approval have been issued; (c) all traffictransportation
20 impacts have been mitigated or guaranteed by performance security; and (d)
21 all common-area landscaping for the PCD has been installed or guaranteed
22 by performance security.
23

24 (3) A residential PCD shall be deemed built out if (a) installation of all
25 infrastructure (roads, sewer, water, and drainage) has been substantially
26 completed, except for the second lift of asphalt, which may be guaranteed
27 by appropriate surety; (b) all plats for the PCD have been recorded; (c) all
28 traffictransportation impacts have been mitigated or guaranteed by
29 performance security; and (d) all common-area landscaping for the PCD has
30 been installed or guaranteed by performance security.
31

32 (4) An individual pod within a PCD may be deemed built out if the pod has been
33 platted and all other criteria in subsection (2) for nonresidential pods or
34 subsection (3) for residential pods have been met for the individual pod.
35

36 (5) Site plans not within a PUD or PCD shall be deemed built out if (a) installation
37 of all infrastructure (roads, sewer, water, and drainage) has been
38 substantially completed, except for the second lift of asphalt, which may be
39 guaranteed by appropriate surety; (b) building permits for square footage
40 generating more than fifty (50) percent of the total average daily trips as
41 determined by the ~~concurrency approval~~traffic impact study (TIS) and/or site
42 assessment study (SAS) have been issued; and (c) all traffictransportation
43 impacts have been mitigated or guaranteed by performance security.
44

45 (e) and (f) (These subsections shall remain in full force and effect as previously
46 adopted.)

1 (g) *Extensions of time limitations.* The following procedure shall govern the review
 2 of an application to extend the time limit for a development order or conditions of
 3 approval:
 4

5 (1) (This subsection shall remain in full force and effect as previously adopted.)
 6

7 (2) Administrative extension of time. The growth management administrator
 8 may approve a one-time extension of up to three years. Notice of all time
 9 extensions approved pursuant to this section shall be given to the city
 10 council. The time extension may be granted provided the following items
 11 have occurred 30 days prior to the expiration of the approved build out date:
 12

13 a. An appropriate application has been submitted. The application must
 14 include (i) a schedule for completion of all infrastructures, landscaping,
 15 and ~~traffietransportation~~ amenities required in the approved development
 16 order; and (ii) a revised sales pro forma describing anticipated annual
 17 sales for the project and the number of units left to sell for residential
 18 property and anticipated sales or leasing of square footage for
 19 nonresidential property.
 20

21 b. The owner of record at the time of approval or successors or assigns has
 22 completed or secured all ~~traffietransportation~~ mitigation requirements of
 23 the approved development order and traffic concurrency approvals, as
 24 applicable.
 25

26 c. The owner of record at the time of approval or successors or assigns has
 27 either paid all city road impact or mobility fees or received ~~impact~~-fee
 28 credits for the entire approved project provided in the development order.
 29

30 d. The owner of record at time of approval or successors or assigns has (i)
 31 dedicated and conveyed to the city any public road rights-of-way required
 32 in the original development order or (ii) conveyed or dedicated any
 33 perpetual public access easements required in the original development
 34 order.
 35

36 (3) (This subsection shall remain in full force and effect as previously adopted.)
 37

38 **SECTION 5.** Chapter 78. Land Development. of the Code of Ordinances of the
 39 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-75. Adopted
 40 levels of service. by repealing subsection (a) and readopting same, as revised; providing
 41 that Section 78-75. shall hereafter read as follows:
 42
 43
 44
 45
 46

1 **Sec. 78-75. – Adopted levels of service.**

2
3 (a) roadway transportation system. For the roadway transportation system level of
4 service, development activities shall not be approved unless there is sufficient
5 available capacity to sustain the following levels of service for roadway the
6 transportation systems as established in the transportation and capital
7 improvement elements of the city comprehensive plan and indicated in this
8 division.

9
10 (1) Methodology. For projects west of the Beeline Highway, for county and state
11 roads, the methodology for evaluation of levels of service shall be the Palm
12 Beach County countywide traffic performance standards ~~of the county~~, as
13 amended. For city roads, the method of evaluation shall be the city traffic
14 performance transportation standards, as amended. For projects east of the
15 Beeline Highway, no transportation concurrency is required; however, for the
16 entire transportation system, the method for evaluation shall be the city
17 transportation standards as established in this section. For purposes of
18 determining compliance with traffic performance standards applicable to
19 state, county, and city roads, all applications shall be managed by the city.

20
21 (2) Submission of traffic impact transportation studies. For projects west of the
22 Beeline Highway, Applications for development order approval, including
23 transportation and/or traffic impact studies(TIS), site assessment studies
24 (SAS), and relevant information, shall be submitted to the city. The city shall,
25 if necessary, distribute all relevant information to the county for evaluation.
26 The county will review projects in the order determined by the city. Review
27 of applications for traffic concurrency shall occur consistent with the
28 procedures contained in the interlocal agreement between the city and the
29 county, dated June 22, 1999 For projects east of the Beeline Highway, no
30 transportation concurrency is required; however, a site assessment study
31 (SAS) shall be submitted to the city.

32
33 (b) through (f) (These subsections shall remain in full force and effect as previously
34 adopted.)

35
36 **SECTION 6.** Chapter 78. Land Development. of the Code of Ordinances of the
37 City of Palm Beach Gardens, Florida, is hereby amended by repealing Section 78-80.
38 Required application material. by repealing subsections (a), (a)(3)a., and (a)(10) and
39 readopting same, as revised; providing that Section 78-80. shall hereafter read as follows:

40
41 **Sec. 78-80. – Required application material.**

42
43 (a) Application materials. Material to be submitted with the application for
44 transportation impact study/site assessment study/concurrency certification are
45 listed below.
46

1 (1) and (2) (These subsections shall remain in full force and effect as previously
2 adopted.)
3

4 (3) Area location map. Vicinity map of the area within one mile surrounding the
5 site, including the following:
6

- 7 a. Principal roadway, bicycle and pedestrian network, and mass transit
8 routes;
9
- 10 b. Major public facilities such as public schools, city and county parks and
11 recreation areas, hospitals, public buildings, etc.; and
12
- 13 c. Municipal boundary lines.
14

15 (4) through (9) (These subsections shall remain in full force and effect as
16 previously adopted.)
17

18 (10) ~~Traffic performance~~ Transportation standards.
19

20 a. West of the Beeline Highway. The applicant must provide Eevidence
21 that the proposed project meets the standards of the Palm Beach
22 Countywide Traffic Performance Standards Ordinance and the
23 city's transportation standards, as amended.
24

25 1. a. 1,000100 or more peak hour trips. A statement from the county
26 engineering department that the proposed project conforms to the
27 Palm Beach eCounty's traffic performance standards and that
28 roadway capacity isproject-generated trips are reserved. The
29 applicant shall obtain a similar statement from the city engineer.
30

31 2. b. Less than 1,000100 peak hour trips. EvidenceA statement
32 from the city engineer that the proposed project, if generating less
33 than 1,000 average daily100 peak hour trips, meets both the
34 countywide standards and city standards, and that roadway
35 capacity isproject-generated trips are reserved.
36

37 3. A statement from the city engineer that the proposed project
38 meets the transportation standards adopted by the city per the site
39 assessment study.
40

41 b. East of the Beeline Highway. The applicant must provide evidence
42 that the proposed project meets the transportation standards adopted
43 by the city per the site assessment study (SAS) with a statement from
44 the city engineer.
45
46

1 (11) through (13) (These subsections shall remain in full force and effect as
2 previously adopted.)
3

4 **SECTION 7.** Chapter 78. Land Development. of the Code of Ordinances of the
5 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-86. Proportionate
6 fair-share program. by amending the title such that it shall now read "Proportionate share
7 program"; by repealing subsections (a), (b), and (c) and readopting same, as revised, and
8 by repealing subsections (c)(1), (c)(2), (c)(3), (c)(4), and subsections (d) through (i) in
9 their entirety; providing that Section 78-86. shall hereafter read as follows:

10
11 **Sec. 78-86. – Proportionate fair-share program.**
12

- 13 (a) *Purpose and intent.* The purpose of this section is to establish a method whereby
14 the impacts of development on transportation facilities can be mitigated by the
15 cooperative efforts of the public and private sectors, to be known as the
16 proportionate fair-share program, as required by and in a manner consistent with
17 F.S. § 163.3180(16). This program is only applicable to projects west of the
18 Beeline Highway. ~~Proportionate fair share payments shall be distinct and~~
19 ~~separate payments from and shall not be considered the same as impact fee~~
20 ~~payments. Impact fees are imposed by the city to replace capacity utilized by~~
21 ~~growth and to provide funding for long-range transportation plans. Proportionate~~
22 ~~fair share is assessed to pay for specific deficiencies to the transportation~~
23 ~~network resulting from development and enabling development to meet level of~~
24 ~~service (LOS) concurrency requirements. Proportionate fair share enables~~
25 ~~development to meet concurrency requirements by proportionately paying for~~
26 ~~improvement projects.~~
27
- 28 (b) *Applicability.* This program is only applicable to projects west of the Beeline
29 Highway and those that have entered into proportionate share agreements prior
30 to January 1, 2019. The proportionate fair-share program shall apply to all
31 developments west of the Beeline Highway that fail to meet the standards of this
32 division on a roadway within the city that is not the responsibility of Palm Beach
33 County or the Florida Department of Transportation (FDOT). The proportionate
34 fair-share program does not apply to developments of regional impact (DRI)
35 using proportionate fair-share under F.S. § 163.3180(12)380.06, projects
36 exempted from this division, or for projects that received traffic concurrency
37 approval prior to December 1, 2006.
38
- 39 (c) *General requirements.* An applicant may choose to satisfy the transportation
40 concurrency requirements by making a proportionate fair-share contribution for
41 impacts of new development west of the Beeline Highway, on city roads that
42 ~~have or will have an LOS deficiency as defined in this division, pursuant to the~~
43 ~~following requirements:~~ in a manner consistent with F.S. § 163.3180.
44
- 45 (1) ~~The proposed development is consistent with the comprehensive plan and~~
46 ~~applicable land development regulations.~~

- 1 ~~(2) Any improvement project proposed to meet the developer's fair share~~
2 ~~obligation shall meet the city's design standards for locally maintained~~
3 ~~roadways.~~
- 4
- 5 ~~(3) The scope of the project shall provide for no less than the capacity necessary~~
6 ~~to address the transportation concurrency needs for the next five years after~~
7 ~~the execution of the fair share agreement.~~
- 8
- 9 ~~(4) The road improvement necessary to maintain the adopted LOS is specifically~~
10 ~~identified for construction in the five-year schedule of capital improvements~~
11 ~~in the Capital Improvements Element (CIE) of the Comprehensive Plan. The~~
12 ~~provisions of subsection (4)a. may apply if a transportation project or projects~~
13 ~~are needed to satisfy concurrency and are not presently included within the~~
14 ~~city's CIE.~~
- 15
- 16 ~~a. If an applicant meets the criteria contained in subsection (c), and the city's~~
17 ~~CIE does not include the transportation improvements necessary to~~
18 ~~satisfy the LOS deficiency, then the city may allow transportation~~
19 ~~concurrency improvements and funding for the project through the~~
20 ~~proportionate fair share upon compliance with the following criteria:~~
- 21
- 22 ~~1. The improvement shall not be contained in the first three years of the~~
23 ~~city's five-year schedule of capital improvements in the CIE;~~
- 24
- 25 ~~2. The city adopts by resolution a commitment to add the improvement~~
26 ~~funded by the developer's proportionate share assessment to the~~
27 ~~five-year schedule of capital improvements in the CIE at a point no~~
28 ~~later than the next scheduled annual update. To qualify for~~
29 ~~consideration under this section, the developer shall be required to~~
30 ~~submit for review and obtain the city's approval of the financial~~
31 ~~feasibility of the proposed improvement pursuant to F.S. § 163.3180,~~
32 ~~consistent with the comprehensive plan, and in compliance with the~~
33 ~~provisions of this ordinance;~~
- 34
- 35 ~~3. The city agrees to enter into a binding proportionate fair share~~
36 ~~agreement;~~
- 37
- 38 ~~4. The city agrees to amend the five-year schedule of capital~~
39 ~~improvements in the city's CIE at the next annual review or if the~~
40 ~~funds allocated for the five-year schedule of capital improvements in~~
41 ~~the city's CIE are insufficient to fully fund construction of a~~
42 ~~transportation improvement required by the CMS to make the project~~
43 ~~concurrent, the city may still enter into a binding proportionate fair-~~
44 ~~share agreement with the applicant; provided, however, that the~~
45 ~~proportionate fair share amount in such agreement is sufficient to~~
46 ~~pay for one or more improvements which shall, in the opinion of the~~

1 city council, alleviate the concurrency concern and the CIE is
2 amended accordingly at the next annual review.
3

4 ~~(d) Intergovernmental coordination. Pursuant to policies in the Intergovernmental~~
5 ~~Coordination Element of the Comprehensive Plan, the city shall coordinate with~~
6 ~~Palm Beach County and other affected jurisdictions, such as FDOT, regarding~~
7 ~~mitigation to impacted facilities not under the jurisdiction of the local government~~
8 ~~receiving the application for proportionate fair share mitigation. An interlocal~~
9 ~~agreement may be established with other affected jurisdictions for this purpose.~~

10
11 ~~(e) Application process.~~

12
13 ~~(1) In the event of a lack of capacity to satisfy transportation concurrency, the~~
14 ~~applicant shall have the opportunity to satisfy transportation concurrency~~
15 ~~through the proportionate fair share program pursuant to the requirements~~
16 ~~of subsection (c).~~

17
18 ~~(2) Prior to the submittal of an application, eligible applicants shall schedule a~~
19 ~~pre-application meeting with the growth management department.~~
20 ~~Subsequent to the pre-application meeting, eligible applicants shall submit a~~
21 ~~completed development application and all documentation requested by the~~
22 ~~city. The city shall establish applicable application fees for the cost of~~
23 ~~reviewing the application. If the impacted facility affects is on the strategic~~
24 ~~intermodal system (SIS), then FDOT will be notified and invited to participate~~
25 ~~in the pre-application meeting. The city shall also have the option of notifying~~
26 ~~and inviting Palm Beach County.~~

27
28 ~~(3) The growth management department shall review the application and certify~~
29 ~~that the application is sufficient and complete within 14 working days. If an~~
30 ~~application is determined to be insufficient, incomplete, or inconsistent with~~
31 ~~the general requirements of the proportionate fair share program as~~
32 ~~indicated in subsection (c), then the applicant will be notified in writing of the~~
33 ~~reasons for such deficiencies. If such deficiencies are not remedied by the~~
34 ~~applicant within 30 days of receipt of the written notification, then the~~
35 ~~application will be deemed withdrawn and all fees forfeited to the city.~~

36
37 ~~(4) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair share~~
38 ~~mitigation for development impacts to facilities on the SIS requires the~~
39 ~~concurrency of the FDOT. The applicant shall submit evidence of an~~
40 ~~agreement between the applicant and the FDOT for inclusion in the~~
41 ~~proportionate fair share agreement.~~

42
43 ~~(5) When an application is deemed sufficient, complete, and eligible, the~~
44 ~~applicant shall be advised in writing and a proposed proportionate fair share~~
45 ~~obligation and binding agreement will be prepared by the applicant and~~
46 ~~delivered to the appropriate parties for review, including a copy to the FDOT~~

1 for any proposed proportionate fair share mitigation on a SIS facility, no later
 2 than 60 days from the date at which the applicant received the notification of
 3 a sufficient, complete, and eligible application. If the agreement is not
 4 received by the city within these 60 days, then the application will be deemed
 5 withdrawn and all fees forfeited to the city.
 6

- 7 (6) ~~No proportionate fair share agreement will be effective until approved by the~~
 8 ~~growth management administrator through an administrative approval city~~
 9 ~~council through a miscellaneous petition.~~

10
 11 (f) ~~Determining proportionate fair share obligation.~~

- 12
 13 (1) ~~Proportionate fair share mitigation for concurrency impacts may include,~~
 14 ~~without limitation, separately or collectively, private funds, contributions of~~
 15 ~~land, and construction and contribution of facilities.~~

- 16
 17 (2) ~~A development eligible for participation under the proportionate fair share~~
 18 ~~program shall not be required to pay more than its proportionate fair share.~~
 19 ~~The fair market value of the proportionate fair share mitigation for the~~
 20 ~~impacted facilities shall not differ regardless of the method of mitigation.~~

- 21
 22 (3) ~~The methodology used to calculate a development's proportionate fair share~~
 23 ~~obligation shall be as provided for in F.S. § 163.3180(12), as follows:~~

24
 25 ~~The cumulative number of trips from the proposed development expected to~~
 26 ~~reach roadways during peak hours from the complete build out of a stage or~~
 27 ~~phase being approved, divided by the change in the peak hour maximum~~
 28 ~~service volume (MSV) of roadways resulting from construction of an~~
 29 ~~improvement necessary to maintain the adopted LOS, multiplied by the~~
 30 ~~construction cost, at the time of developer payment, of the improvement~~
 31 ~~necessary to maintain the adopted LOS.~~

32
 33 ~~OR-~~

34
 35 ~~Proportionate Fair Share = $\sum [((\text{Development Trips}_i) / (\text{SV Increase}_i)) \times \text{Cost}_i]$~~

36
 37 ~~Where:~~

38
 39 ~~Development Trips_i = Those trips from the stage or phase of development~~
 40 ~~under review that are assigned to roadway segment "i" and have triggered a~~
 41 ~~deficiency per TPS;~~

42
 43 ~~SV Increaseⁱ = Service volume increase provided by the eligible~~
 44 ~~improvement to roadway segment "i" per Section 3;~~

1 ~~Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include~~
 2 ~~all improvements and associated costs, such as design, right-of-way~~
 3 ~~acquisition, planning, engineering review, inspection, administration, and~~
 4 ~~physical development costs directly associated with construction at the~~
 5 ~~anticipated cost, including contingencies, in the year it will be incurred.~~

6
 7 ~~(4) For the purposes of determining proportionate fair share obligations, the city~~
 8 ~~engineer shall determine improvement costs based upon the actual and/or~~
 9 ~~anticipated cost of the improvement in the year that construction will occur.~~

10
 11 ~~(5) If an improvement is proposed by the applicant, then the value of the~~
 12 ~~improvement shall be based on an engineer's certified cost estimate~~
 13 ~~provided by the applicant and reviewed by the city engineer or other method~~
 14 ~~approved by the city engineer.~~

15
 16 ~~(6) If the city has accepted right-of-way dedication for the proportionate fair-~~
 17 ~~share payment, credit for the dedication of the right-of-way shall be valued~~
 18 ~~on the date of the dedication at 115 percent of the most recent assessed~~
 19 ~~value by the property appraiser, or at the option of the applicant and in lieu~~
 20 ~~of the 115 percent of assessed value option, by fair market value established~~
 21 ~~by an independent appraisal approved by the city at no expense to the city.~~
 22 ~~This appraisal shall assume no approved development plan for the site. All~~
 23 ~~right-of-way dedicated shall be part of a roadway segment that triggered the~~
 24 ~~deficiency per TPS and shall not be site-related. The applicant shall supply~~
 25 ~~a drawing and legal description of the land and a certificate of title or title~~
 26 ~~search of the land to the city at no expense to the city. If the estimated value~~
 27 ~~of the right-of-way dedication proposed by the applicant is less than the city-~~
 28 ~~estimated total proportionate fair share obligation for that development, then~~
 29 ~~the applicant shall also pay the difference. Prior to purchase or acquisition~~
 30 ~~of any real estate or acceptance of donations of real estate intended to be~~
 31 ~~used for the proportionate fair share, public or private partners should~~
 32 ~~contact the FDOT for essential information about compliance with federal~~
 33 ~~law and regulations. The city shall also have the option of requiring an~~
 34 ~~environmental assessment for right-of-way dedication.~~

35
 36 ~~(g) *Impact fee credit for proportionate fair share mitigation.*~~

37
 38 ~~(1) Proportionate fair share contributions shall be applied as a credit against~~
 39 ~~road impact fees to the extent that all or a portion of the proportionate fair-~~
 40 ~~share mitigation is used to address the same capital infrastructure~~
 41 ~~improvements contemplated by the citywide impact fees division contained~~
 42 ~~in this chapter.~~

43
 44 ~~(2) Impact fee credits for the proportionate fair share contribution will be~~
 45 ~~determined when the transportation impact fee obligation is calculated for~~
 46 ~~the proposed development. Impact fees owed by the applicant will be~~

1 reduced per the proportionate fair share agreement as they become due
 2 pursuant to the citywide impact fees division contained in this chapter. Once
 3 the credit has been exhausted, payment of road impact fees shall be
 4 required for each permit issued. The impact fee credit shall be established
 5 when the proportionate fair share contribution is received by the city, or when
 6 the fair share amount is secured by Performance Security.
 7

- 8 (3) ~~The proportionate fair share obligation is intended to mitigate the~~
 9 ~~transportation impacts of a proposed project. As a result, any road impact~~
 10 ~~fee credit based upon proportionate fair share contributions for a proposed~~
 11 ~~project cannot be transferred to any other project.~~

12
 13 ~~(h) *Proportionate fair share agreements.*~~

- 14
 15 (1) ~~Upon execution of a proportionate fair share agreement ("agreement"), the~~
 16 ~~applicant shall receive a certificate of concurrency approval. Should the~~
 17 ~~applicant fail to apply for a development building permit within twelve (12)~~
 18 ~~months, then the agreement and the certificate of concurrency approval shall~~
 19 ~~be considered null and void, and the applicant shall be required to reapply.~~

- 20
 21 (2) ~~Payment of the proportionate fair share contribution is due in full no later~~
 22 ~~than the issuance of the first building permit, and shall be nonrefundable. If~~
 23 ~~the payment is submitted more than ninety (90) days from the date of~~
 24 ~~execution of the agreement, then the proportionate fair share cost shall be~~
 25 ~~recalculated at the time of payment, pursuant to subsection (f), and adjusted~~
 26 ~~accordingly.~~

- 27
 28 (3) ~~In the event an agreement requires the applicant to pay or build one hundred~~
 29 ~~(100) percent of one (1) or more road improvements, all such improvements~~
 30 ~~shall be commenced prior to the issuance of a building permit and assured~~
 31 ~~by a binding agreement that is accompanied by a performance security, as~~
 32 ~~determined by the city, which is sufficient to ensure the completion of all~~
 33 ~~required improvements. It is the intent of this section that any required~~
 34 ~~improvements be completed before the issuance of certificates of~~
 35 ~~occupancy.~~

- 36
 37 (4) ~~Dedication of necessary rights-of-way for facility improvements pursuant to~~
 38 ~~a proportionate fair share agreement shall be completed prior to the~~
 39 ~~issuance of the first building permit but shall not include a building permit~~
 40 ~~issued for a dry model.~~

- 41
 42 (5) ~~Any requested change to a development subsequent to a development order~~
 43 ~~may be subject to additional proportionate fair share contributions to the~~
 44 ~~extent the change would generate additional traffic that would require~~
 45 ~~mitigation.~~
 46

1 ~~(6) Applicants may submit a letter to withdraw from the proportionate fair share~~
 2 ~~agreement at any time prior to the execution of the agreement. The~~
 3 ~~application fee and any associated advertising costs paid to the city will be~~
 4 ~~nonrefundable.~~

5
 6 ~~(7) The city may enter into proportionate fair share agreements for selected~~
 7 ~~corridor improvements to facilitate collaboration among multiple applicants~~
 8 ~~on improvements to a shared transportation facility.~~

9
 10 ~~(i) Appropriation of fair share revenues.~~

11
 12 ~~(1) Proportionate fair share revenues shall be placed in the appropriate project~~
 13 ~~account for funding of scheduled improvements in the CIE, or as otherwise~~
 14 ~~established in the terms of the proportionate fair share agreement.~~
 15 ~~Proportionate fair share revenues may be used as the fifty (50) percent local~~
 16 ~~match for funding under the FDOT TRIP, or any other matching requirement~~
 17 ~~for state and federal grant programs as may be allowed by law.~~

18
 19 ~~(2) In the event a scheduled facility improvement is removed from the CIE, then~~
 20 ~~the revenues collected for its construction may be applied toward the~~
 21 ~~construction of another improvement within that same corridor or impact fee~~
 22 ~~benefit zone that would mitigate the impacts of development pursuant to the~~
 23 ~~requirements of subsection (c)(3).~~

24
 25 **SECTION 8.** Chapter 78. Land Development. of the Code of Ordinances of the
 26 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-159. Permitted
 27 Uses, Minor and Major Conditional Uses, and Prohibited Uses. by repealing subsection
 28 (f) and subsection (j), Notes (44.1)f., (44.2)f., (49)a., (57)g.6. and readopting same, as
 29 revised; providing that Section 78-159. shall hereafter read as follows:

30
 31 **Sec. 78-159. – Permitted uses, minor and major conditional uses, and prohibited**
 32 **uses.**

33
 34 (a) through (e) (These subsections shall remain in full force and effect as previously
 35 adopted.)

36
 37 (f) *Similar uses.* A use not listed in Table 21, but possessing similar characteristics,
 38 including, but not limited to, size, intensity, density, operating hours, demands for
 39 public facilities, such as water and sewer, ~~traffic impact~~transportation system,
 40 manufacturing, and business practices, may be established upon approval by
 41 the growth management director. Such uses shall be subject to all requirements
 42 of the uses to which they are similar. Appeals of such determinations shall be
 43 made to the planning, zoning, and appeals board. The growth management
 44 director shall notify the city manager, in writing, of all decisions regarding similar
 45 uses.

1 (g) through (i) and Table 21 (These subsections shall remain in full force and effect
2 as previously adopted.)
3

4 (j) *Additional Standards.* The following standards apply to specific uses as indicated
5 in the "Note" column of Table 21.
6

7 (1) through (44) (These notes shall remain in full force and effect as previously
8 adopted.)
9

10 (44.1) Studio, instructional. A commercial establishment providing training or
11 instruction for compensation in martial arts, exercise, gymnastics, and
12 related activities shall be allowed within the light industrial district (M-1A)
13 as a minor conditional use. Such instructional studios shall comply with
14 the criteria listed below:
15

16 a. through e. (These subsections shall remain in full force and effect as
17 previously adopted.)
18

19 f. ~~Traffic~~Transportation impacts. Growth management staff shall have
20 the ability to request information regarding the ~~traffietransportation~~
21 impacts and require conditions to mitigate the impacts of such impacts.
22

23 (44.2) Studio, professional. An establishment used in the practice of artistic
24 pursuits, including instruction for fine arts, music, photography, painting,
25 sculpture, drama, speech, and dance shall be allowed within the light
26 industrial district (M-1A) as a minor conditional use. Such professional
27 studios shall comply with the criteria listed below:
28

29 a. through e. (These subsections shall remain in full force and effect as
30 previously adopted.)
31

32 f. ~~Traffic~~Transportation impacts. Growth management staff shall have
33 the ability to request information regarding the ~~traffietransportation~~
34 impacts and require conditions to mitigate the impacts of such impacts.
35

36 (45) through (48) (These notes shall remain in full force and effect as previously
37 adopted.)
38

39 (49) Places of assembly shall comply with the following standards set forth
40 herein below:
41

42 a. Regardless of size, all places of assembly shall be required to satisfy
43 city parking regulations and Palm Beach eCountywide traffic
44 performance standards and/or transportation impacts. Places of
45 assembly uses in single-family and two-family dwelling units are not
46 exempt from the city's off-street parking provisions.

(50) through (56) (These notes shall remain in full force and effect as previously adopted.)

(57) Recreation, commercial – Outdoor. Commercial outdoor recreation are establishments providing entertainment, games of skill, and similar activities to the general public for a fee, including such uses as archery ranges, athletic fields, batting cages, camps and camping areas, golf driving ranges, miniature golf, swimming pools, tennis courts, and wildlife preserves. Such uses do not include golf courses, public parks, bungee jumping, miniature auto or motorcycle race tracks, and similar uses. Outdoor recreational use shall conform to the requirements listed below.

a. through f. (These subsections shall remain in full force and effect as previously adopted.)

g. Live entertainment events, including concerts, festivals, holiday events or sales, and similar temporary events require approval by the city manager. Factors affecting such approval include the following:

1. through 5. (These subsections shall remain in full force and effect as previously adopted.)

6. Anticipated ~~traffic~~transportation impacts;

7. through 10. (These subsections shall remain in full force and effect as previously adopted.)

(58) through (77) (These notes shall remain in full force and effect as previously adopted.)

SECTION 9. Chapter 78. Land Development. of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Article V. Supplementary District Regulations. at Division 11. Traffic Performance Standards. by repealing the title and readopting same, as revised; providing that the title shall hereafter read as follows:

Article V. Supplementary District Regulations

DIVISION 11. – TRAFFIC PERFORMANCE AND TRANSPORTATION STANDARDS

SECTION 10. Chapter 78. Land Development. of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-611. Intent. by repealing Section 78-611. and readopting same, as revised; providing that Section 78-611. shall hereafter read as follows:

1 **Sec. 78-611. – Intent.**

2
3 The city finds that the safe, convenient, and orderly flow of vehicular
4 ~~traffic~~multimodal travel is necessary for the health, safety, welfare, and convenience of
5 the public. It is the intent of this subdivision to ensure that roadways are in place and
6 adequate to provide a level of service that will provide safe, convenient, and orderly flow
7 of vehicular~~traffic~~multimodal travel by providing specific standards, and providing
8 guidelines and procedures for the implementation and enforcement of the standards. The
9 city intends, by adopting the standards contained in this article, to implement the goals,
10 objectives, policies, and standards of the city comprehensive plan, and particularly
11 objective ~~2.1.1.2.1.2~~. The city finds that safe, convenient, and orderly flow of vehicular
12 ~~traffic~~multimodal travel will be achieved by the standards set forth in this article.

13
14 **SECTION 11.** Chapter 78. Land Development. of the Code of Ordinances of the
15 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-612. Applicability.
16 by repealing subsection (a) and readopting same, as revised, by repealing subsections
17 (b)(1), (b)(2), and (b)(3) and by repealing subsection (b)(4) in its entirety, and by repealing
18 subsections (c) and readopting same, as revised; providing that Section 78-612 shall
19 hereafter read as follows:

20
21 **Sec. 78-612. – Applicability.**

22
23 (a) *Generally.* Unless otherwise provided, this article shall apply to the development
24 order applications and required study listed below.

25
26 (1) ~~Any application for change in land use or zoning classification. The~~
27 ~~requirements of this division shall be used in evaluating the appropriateness~~
28 ~~and desirability of a development order application and does not guarantee~~
29 ~~the approval of any subsequent application for development~~
30 ~~approval.~~Comprehensive plan amendment study (CPAS). Any applications
31 for change in land use designation.

32
33 (2) ~~Others. Any other development order application or approval as defined in~~
34 ~~this chapter.~~Traffic impact study (TIS) for areas west of the Beeline Highway.
35 Any application for changes in zoning classification, site plan, or other
36 development application.

37
38 (3) Site assessment study (SAS). Any application for changes in zoning
39 designation, site plan, or other development order applications, including
40 equivalencies, conversions of use, and the like.

41
42 (b) *Previously approved development approvals.*

- 1 (1) Existing approvals. Development order applications to amend an existing
 2 development order approved prior to the adoption of the Palm Beach County
 3 traffic performance standards on February 1, 1990, are subject to the
 4 standards only for the amount of traffic generated in excess of the existing
 5 approval.
 6
- 7 (2) Existing uses. Any development order application affecting property which is
 8 presently occupied, used, and generating ~~traffic~~impacts to transportation
 9 system shall be subject to the ~~traffic performance~~transportation standards
 10 only for the amount of traffic generated that is in excess of the existing use.
 11 For purposes of this subsection, the use of a structure or land which has
 12 been abandoned for less than five years shall be considered an existing use.
 13
- 14 (3) Required improvements. Any development order approval amending a
 15 previously approved development order which required road construction,
 16 right-of-way acquisition, design, contribution of money, or other
 17 improvements to a link or major intersection or multimodal improvement shall
 18 include a requirement to provide performance surety or security to secure
 19 the improvements.
 20
- 21 ~~(4) Development order amendments. Development order applications to amend~~
 22 ~~an existing development order approved after adoption of the traffic~~
 23 ~~performance standards are subject to the standards for the amount of traffic~~
 24 ~~generated that is in excess of the existing approval.~~
 25
- 26 (c) *Nonapplicability.*
 27
- 28 (1) Acts and omissions. The ~~traffic performance~~transportation standards shall
 29 not apply to applications for development order approval filed after the
 30 effective date of the standards if specified acts or omissions of the city which
 31 were relied upon by the property owner effectively precluded the property
 32 owner from filing an approvable application for a development approval prior
 33 to such date. Only the city council may make a determination of the
 34 applicability of this subsection. A determination of this nature shall be made
 35 in a public meeting upon application of the property owner. The burden to
 36 affirmatively demonstrate by written evidence the applicability of this
 37 subsection shall be upon the property owner.
 38
- 39 (2) City-initiated changes. The ~~traffic performance~~city's transportation standards
 40 shall not apply to city-initiated future land use plan or zoning district
 41 designation changes ~~which occur as part of an areawide review and district~~
 42 ~~boundary change program.~~ However, the city-initiated change shall not be
 43 adopted if such changes have the effect of authorizing development that is
 44 not subject to the ~~traffic performance~~city's transportation standards.
 45
 46

1 (3) Comprehensive plan consistency. The ~~traffic—performance~~city's
 2 transportation standards shall not apply to any city-initiated future land use
 3 plan or zoning district designation amendments to achieve consistency with
 4 the city's comprehensive plan. However, the city-initiated amendments shall
 5 not be adopted if the amendments have the effect of authorizing
 6 development that is not subject to the ~~traffic performance~~city's transportation
 7 standards.

8
 9 (d) and (e) (These subsections shall remain in full force and effect as previously
 10 adopted.)

11
 12 **SECTION 12.** Chapter 78. Land Development. of the Code of Ordinances of the
 13 City of Palm Beach Gardens, Florida, is hereby amended by repealing Section 78-621.
 14 Established. and read readopting same, as revised; providing that Section 78-621. shall
 15 hereafter read as follows:

16
 17 **Sec. 78-621. – Established.**

- 18
 19 (a) ~~Traffic performance~~Transportation standards established. There is established a
 20 ~~traffic performance~~transportation standard for all major thoroughfares and major
 21 intersections within the city. Except as specifically provided in this division,
 22 development order approvals may not be issued for a proposed project which
 23 would violate this standard.
 24
 25 (b) *Alternate level of service standards.* The standards and requirements of this
 26 division shall not prohibit the city council from adopting alternate level of service
 27 standards for specified roadway links or intersections or multimodal facility.
 28 Alternate standards may be adopted for specified roadway links or intersections
 29 or multimodal facility, which due to circumstances beyond control of the city are
 30 currently or projected to exceed the level of service standard adopted herein.
 31 The city council also may adopt alternate standards if roadway or intersection or
 32 multimodal improvements are prohibited due to physical, environmental,
 33 historical, or aesthetic constraints.
 34

35 **SECTION 13.** Chapter 78. Land Development. of the Code of Ordinances of the
 36 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-622. Level of
 37 service standards. by repealing Table 44 with notes and readopting same, as revised, by
 38 adopting new Table 44A with note; providing that Section 78-622. shall hereafter read as
 39 follows:

40 **Sec. 78-622. – Level of service standards.**

41
 42 Level of service standards (LOS) are established for roadways within the urban and
 43 rural service areas as indicated in Table 44.
 44
 45
 46

Table 44: Level of Service Standards for Urban and Rural Service Areas

Facility Type	Peak Hour Level of Service Standard
Neighborhood Collector	D
City Collectors and Arterials	D
Intersections	D
<i>Non-FIHS Roads included in Palm Beach County Thoroughfare Plan (1)</i>	
County Minor Arterial	D
State Minor Arterial	E
State Principal Arterial	D
FIHS Roads	D
<i>Excepted Links</i>	
Beeline Highway (Northlake — Boulevard to CR 711)	C
State Principal Arterial: PGA — Boulevard between U.S. 1 and — Alternate A1A and between Alternate A1A and I-95	LOS "F" with 55,200 daily trips and 73,000 daily trips respectively, until PGA Boulevard/Alternate A1A urban interchange is constructed. (2)
City Collector: Burns Road from I-95 — to Military Trail	LOS "F" until I-95 is widened and Burns Road can be expanded. (3)

Notes:

(1) FIHS = Florida Intrastate Highway System

(2) Interchange improvement expected in Year 2001—2005

(3) I-95 improvement expected in Year 2011—2015.

Table 44A. Quality of Service (QOS) Standards for East of the Beeline Highway

<u>QOS</u>	<u>2020-2030 Standard</u>	<u>2030-2040 Standard</u>
<u>People Walking and Biking</u>	<u>C</u>	<u>B</u>
<u>People Biking</u>	<u>D</u>	<u>C</u>
<u>People Riding Trolley/Transit</u>	<u>D</u>	<u>C</u>

Note for Table 44A. Details of how these QOS standards are determined are included in the City's adopted Mobility Plan.

SECTION 14. Chapter 78. Land Development. of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-623. Link standard. by repealing subsections (a) and (b) and readopting same, as revised; providing that Section 78-623. shall hereafter read as follows:

Sec. 78-623. – Link standard.

- (a) *Development orders.* Except as specifically provided in this division, development order approvals shall not be issued which would, during the build out period of the project, result in project traffic ~~of more than five percent of the level of service D service volume, as set forth herein~~ at the impact levels listed below at any point on any major thoroughfare link within the project's radius of development influence, if the total traffic on that link would result in a volume that exceeds the adopted level of service volume during the build out period of the project. For purposes of ~~this analysis~~ these analyses, committed roadway improvements shall be considered.
- (1) For a comprehensive plan amendment study (CPAS). More than 3 percent of the level of service D service volume as set forth herein.
 - (2) For a traffic impact study (TIS). Per Article 12 of the Palm Beach County ULDC, as may be amended.
 - (3) For a site assessment study (SAS). No link analysis is required, unless determined by the city engineer.
- (b) *Service volumes and capacities.* All evaluation shall be based upon ~~"Generalized Annual Average Daily Volumes and Generalized Peak Hour Directional Volumes"~~ "Generalized Annual Average Daily Volumes and Generalized Peak Hour Directional Volumes" for Florida's urbanized areas ~~as contained in the latest edition of the Florida Department of Transportation Generalized Tables, or another professionally acceptable methodology for determining road capacity approved by the city engineer.~~

1 **SECTION 15.** Chapter 78. Land Development. of the Code of Ordinances of the
 2 City of Palm Beach Gardens, Florida, is hereby amended by repealing Section 78-624.
 3 Intersection standard. and readopting same, as revised; providing that Section 78-624.
 4 shall hereafter read as follows:

5
 6 **Sec. 78-624. – Intersection standard.**

7
 8 (a) *Development orders.* Except as specifically provided in this division,
 9 development order approvals shall not be issued which would, during the build
 10 out period of the project, result in project traffic equal to more than ten percent of
 11 total traffic on an AADT basis at the impact levels listed below on any link
 12 connecting a major intersection within the project's radius of development
 13 influence, if the intersection would result in exceeding level of service "D"
 14 standard during the build out period of the project.

15
 16 (1) For a comprehensive plan amendment study (CPAS). No intersection
 17 analysis is required.

18
 19 (2) For a traffic impact study (TIS). Per Article 12 of the Palm Beach County
 20 ULDC, as may be amended.

21
 22 (3) For a site assessment study (SAS). More than 5 percent of the level of
 23 service D service volume, as set forth on any approach of the intersection.

24
 25 (b) *Intersection standards.* For purposes of the intersection standards, compliance
 26 with the level of service "D" standard shall be established using the methodology
 27 contained in the latest edition of the Highway Capacity Manual (HCM).

28
 29 ~~(c) *Average peak hour volumes.* If available, the peak season and off-peak season~~
 30 ~~turning movements shall be used to determine average peak hour volume. If~~
 31 ~~turning movement counts from both seasons are not readily available, the count~~
 32 ~~which is unavailable may be established using factors established by the city and~~
 33 ~~county traffic engineer based on the best available data and generally accepted~~
 34 ~~traffic engineering principles.~~

35
 36 **SECTION 16.** Chapter 78. Land Development. of the Code of Ordinances of the
 37 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-625. Radius of
 38 development influence. by repealing Section 78-625. and readopting same, as revised;
 39 providing that Section 78-625. shall hereafter read as follows:

40
 41 **Sec. 78-625. – Radius of development influence.**

42
 43 The maximum radius of development influence for specific types of proposed projects
 44 shall be five miles. The actual radius of development influence ~~may be less~~ for each study
 45 type and shall be based on the criteria set forth in Section 78-643.

1 **SECTION 17.** Chapter 78. Land Development. of the Code of Ordinances of the
 2 City of Palm Beach Gardens, Florida, is hereby amended by repealing Section 78-626.
 3 Phasing. and readopting same, as revised; providing that Section 78-626. shall hereafter
 4 read as follows:

5
 6 **Sec. 78-626. – Phasing.**

7
 8 Phasing may be utilized to establish compliance with the ~~traffic~~
 9 ~~performance~~transportation standards subject to compliance with the criteria listed below.

- 10
 11 (a) *Concurrency.* The proposed project is able to comply with all other concurrency
 12 requirements of the city.
 13
 14 (b) *Links and intersections.* The proposed phasing results in the links and
 15 intersections of the proposed project complying with the link and intersection
 16 standards set forth in this division for the build out of the project. All phases
 17 including build out shall comply with the standards set forth in this article.
 18
 19 (c) *Committed ~~roadway~~ improvements.* The proposed phasing is consistent with the
 20 extent and timing of committed ~~roadway~~ improvements.
 21
 22 (d) *Committed improvements.* The county engineer or city engineer, as applicable,
 23 shall confirm that planned ~~roadway~~ improvements or construction are committed.
 24
 25 (e) *Applicant commitments.* For any ~~roadway~~-improvement which is to be completed
 26 by the applicant, a condition of approval must be imposed by the city council or
 27 a road/multimodal agreement executed, and sufficient performance security
 28 must be provided.
 29
 30 (f) *Building permits.* Building permits may be issued for that phase of a project which
 31 was analyzed and approved based on a specified phasing program which
 32 standing alone would be the entitlement.
 33

34 **SECTION 18.** Chapter 78. Land Development. of the Code of Ordinances of the
 35 City of Palm Beach Gardens, Florida, is hereby amended by repealing Section 78-627.
 36 Reliance on committed roadway improvements. and readopting same with a new title and
 37 as revised; providing that Section 78-627. shall hereafter read as follows:
 38

39 **Sec. 78-627. – Reliance on committed ~~roadway~~-improvements.**

- 40
 41 (a) *Building permits.* If a development order is approved or phased based on
 42 committed ~~roadway~~ improvements, building permits may be issued for the
 43 structure or phase that is subject to the committed improvements. The building
 44 permits shall be issued at such date when it is determined the certificate of
 45 occupancy will be issued concurrently with or following completion of the
 46 committed improvements.

1 (b) *Deletion of committed requirements.* If a development order is approved or
 2 phased based upon committed ~~roadway~~ improvements which are deleted,
 3 building permits and certificates of occupancy may be issued for the structure or
 4 phase based upon the conditions listed below. For the purpose of this section,
 5 the term "committed ~~roadway~~ improvements" includes both amount of
 6 construction and timing of construction.
 7

8 (1) Road program. The committed ~~roadway~~ improvements which were relied
 9 upon for the issuance of a development order approval were included in the
 10 ~~first three years of the~~ Palm Beach County Five Year Road Program or
 11 FDOT Transportation Improvement Program (TIP) or the City's Capital
 12 Improvement Program (CIP).
 13

14 (2) Deletion. Following a development order approval, the committed ~~roadway~~
 15 improvements are removed from Palm Beach County, ~~or~~ FDOT, or City
 16 programs. For purposes of this section, the term "deleted" shall mean the
 17 following:
 18

19 a. The elimination of the construction project;
 20

21 b. The material reduction in the scope of construction work or funding
 22 thereof, as it affects the construction project;
 23

24 c. The postponement of the construction project in the five-year program
 25 for more than one year beyond the year the construction was originally
 26 programmed in the five-year program;
 27

28 d. The failure to let a road construction contract;
 29

30 e. The removal of or failure to continue funding of the construction project;
 31 and
 32

33 f. Construction delays, design delays, contracting delays, or similar
 34 delays.
 35

36 **SECTION 19.** Chapter 78. Land Development. of the Code of Ordinances of the
 37 City of Palm Beach Gardens, Florida, is hereby amended at Subdivision III. Traffic Impact
 38 Studies. by repealing the title and readopting same, as revised; providing that the title
 39 shall hereafter read as follows:
 40

41 Subdivision III. – ~~Traffic Impact~~ Transportation Studies
 42

43 **SECTION 20.** Chapter 78. Land Development. of the Code of Ordinances of the
 44 City of Palm Beach Gardens, Florida is hereby amended at Section 78-641. Submission
 45 required for development approval. by repealing Section 78-641. and readopting same,
 46 as revised; providing that Section 78-641. shall hereafter read as follows:

1 **Sec. 78-641. – Submission required for development approval.**

2
3 In order to demonstrate that an application for development order approval complies
4 with the ~~traffic performance~~transportation standards, the applicant shall submit a ~~traffic~~
5 ~~impact study~~one or more of the following, as required per application type and location.

6
7 (a) Comprehensive plan amendment study (CPAS).

8
9 (b) Traffic impact study (TIS).

10
11 (c) Site assessment study (SAS).

12
13 **SECTION 21.** Chapter 78. Land Development. of the Code of Ordinances of the
14 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-642. Scope. by
15 repealing Section 78-642. and readopting same, as revised, and by repealing subsections
16 (a), (b), and (c) and readopting same, as revised; providing that Section 78-642. shall
17 hereafter read as follows:

18
19 **Sec. 78-642. – Scope.**

20
21 The ~~traffic impact study (TIS)~~applicable study or studies shall include the requirements
22 listed below.

23
24 (a) ~~Traffic performance~~Transportation standards. The ~~TIS~~study shall address the
25 requirements and standards of the county and/or the city's traffic
26 ~~performance~~transportation standards.

27
28 (b) *Brevity.* The ~~TIS~~study shall be presented concisely, using maps whenever
29 practicable.

30
31 (c) *Assumptions.* The ~~TIS~~study shall state all assumptions and sources of
32 information.

33
34 (d) *Detail.* The form and level of detail required shall be established by the city
35 engineer in accordance with accepted traffic engineering principles.

36
37 **SECTION 22.** Chapter 78. Land Development. of the Code of Ordinances of the
38 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-643.
39 Methodology. by repealing subsections (a), (b), (d), (e), (f), (g)(1), (h), (j), (k), (l), and (m)
40 and readopting same, as revised; providing that Section 78-643 shall hereafter read as
41 follows:

Sec. 78-643. – Methodology.

- (a) *Generally.* The methods of evaluation, standards, and information in this section shall be addressed in the ~~traffic impact~~ study. The city engineer may approve alternate methods if the applicant can demonstrate that due to circumstances peculiar to the proposed project or major thoroughfare system impacted by the proposed development, other methods or standards provide a more accurate means to evaluate the links, intersections, and traffic impact of the proposed project.
- (b) *Level of service.* The ~~TIS~~applicable study or studies shall utilize the levels of service, as defined in section 78-622, *for* all major thoroughfares within the radius of development influence.
- (c) (This subsection shall remain in full force and effect as previously adopted.)
- (d) *Radius of development influence.* The ~~traffic~~applicable study or studies shall define the radius of development influence up to a maximum travel distance of five miles.

(1) For a comprehensive plan amendment study (CPAS) the radius is established as shown below:

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

* Net daily trip generation equals trips related to the proposed land use designation less the existing land use designation. Traffic associated with all prior land use designation changes for the property that have not received development order approvals shall be cumulatively included in the net trip generation increase.

(2) For a traffic impact study (TIS), the radius is established per Article 12 of the Palm Beach County ULDC, as may be amended.

1 (3) For a site assessment study (SAS), the radius is established as the directly
 2 accessed links and the intersections within one-quarter (¼) mile from each
 3 project access point. The city engineer may require additional intersection
 4 analysis per Section 78-644.

5
 6 (e) *Projected build out period.* The projected build out period of the project shall be
 7 set forth in the study TIS and/or SAS and shall be subject to the review and
 8 approval of the city engineer.

9
 10 (f) *Existing traffic.* ~~Average annual daily traffic (AADT) and average p~~Peak hour
 11 directional traffic shall be used, as defined herein. Where current data are not
 12 available to establish existing traffic, the applicant shall elect one of the methods
 13 listed below to establish existing traffic levels.

14
 15 (1) Counts. The applicant may provide traffic counts if approved by the city
 16 engineer. Traffic counts of this nature shall be performed in accordance with
 17 accepted traffic engineering principles. Counts shall be made during any
 18 continuous 24-hour period in accordance with accepted traffic engineering
 19 principles. All data are subject to review and acceptance based upon
 20 accepted traffic engineering principles.

21
 22 (2) Factors. Where a peak season ~~or off-peak season~~ traffic count is not readily
 23 available, the count which is unavailable may be established using factors
 24 established by the city traffic engineer based on the best available data and
 25 generally accepted traffic engineering principles.

26
 27 (g) *Traffic generation.* Traffic generated by the project shall be calculated in the
 28 manner listed below.

29
 30 (1) ITE rates. The rates published by the Palm Beach County Traffic Division
 31 and in the latest edition of the Institute of Transportation Engineers (ITE) trip
 32 generation manual shall be used. However, the city engineer may accept
 33 other standards that provide a more accurate means to evaluate the rates of
 34 generation, including Palm Beach County traffic generation rates. The other
 35 standards shall be based upon documentation supplied by the applicant
 36 which affirmatively demonstrates the alternative method based on
 37 acceptable engineering principles.

38
 39 (2) – (3) (These subsections shall remain in full force and effect as previously
 40 adopted.)

41
 42 (h) *Pass-by trips.* Credit against the trip generation of a proposed project may be
 43 taken for pass-by trips. Pass-by trips shall be based on the most recent rates
 44 published by the Institute of Traffic Engineering (ITE) or the rates published by
 45 Palm Beach County for local conditions.

1 (1) ~~TIS and pass-by trips. The TIS must detail the following information:~~

2
3 a. ~~all traffic generated from the project and the turning movements, and;~~

4
5 b. ~~the number of pass-by trips subtracted from the traffic generated by the~~
6 ~~project, during the build-out period of the project.~~

7
8 (21) Other uses. If a TIS and/or SAS includes land uses other than those listed
9 in the ITE trip generation manual or county documents, and proposes an
10 increase in the percentage credit for pass-by trips proposed in excess of the
11 amount in those documents, the calculations shall be justified based on
12 accepted traffic engineering principles. The calculations must be acceptable
13 to the city engineer as part of the required traffic study, based upon the
14 peculiar characteristics and location of the proposed project.

15
16 (32) Factors. Factors which should be considered in determining a different pass-
17 by trip rate include type and size of land use, location with respect to the
18 surrounding major thoroughfare system, and existing and projected traffic
19 volumes.

20
21 (i) (This subsection shall remain in full force and effect as previously adopted.)

22
23 (j) *Background traffic.*

24
25 (1) Generally. Existing traffic volumes will likely increase or decrease during the
26 build out period of the proposed project. The traffic study must account for
27 this increase or decrease in traffic based on background traffic during the
28 build out period of the proposed project. The projection of background traffic
29 will be based upon the information ~~set forth on the~~using historical traffic
30 growth table and ~~the table of major projects~~committed development data
31 from the Palm Beach County TPS database and shall be established in
32 accordance with the requirements set forth in this article and accepted traffic
33 engineering principles. This change in traffic shall be shown as it relates to
34 the proposed phasing.

35
36 (2) Historical traffic growth ~~table~~. Using the historical traffic growth ~~table~~, the
37 study shall project the increase or decrease in traffic volumes based on
38 background traffic within the proposed project's radius of development
39 influence during the build out period of the proposed project. For projects
40 with a build out time of five (5) years or more, an areawide growth rate, using
41 locations within the radius of development influence, may be appropriate. No
42 growth rate less than zero percent may be used without approval of the city
43 engineer.

1 (3) ~~Major project maps. The effect of major projects shall be considered in~~
 2 ~~projecting the increase or decrease in traffic volumes. Using the major~~
 3 ~~project table, all traffic from the unbuilt portion of major projects approved~~
 4 ~~prior to the proposed project's traffic study which will add more trips than ten~~
 5 ~~percent of the level of service "D" service volume within the proposed~~
 6 ~~project's radius of development influence during the build out period of the~~
 7 ~~proposed project shall be specifically accounted for in projecting background~~
 8 ~~traffic. No double counting of trips shall occur, and the historically derived~~
 9 ~~projections shall be adjusted based upon the impact of major projects. Only~~
 10 ~~the traffic generated from the unbuilt portions of the major projects, as set~~
 11 ~~forth in this subsection, which are projected to be built during the build out~~
 12 ~~period of the proposed project shall be considered. Using the County's TPS~~
 13 ~~database:~~

14
 15 a. All traffic from the unbuilt portion of projects that has received approval
 16 that adds significant trips to any link within the area surrounding the
 17 proposed project during the project's build out period shall be specifically
 18 accounted for in projecting traffic.

19
 20 b. For intersections, background traffic shall specifically account for all
 21 project traffic volumes if at least one approach to the intersection has a
 22 project traffic volume greater than, or equal to, one (1) percent of the
 23 adopted level of service D.

24
 25 c. A comparison of the traffic projection using historical growth to the traffic
 26 projections using the County's TPS database, plus a nominal growth
 27 rate per year, shall be completed.

28
 29 (4) and "The intent of the criteria listed above..." note. (This subsection and note
 30 shall remain in full force and effect as previously adopted.)

31
 32 (k) *Committed roadway improvements.* Committed roadway improvements shall be
 33 considered completed as scheduled for the purpose of preparation of the study.
 34 Phasing of the project to committed improvements shall be required.
 35 Confirmation of committed improvements and the timing of the commitment shall
 36 be subject to the confirmation of the city engineer.

37
 38 (l) *Project phasing.* The traffic study may reflect a proposed phasing schedule for
 39 the development of the proposed project. This schedule shall address the time
 40 at which each phase will place traffic impacts on the major thoroughfares and
 41 intersections within the radius of development influence. The proposed phasing
 42 plan shall include the information listed below.

43
 44 (1) Trip generation. Project traffic figures and assignments for each proposed
 45 phase.
 46

1 (2) Committed roadway improvements. Where the evaluation of a phased traffic
 2 impact includes the effect of committed roadway improvements, sufficient
 3 information regarding the proposed construction shall be included to ensure
 4 that the roadways multimodal realistically will be constructed at the times
 5 stated.
 6

7 (m) Roadway link and/or intersection analysis. All major intersections within the
 8 proposed project's radius of development influence to which the proposed project
 9 would, if approved, add more than ten percent of total traffic on an AADT basis
 10 for any link of the major intersection during the build out period of the project shall
 11 be analyzed as indicated below Capacity analysis shall be completed per the
 12 standards outlined in Sections 78-623. and 78-624.
 13

14 (1) ~~Methodology.~~ The analysis shall be based on the procedures contained in
 15 the latest edition of the Highway Capacity Manual (HCM).
 16

17 (2) ~~Committed roadway improvements.~~ The intersection analysis shall include
 18 only existing or committed roadway improvements as it relates to
 19 intersections.
 20

21 (3) ~~Peak hours.~~ Generally, the study shall address the critical movement
 22 analysis during both the a.m. and p.m. peak hours unless traffic
 23 characteristics dictate that only one of the peak hours be analyzed. In those
 24 cases, the city engineer may still require analysis of other peak hours where
 25 indicated by accepted traffic engineering principles. The total peak hours
 26 analyzed shall not exceed two in number.
 27

28 (n) and (o) (These subsections shall remain in full force and effect as previously
 29 adopted.)
 30

31 **SECTION 23.** Chapter 78. Land Development. of the Code of Ordinances of the
 32 City of Palm Beach Gardens, Florida, is hereby amended by repealing Section 78-644.
 33 Site related improvements. and readopting same with a new title and as revised; providing
 34 that Section 78-644. shall hereafter read as follows:
 35

36 **Sec. 78-644. – Site-related improvements Additional specific study requirements.**
 37

38 (a) Comprehensive plan amendment study (CPAS).
 39

40 (1) Analysis time periods. This study shall address both a short-range (5 year)
 41 analysis and long-range (20+ year) analysis. The short-range peak hour
 42 directional traffic projections shall follow procedures outlined in Section 78-
 43 643. The long-range daily analysis shall use traffic projections and roadway
 44 laneages from the latest Long Range Transportation Plan (LRTP) adopted
 45 by the Palm Beach Transportation Planning Agency (TPA).
 46

1 (2) Quality of Service (QOS). In addition to the level of service analysis of the
2 roadways, an evaluation of the multimodal facilities within the radius of
3 development influence shall be provided.

4
5 (3) Mitigation. If LOS and/or QOS standards are not projected to be met, the
6 applicant for the proposed comprehensive plan amendment can propose
7 mitigation that must be approved by the city's growth management director.
8

9 (b) Site assessment study (SAS).

10
11 (1) In addition to the link and intersection standards and studies in this article,
12 the peak hour turning movements shall be shown and analyzed using the
13 latest edition of the HCM procedures for all points where the project's traffic
14 meets the directly accessed links or other roads. No credit shall be taken
15 from site-related turning movements for the pass-by trips in this analysis.
16 Recommendations shall be made concerning traffic control, laneage,
17 storage requirements, sight triangles and the like. Right-turn lanes shall be
18 required at locations where the traffic volumes exceed 75 vehicles per hour
19 (vph) or as determined by the city engineer. Left-turn lanes will be required
20 where traffic volumes exceed 30 vph unless it is determined by the city
21 engineer that the volume and/or speed of the opposing traffic does not
22 warrant a turn lane.
23

24 (2) Project access point minimum distances from the street right-of-way to an
25 interior service drive or parking space shall be as follows or as determined
26 by the city engineer:

27
28 a. Minor Driveway. Less than 500 ADT – 25 feet.

29
30 b. Intermediate Driveway. 500 - 2,000 ADT – 50 feet.

31
32 c. Major Driveway. More than 2,000 ADT – 100 feet.
33

34 (3) Driveway spacing shall follow Palm Beach County access management
35 standards or as determined by the city engineer.

36
37 (4) This study shall include an evaluation of any off-site intersection if the city
38 engineer makes a determination that the project has a significant impact at
39 the intersection that would potentially warrant safety or operational
40 improvements that are directly attributable to the impact of the project. The
41 criteria for consideration to this analysis include, but are not limited to, the
42 following:

43
44 a. Intersection turn lanes or queues impacted based on project access
45 point locations.
46

1 b. Crash data.

2
3 c. Site distance requirements.

4
5 d. Traffic speeds.

6
7 (5) The study shall include an inventory of all existing and proposed multimodal
8 facilities along the boundaries of the development and within one-quarter (1/4)
9 mile of the project access point, including transit stops.

10
11 (6) The study shall identify if bicycle racks and multimodal drop-off locations will
12 be proposed by the development and where they are to be located.

13
14 (7) Any mode share calculations related to the project impacts must be
15 presented to the city for review and approval. Consideration of mode share
16 must be based on significant evidence related to existing and committed
17 multimodal improvements in place at the project's build out.

18
19 (8) Quality of Service (QOS). The project shall demonstrate, internally and
20 along the development boundary, that QOS standards are met for
21 multimodal facilities, or as determined by the city engineer.

22
23 (9) Existing Approvals. If this study demonstrates that the proposed
24 development generates less than a 10 percent increase in peak hour two-
25 way trips over the approved project and this increase does not create a
26 significant impact, then no additional LOS or external QOS analysis is
27 required, or as determined by the city engineer. This calculation of trip
28 increase shall include any previous trips increase that was approved in the
29 last five (5) years.

30
31 (10) Mitigation. If LOS and/or QOS standards are not projected to be met, the
32 applicant may propose mitigation that must be approved by the city's growth
33 management director.

34
35 **SECTION 24.** Chapter 78. Land Development. of the Code of Ordinances of the
36 City of Palm Beach Gardens, Florida is hereby amended at Section 78-751. Definitions.
37 by repealing the definitions of "Average annual daily traffic," "Committed roadway
38 improvements," "Concurrency," "Existing peak hour traffic," "Existing traffic," "Historical
39 traffic growth table," "Performance surety," "Radius of development influence," "Road
40 agreement," "Total traffic" and readopting same, as revised, by repealing the definitions
41 for "Major project," Major project map," and "Off-peak season," in their entirety, and by
42 adopting new definitions for "Multimodal," "Quality of service standard," and "Peak hour
43 directional traffic volume"; providing that these definitions shall be placed within Section
44 78-751 in alphabetical order and shall hereafter read as follows:
45
46

1 **Sec. 78-751. Definitions.**

2
3 ~~Average annual-daily traffic~~ means the average of two consecutive twenty-four-
4 hour weekday traffic counts being taken in the peak season and the other in the off-peak
5 ~~season~~ volume.

6 ~~Average peak-hour volume~~ means the average of peak season and off-peak season
7 peak-hour traffic volumes.

8
9 *Committed roadway improvements* means construction improvements scheduled to be
10 made by one or more of the following means:

- 11
12 (1) The funds for construction of new facilities are included in the first three years
13 of the adopted county five-year road program;
- 14
15 (2) The funds for construction of new facilities are included in the first three years
16 of the adopted five-year state department of transportation improvement
17 program;
- 18
19 (3) An intersection or link or multimodal improvement for which a contract for
20 construction, which is secured by performance security, has been executed
21 and which, by its terms, requires that construction be completed within a
22 specified period of time not to exceed six years;
- 23
24 (4) An intersection or link or multimodal improvement which will be constructed
25 pursuant to a road agreement and which, by its terms, requires that
26 construction be completed within a specified period of time, not to exceed
27 six years;
- 28
29 (5) An intersection or link or multimodal improvement which is required to be
30 constructed pursuant to a condition of a development approval and which
31 has been secured by performance security;
- 32
33 (6) Specific inclusion in the capital improvements plan of the city, where such
34 improvements are to be completed within six years; or
- 35
36 (7) For purposes of an application for development approval, an intersection or
37 link or multimodal improvement that the applicant agrees to construct and
38 guarantee through a condition of approval or road/multimodal agreement,
39 such construction to be secured by performance security.

40
41 *Concurrency* means a condition where roadway (west of the Beeline Highway only),
42 wastewater, solid waste, drainage, potable water, schools, and parks and recreation
43 facilities have or will have the necessary capacity to meet the adopted level of service
44 standards at the time the impact of a new or expanded development project occurs.

1 *Existing peak hour directional traffic* means directional traffic counted during the peak
2 hours.

3
4 *Existing daily traffic* means average-annual daily traffic counted.

5
6 *Historical traffic growth table* means ~~a table prepared by the county engineer~~ an analysis
7 showing the preceding three years' increase or decrease in average annual daily traffic
8 on various links, based upon traffic counts, and which provides the information to be used
9 in projecting the background traffic during the build out period of the proposed project.

10
11 ~~*Major project* means any project, including those within the unincorporated area, which~~
12 ~~is:~~

13
14 ~~(1) A development of regional impact;~~

15
16 ~~(2) A project which generates more than 7,000 net trips; or~~

17
18 ~~(3) Any project of any type which is contractually bound to financing or~~
19 ~~constructing any portion of a major thoroughfare which is not site-related.~~

20
21 ~~*Major project map* means a map and table prepared by the county or city showing the~~
22 ~~location and intensity of all major projects in the county or the city. This map and table will~~
23 ~~be updated and made available as new projects are approved.~~

24
25 *Multimodal* means the different modes of transportation, including, but not limited to,
26 vehicular, bicycle, pedestrian, and transit.

27
28 ~~*Off-peak season* means the time from June 1 through August 31, inclusive.~~

29 *Peak-hour directional traffic volume* means the weekday traffic in the peak hour in one
30 direction.

31
32 *Performance surety* means sufficient funds irrevocably committed by written instrument
33 approved by the city attorney, or cash escrow to secure complete performance of a
34 contract, or condition of a development order, or road/multimodal agreement.

35
36 *Quality of Service (QOS) standard* means standards for multimodal facilities based on
37 user experience. These standards are related to the width of a facility, separation from
38 vehicular traffic, availability of shade trees, and frequencies and spans of service for
39 transit.

40
41 *Radius of development influence* means the area surrounding a proposed project in which
42 the proposed project's traffic ~~on~~ is assigned to major thoroughfares exceeds five percent
43 of the level of service "D" service volume. The maximum radius of development influence
44 for specific types of proposed projects shall be five miles. The distance shall be measured
45 in road miles from the proposed project's points of ingress and egress, not as a geometric
46 radius.

1 Road/multimodal agreement means an agreement of which the board of county
2 commissioners or city is a party that ensures construction of major intersections or links
3 or multimodal improvements.
4

5 *Total traffic* means, during the build out period of the project, the sum of:
6

- 7 (1) Existing traffic;
- 8
- 9 (2) Net project trips; and
- 10
- 11 (3) Background traffic.
- 12

13 **SECTION 25.** All ordinances or parts of ordinances in conflict be and the same are
14 hereby repealed.
15

16 **SECTION 26.** Should any section or provision of this Ordinance or any portion
17 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
18 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.
19

20 **SECTION 27.** Specific authority is hereby granted to codify this Ordinance.
21

22 **SECTION 28.** This Ordinance shall become effective immediately upon adoption.
23

24
25 (The remainder of this page intentionally left blank.)
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PASSED this 16th day of July, 2020 upon first reading.

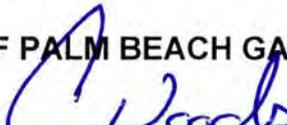
PASSED AND ADOPTED this 10th day of September, 2020, upon second and final reading.

CITY OF PALM BEACH GARDENS

FOR

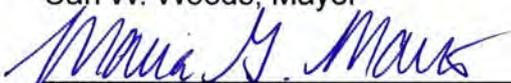
AGAINST

ABSENT

BY: 

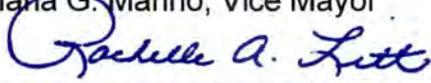
Carl W. Woods, Mayor

✓



Maria G. Marino, Vice Mayor

✓



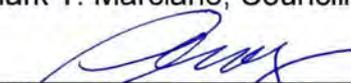
Rachelle A. Litt, Vice Mayor Pro Tem

✓



Mark T. Marciano, Councilmember

✓



Chelsea Reed, Councilmember

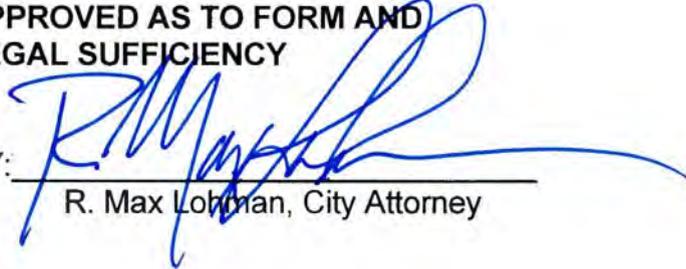
✓

ATTEST:

BY: 

Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 

R. Max Lohman, City Attorney

