To: Council Members                          AGENDA ITEM 4B8
From: Staff
Date: June 14, 2019
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Boynton Beach Comprehensive Plan Amendment No. 19-02ESR

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the City of Boynton Beach was received on April 30, 2019 and contains text amendments to the Future Land Use, Intergovernmental Coordination, Capital Improvements, Public School Facilities, and Transportation elements. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

Public School Facilities

In 2015, the Palm Beach County School District (PBCSD) enacted an interlocal agreement between the School Board, County, and municipalities within the county for coordinated school planning. In 2016, the City approved participation in that planning effort. Due to the elimination of statutory requirements for a Public School Facilities Element (PSFE) in a local government’s comprehensive plan, the City is proposing to delete the PSFE from its comprehensive plan. In order to address the City’s responsibilities under the interlocal agreement for coordinated planning, the amendment will delete the PSFE; transfer and update the coordinated school planning objectives and policies from the PSFE to the Intergovernmental Coordination Element; and change language in the Future Land Use and Capital Improvements elements to be consistent with the new policies. The proposed amendments are shown in strikeout and underline format in Exhibit 2.
Transportation Concurrency

The 1985 Growth Management Act required public facilities and services for new development to be available concurrent with impacts of the new development, which included adopted levels of service for roadways. Since then, transportation concurrency requirements have been removed and the law now encourages local governments to repeal transportation concurrency requirements and adopt an alternative mobility-based system that will allow developers to pay a fee as mitigation for transportation impacts created by their development. Mobility fees, like traditional transportation concurrency requirements, will be required to: show a connection between the improvements to be funded and the impact of the development; ensure the new development that pays the fees will receive a benefit; and expend collected mobility fee revenue on implementation of needs determined in the development plan or the local government’s comprehensive plan that serves as the basis for the fee.

The intent of the City’s proposed amendments are to set up a framework to allow the eventual implementation of a mobility fee that would allow the City to generate revenue to fund needed transportation system improvements. The amendments propose new policies under the Transportation Element related to private funding of multimodal mobility improvements. Additionally, the amendments propose new policies for considering replacement of the Palm Beach County concurrency system, the County’s road impact fee, and the proportionate share requirements; and consideration of rescinding the City’s concurrency and proportionate share regulations applicable to City roadways. The proposed amendments are shown in strikeout and underline format in Exhibit 3.

The staff report indicates the City will base future mobility fees on a Complete Streets Mobility Plan (not yet developed), which will determine the type, location, and scope of needed improvements, and could be implemented city-wide or be area specific. It is also noted that there will be future amendments to the Transportation and Capital Improvements elements, as well as the land development regulations in order to implement the mobility fee.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on March 11, 2019. On May 30, 2019, Palm Beach County provided correspondence related to the proposed mobility fee amendments (see Exhibit 4). The City of Boynton Beach provided a response to the County’s letter on June 20, 2019 (see Exhibit 5).

Conclusion

No adverse effects on regional resources or facilities have been identified. However, in regards to the proposed mobility fee related amendments, the City needs to address the countywide
concurrency provisions of the Palm Beach County Charter. In the City’s correspondence of June 20, 2019, Boynton Beach has pledged to work with the County regarding mobility fee planning and has proposed in the letter to utilize revised language in their Transportation Element amendment to clarify the need for this coordination and ensure the continuation of the existing system in the meantime. Council supports this approach and anticipates that this effort will become part of a larger conversation with all local governments to address traffic concurrency, impact fees, and mobility fees at the countywide and local levels.

Recommendation

Council should approve this report and authorize its transmittal to the City of Boynton Beach and the Florida Department of Economic Opportunity.

Council Action – June 21, 2019

Commissioner Smith from Martin County moved approval of the staff recommendation subject to the inclusion of the June 20, 2019 correspondence from the City of Boynton Beach and the changes shown above in strikeout and underline format concerning collaboration between Palm Beach County and the City of Boynton Beach. Councilmember Davis, Gubernatorial Appointee from Palm Beach County, seconded the motion, which carried unanimously.

Attachments
List of Exhibits

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Exhibit 2
Amendments Related to Public School Facilities in
Strikeout and Underline Format

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<th>1. PROPOSED AMENDMENTS TO FUTURE LAND USE ELEMENT</th>
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**Objective 1.1**

Land development and future land uses shall continue to be coordinated with the provision of the following facilities and services, concurrent with the needs of the existing and future land uses, and consistent with the adopted minimum levels of service standards contained in this Comprehensive Plan:

1. Roadways
2. Potable Water
3. Sanitary sewer
4. Solid Waste
5. Stormwater Drainage
6. Recreation and Open Space
   7. Public School Facilities

**Policy 1.1.2**
The City shall issue development orders or permits only if roadways and recreation, and school facilities exist, are provided for in accord with the requirements of this Comprehensive Plan, or will be available to serve new development in accord with conditions set forth in Policies 9.2.2 and 9.2.3 of the Capital Improvements Element, and are sufficient to maintain or exceed adopted levels of service.

**Policy 1.1.4**
The City shall continue to coordinate with the Palm Beach County School District to ensure that adopted levels of service for school concurrency are met.

**Objective 1.16**
The City shall continue its involvement in the process of coordination and collaboration between the County, local governments, and maintain a cooperative relationship with the Palm Beach County School District to coordinate land use planning with development in the planning and siting of public school facilities, in coordination with planned infrastructure and public facilities.
Policy 1.16.1 The City shall provide the School District with periodic information on development and redevelopment projections and approvals needed to maintain school capacity adequacy, including information required for the School District to establish school siting criteria, School District’s capital facilities program, and school utilization.

Policy 1.16.23 There shall be no significant environmental conditions and/or significant historical resources on a proposed site that cannot be mitigated or otherwise shall preclude development of the site for a public educational facility.

Policy 1.16.24 The proposed school sites locations shall be suitable or adaptable for development in accordance with applicable water management standards, and shall not be in conflict with the adopted or officially accepted plans of the South Florida Water Management District, or any applicable Stormwater Utility or Drainage District.

Policy 1.16.56 The City of Boynton Beach shall encourage the location of schools proximate to urban residential areas or other appropriate existing and future land uses by:

- Assisting the School District in identifying funding and/or construction opportunities (including developer participation or City Of Boynton Beach capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements; and
- Providing for the review for all school sites as indicated in Policy 1.16.1 above; and
- Allowing schools as a permitted use within all urban residential land use categories.

Policy 1.16.8 The City shall coordinate and collaborate with the Palm Beach County and the School District on the planning of the population projections.
II. PROPOSED AMENDMENTS TO INTERGOVERNMENTAL COORDINATION ELEMENT

<table>
<thead>
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<th>Objective 8.17: Policies 8.17.1 to 8.17.3 (deleted); 8.17.1 to 8.17.6 (new)</th>
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<td>Objective 8.18: Policies 8.18.1 to 8.18.8 (new); 1.16.3 (amended 1.16.2); 1.16.4 (amended 1.16.3); 1.16.6 (amended 1.16.5); and 1.16.8 (new)</td>
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<td>Objective 8.19: Policy 8.19.1 (new)</td>
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Public School Facilities Element Coordinated Planning

Objective 8.17  The City shall continue to coordinate with the Palm Beach County School District to ensure that adopted level of service standards for public school facilities are maintained. maintain a cooperative relationship with the Palm Beach County School District to coordinate land use planning with development of public school facilities.

Measurability: Number of applications for school concurrency SCAD processed.

Policy 8.17.1  The City shall abide by the “Interlocal Agreement between the School Board of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning” (the 2016 Interlocal Agreement) which was approved by the City Commission on February 24, 2016, consistent with ss.163.3177(6)(h)1. and 2. F.S. and 163.3180 F.S.

Policy 8.17.2  The City, in coordination with the School District, the County and other local governments, shall annually adopt the updated School District of Palm Beach County Five-Year Capital Improvement Schedule into its Comprehensive Plan’s Capital Improvements Schedule.

Policy 8.17.3  The City shall provide the School District with periodic information on development and redevelopment projections and approvals needed to maintain school capacity adequacy, including information required for the School District to establish:

1. School siting criteria
2. School District’s capital facilities program, and
3. School utilization

Policy 8.17.4 The City shall provide the School District with its Comprehensive Plan to facilitate development of school enrollment projections and shall annually update this information. The City shall coordinate its Comprehensive Plan and the Future Land Use Map with the School District’s long range facilities maps to ensure consistency and compatibility with the provisions of this Element. The City shall provide the School District, based on the schedules outlined in the 2016 Interlocal Agreement, with information generated from the City’s development and approvals, including but not limited to:

1. Certificates of Occupancy issued for new residential units.
2. Adopted future land use amendments and development orders, including amendments to development orders.
3. Projections for development and redevelopment for the coming year.

Policy 8.17.5 The City shall provide opportunity for the School District to comment on comprehensive plan amendments, development orders, and other land use decisions which may have impact on the public schools facilities plan. The City shall incorporate letters from the school district identifying school capacity availability into City project staff reports presented to the City Commission. The City may incorporate conditions of approval into ordinances or resolutions to mitigate development impacts at the request of the School District as the City deems appropriate.

Policy 8.17.6 The City shall coordinate with local governments and the School District on emergency preparedness issues which may include consideration of:

1. Design and/or retrofit of public schools as emergency shelters;
2. Enhancing public awareness of evacuation zones, shelter locations, and evacuation routes;
3. Designation of sites other than public schools as long term shelters, to allow schools to resume normal operations following emergency events

Objective 8.18 The City shall establish a process of coordination and collaboration with the School District in the planning and siting of public school facilities.
Policy 8.18.1 The City shall coordinate and provide for expedited review of development proposals with the School District during the development review process to ensure integration of public school facilities with surrounding land uses and the compatibility of uses with schools.

Policy 8.18.2 Upon the receipt of notice from the School District of its intent to acquire or lease a property for a school site, the City shall review and provide a determination of consistency with the future land use designation, zoning district and the City’s Comprehensive Plan. The City’s comments may address the availability of necessary and planned infrastructure and the co-location of the proposed school facility with other public facilities such as parks, libraries and community centers.

Policy 8.18.3 The City abides by the school siting development review procedures outlined in the “Interlocal Agreement between the School Board of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning.”

Policy 8.18.4 Educational facilities shall not be located on sites that involve significant impact on environmental conditions or historical resources if the impacts on these conditions or resources can not be appropriately mitigated.

Policy 8.18.5 Proposed school site locations shall be suitable or adaptable for development in accordance with applicable water management standards, and shall not be in conflict with the adopted or officially accepted plans of the South Florida Water Management District, or any applicable Stormwater Utility or Drainage District.

Policy 8.18.6 Proposed school site locations shall comply with the provisions of the Coastal Management Element of the Comprehensive Plan, if applicable to the site.

Policy 8.18.7 The City shall encourage the location of schools proximate to urban residential areas or other appropriate existing and future land uses by:

1. Assisting the School District in identifying funding and/or construction opportunities (including developer participation or City capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements:
2. Providing for the review for all school sites as indicated in Policy 8.18.1 above; and;
3. Considering elementary, intermediate, and secondary school uses as an allowable use in most future land use designations and zoning districts.

Policy 8.18.8 The City shall coordinate with the School District for the collocation of public facilities, such as parks, libraries, and community centers with schools, to the extent possible, as sites for these public facilities and schools are chosen and development plans prepared.

OBJECTIVE 8.19 The City shall establish a joint process of coordination and collaboration with Palm Beach County and the School District in the planning on population projections.

Policy 8.19.1 The City commits to working with the School District and Palm Beach County to improve the population allocation methodology and enhance coordination with the plans of the School District and local governments. Population and student enrollment projections shall be revised annually to ensure that new residential development and re-development information provided by the municipalities and the County as well as changing demographic conditions are reflected in the updated projections.

Policy 8.17.1 The City of Boynton Beach shall coordinate with the School District in order to:

1. Verify available school capacity by the School District prior to issuing any site-specific development order for new residential units;

2. Coordinate planning with the School District regarding population projections, school siting, projections of development and redevelopment for the coming year, infrastructure required to support school facilities and amendments to the future land use plan element; and,

3. Provide a biannual report to the School District on April 1 and October 1 each year, containing information regarding Certificates of Occupancy issued for new residential units.

Policy 8.17.2 The City shall continue to maintain the established process of coordination and collaboration with the County and the School
District in the planning and siting of public school facilities in coordination with planned infrastructure and public facilities.

Policy 8.17.3 The City Of Boynton Beach shall coordinate with the School District for the collocation of public facilities, such as parks, libraries, and community centers with schools, to the extent possible, as sites for these public facilities and schools are chosen and development plans prepared.
III. PROPOSED AMENDMENTS TO CAPITAL IMPROVEMENTS ELEMENT

Objective 9.2: Policies 9.2.3 TO 9.2.5 (deleted); 9.2.6 and 9.2.10 (amended)

Policy 9.2.3 — In the case of public school facilities, the issuance of development orders, development permits or development approvals shall be based upon the School District of Palm Beach County's ability to maintain the minimum level of service. The necessary facilities shall be considered to be in place when sufficient capacity exist in the concurrency service area (CSA) in which the proposed development is located, or an immediately adjacent CSA.

Policy 9.2.4 — Concurrency review for public school facilities shall require the applicant for a development order which includes any residential component to provide a determination of capacity by the School District of Palm Beach County that the proposed development will meet the public school facilities level of service. A determination by the School District is not required for permitting of single family residences on existing —— single — family — legal — lots — of — record.

Policy 9.2.5 — The City shall consider as committed and existing the public school capacity which is projected to be in place or under construction in the first three years of the School District’s most recently adopted Five Year Plan, — as reflected in — the Five-Year Capital Improvement Schedule of the Capital Improvement Element of the City Of Boynton Beach’s Comprehensive Plan.

Policy 9.2.6 — The availability of public facilities shall be determined and measured for the required public facility types using the following Level of Service (LOS) standards:

The School District of Palm Beach County shall maintain minimum level of service standards for public school facilities as follows, in accordance with the adopted Interlocal Agreement:

- The level of service is a school's utilization, defined as the enrollment as a percentage of school student capacity, based upon the Florida Inventory of School Houses (FISH).
The level of service standard for all schools shall be 110 percent unless the school is the subject of a School Capacity Study (SCS) undertaken by the School District, working with the Technical Advisory Group (TAC) which determines that a particular school can operate in excess of 110% utilization. No school shall operate in excess of 120% utilization. The SCS shall be required if a school in the first student count of the second semester reaches 108% or higher capacity.

Policy 9.2.10 The City shall continue to coordinate capital improvement projects with plans of agencies that provide public facilities within the City as follows:

Public School Facilities:

The City shall provide the School District with annual information needed to maintain school concurrency, including information required for the School District to establish:
1. School site criteria;
2. Level of service update and maintenance;
3. Joint approval of the public school capital facilities program;
4. Concurrency service area criteria and standards; and
5. School utilization.
IV. PUBLIC SCHOOL FACILITIES ELEMENT (DELETED)

Goal 10A — PUBLIC SCHOOL CONCURRENCY

It is a GOAL of the City of Boynton Beach to provide for future availability of public school facilities consistent with the adopted level of service standard. This goal shall be accomplished recognizing the constitutional obligation of the school district to provide a uniform system of free public schools on a countywide basis.

Objective 10A.1 — Level Of Service

To ensure that the capacity of schools is sufficient to support student growth at the adopted level of service standard for each year of the five-year planning period and through the long-term planning period.

Policy 10A.1.1 — The LOS standard is the school’s utilization which is defined as the enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The level of service (LOS) standard shall be established for all schools of each type within the School District as 110 percent utilization, unless the school is the subject of a School Capacity Study (SCS) undertaken by the School District, working with the Technical Advisory Group (TAG) which determines that a particular school can operate in excess of 110% utilization. No school shall operate in excess of 120% utilization. The SCS shall be required if a school in the first student count of the second semester reaches 108% or higher capacity.

Policy 10A.1.2 — If, as a result of a School Capacity Study (SCS), a determination is made that a school will exceed 120% or cannot operate in excess of 110%, then the School District shall correct the failure of that school to be operating within the adopted LOS through 1) program adjustments 2) attendance boundary adjustments or 3) modifications to the Capital Facilities Program. If, as a result of the SCS, a determination is made that the school will exceed 110% and can operate within adopted guidelines, the Comprehensive Plan will be amended to reflect the new LOS for that school type in that CSA.
Policy 10A.1.3 The School Capacity Study (SCS) shall determine if the growth rate within an area causing the enrollment to exceed 110 percent of capacity, is temporary or reflects an ongoing trend affecting the LOS for the 5-year planning period. The study shall include data which shows the extent of the exceedance attributable to both existing and new development. Notification shall be provided to the local government in whose jurisdiction the study takes place. At a minimum, the study shall consider:

- Demographics in the school’s Concurrency Service Area (CSA);
- Student population trends; Real-estate trends (e.g., development and redevelopment);
- Teacher/student ratio; and
- Core facility capacity.

Policy 10A.1.4 The adopted LOS standard shall become applicable to the entire County at such time as the School District has achieved the countywide adopted level of service for all schools of each school type. In the interim, Table 1.1.1 establishes the tiered level of service standards for each CSA by school type. Individual schools of each type may exceed the Tiered LOS standards during the period in which Tiered LOS are in effect. Each individual school exceeding the Tiered LOS during that time shall not exceed the utilization standards for that school type as shown in the Maximum Utilization Table of this element (Table 1.1-2).

Policy 10A.1.5 Concurrency Service Areas (CSA) shall be established on a less than district wide basis, as depicted on Map PS 1.1 and described in the Concurrency Service Area Boundary Descriptions in the Implementation Section of this element.

1. The criteria for Concurrency Service Areas shall be:

   Palm Beach County is divided into twenty one CSAs. Each CSA boundary shall be delineated considering the following criteria and shall be consistent with provisions in the Interlocal Agreement:
   a. School locations, student transporting times, and future land uses in the area;
   b. Section lines, major traffic ways, natural barriers and county boundaries;

2. Each CSA shall demonstrate that:
a. Adopted level of service standards will be achieved and maintained for each year of the five-year planning period, and
b. Utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court-approved desegregation plans and other relevant factors.

3. Consistent with s.163.3180(13)(e)2., F.S., changes to the CSA boundaries shall be made only by amendment to the PSFF and shall be exempt from the limitation on the frequency of plan amendments. Any proposed change to CSA boundaries shall require a demonstration by the School District that the requirements of 2(a) and (b), above, are met.

Policy 10A.1.6 — The City Of Boynton Beach shall consider as committed and existing the public school capacity which is projected to be in place or under construction in the first three years of the School District's most recently adopted Five Year Plan, as reflected in the Six Year Capital Improvement Schedule of the Capital Improvement Element of the City Of Boynton Beach's Comprehensive Plan, when analyzing the availability of school capacity and making level of service compliance determinations.

Policy 10A.1.7 — The City Of Boynton Beach shall amend Table 17 (Six-Year Capital Improvement Schedule) of the Capital Improvement Element when committed facility capacity is eliminated, deferred or delayed, to ensure consistency with the School District Five Year Plan.

Policy 10A.1.8 — For purposes of urban infill and in recognition of the entitlement density provisions of the City Of Boynton Beach's Future Land Use Element, the impact of a home on an existing single family lot of record shall not be subject to school concurrency.

Policy 10A.1.9 — The City Of Boynton Beach shall suspend or terminate its application of School concurrency upon the occurrence and for the duration of the following conditions:

1. School concurrency shall be suspended in all CSAs upon the occurrence and for the duration of the following conditions:
   • The occurrence of an "Act of God", or
   • The School Board does not adopt an update to its Capital Facilities Plan by September 15th of each year; or
• The School District’s adopted update to its Capital Facilities Program Plan does not add enough FISH capacity to meet projected growth in demand for permanent student stations at the adopted level of service for all schools of each type for each CSA; or

• The School District Capital Facilities Plan is determined to be financially infeasible as determined by the State Department of Education, or as defined by the issuance of a Notice of Intent to Find an Amendment to a Capital Improvement Element not in compliance as not being financially feasible, by the Department of Community Affairs, or by a court action or final administrative action; or

• If concurrency is suspended in one-third or more of the CSAs pursuant to Policy 10A.1.9.2 below.

2. School Concurrency shall be suspended within a particular CSA upon the occurrence and for the duration of the following conditions:

• Where an individual school in a particular CSA is twelve or more months behind the schedule set forth in the School District Capital Facilities Plan, concurrency will be suspended within that CSA and the adjacent CSAs for that type of school; or

• The School District does not maximize utilization of school capacity by allowing a particular CSA or an individual school to exceed the adopted Level of Service (LOS); or

• Where the School Board materially amends the first 3 years of the Capital Facilities Plan and that amendment causes the Level of Service to be exceeded for that type of school within a CSA, concurrency will be suspended within that CSA and the adjacent CSAs only for that type of school.

3. Once suspended, for any of the above reasons, concurrency shall be reinstated once the Technical Advisory Group (TAG) determines the condition that caused the suspension has been remedied or the Level of Service for that year for the affected CSAs have been achieved.

4. If a Program Evaluation Report recommends that concurrency be suspended because the program is not working as planned, concurrency may be suspended upon the concurrence of 33% of the PARTIES signatories of the “Palm Beach County Interlocal Agreement with Municipalities of Palm Beach County and the
School District of Palm Beach County to establish Public School Concurrency.

5. Upon termination of the Interlocal Agreement the County shall initiate a Comprehensive Plan Amendment to terminate school concurrency.

Objective 10A.2 — Facilities Requirements

To provide for mitigation alternatives which are financially feasible and will achieve and maintain the adopted level of service standard in each year of the five-year planning period.

Policy 10A.2.1 — Mitigation shall be allowed for those development proposals that cannot meet adopted level of service standard. Mitigation options shall include options listed below for which the School District assumes the operational responsibility and which will maintain the adopted level of service standards for each year of the five-year planning period.

1. Donation of buildings for use as a primary or alternative learning facility; and/or
2. Renovation of existing buildings for use as public school facilities; or
3. Construction of permanent student stations or core capacity.

The site plan for buildings being renovated pursuant to number 2 above shall demonstrate that there are no adverse impacts on archaeological sites or sites listed in the National Register of Historic Places or the Boynton Beach Register of Historic Places.

Policy 10A.2.2 — A development order shall be issued and mitigation measures shall not be exacted when the adopted level of service standard cannot be met in a particular concurrency service area, as applied to an application for a development order, if the needed capacity for the particular CSA is available in one or more contiguous CSAs.

Objective 10A.3 — Six-Year Capital Improvement Schedule

To ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standard.

Policy 10A.3.1 — The City Of Boynton Beach, in coordination with the School District and other local governments, shall annually amend Table 17 of the
Capital Improvement Element (School District of Palm Beach County Six Year Capital Improvement Schedule), to maintain consistency with the School Board’s adopted Five Year Plan and to maintain a financially feasible capital improvements program and ensure that level of service standards will continue to be achieved and maintained in each year of the five-year planning period.

**Goal 10B**

**SCHOOL FACILITY SITING AND DEVELOPMENT COORDINATION**

It is the GOAL of the City Of Boynton Beach to maintain and enhance joint planning processes and procedures for coordination of public education facilities for planning and decision-making regarding population projections, public school siting, and the development of public education facilities concurrent with residential development and other services.

**Objective 10B.1**

**School Facility Siting**

To establish a process of coordination and collaboration between the County, local governments, and the School District in the planning and siting of public school facilities in coordination with planned infrastructure and public facilities.

**Policy 10B.1.1**

The City Of Boynton Beach shall coordinate and provide for expedited review of development proposals with the School District during the development review process to ensure integration of public school facilities with surrounding land uses and the compatibility of uses with schools.

**Policy 10B.1.2**

There shall be no significant environmental conditions and significant historical resources on a proposed site that can not be mitigated or otherwise preclude development of the site for a public educational facility.

**Policy 10B.1.3**

The proposed site shall be suitable or adaptable for development in accordance with applicable water management standards, and shall not be in conflict with the adopted or officially accepted plans of the South Florida Water Management District, or any applicable Stormwater Utility or Drainage District.
Policy 10B.1.4 — The proposed location shall comply with the provisions of the Coastal Zone Management Element of the comprehensive plan, if applicable to the site.

Policy 10B.1.5 — The City of Boynton Beach shall encourage the location of schools proximate to urban-residential areas by:
- Assisting the School District in identifying funding and/or construction opportunities (including developer participation or City of Boynton Beach capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements;
- Providing for the review for all school sites as indicated in Policy 10B.1.4 above; and,
- Allowing schools as a permitted use within all urban-residential land-use categories.

Policy 10B.1.6 — The City of Boynton Beach shall coordinate with the School District for the collocation of public facilities, such as parks, libraries, and community centers with schools, to the extent possible, as sites for these public facilities and schools are chosen and development plans prepared.

Objective 10B.2 — Intergovernmental Coordination

To establish and maintain a cooperative relationship with the School District and municipalities in coordinating land-use planning with development of public school facilities which are proximate to existing or proposed residential areas they will serve and which serve as community focal points.

Policy 10B.2.1 — The City of Boynton Beach shall abide by the “Palm Beach County Interlocal Agreement with Municipalities of Palm Beach County and the School District of Palm Beach County to establish Public School Concurrency”, which was fully executed by the parties involved and recorded with the Clerk of the Circuit Court of Palm Beach County on January 25, 2001, consistent with ss.163.3177(6)(b)1, and 2, F.S. and 163.3180 F.S.

Policy 10B.2.2 — The Technical Advisory Group (TAG) shall be established by the County, participating local governments, and the School District. The five-member TAG will be comprised of a Certified Public Accountant, a General Contractor, a Demographer, a Business Person, and a Planner, nominated by their respective associations as
indicated in the Interlocal Agreement to establish Public School Concurrency mentioned in Policy 2.2.a above. The Technical Advisory Group shall review and make recommendations including but not limited to the following:
1. The Capital Facilities Plan;
2. The Ten and Twenty-Year work programs;
3. Schools that trigger a School Capacity Study;
4. Concurrency Service Areas boundaries;
5. School District Management Reports; and
6. Operation and effectiveness of the Concurrency Program;
7. Program Evaluation Reports.

Policy 10B.2.3 The City Of Boynton Beach shall provide the School District with annual information needed to maintain school concurrency, including information required for the School District to establish:
1. School-siting criteria;
2. Level of service update and maintenance;
3. Joint approval of the public school capital facilities program;
4. Concurrency service area criteria and standards; and
5. School utilization.

Policy 10B.2.4 The City Of Boynton Beach shall provide the School District with its Comprehensive Plan, along with the five-year Land Use and population projections, to facilitate development of school enrollment projections and shall annually update this information. The City Of Boynton Beach shall coordinate its Comprehensive Plan and the Future Land Use Map with the School District’s long-range facilities maps (Maps PS 3.1 and PS 3.2), to ensure consistency and compatibility with the provisions of this Element.

Policy 10B.2.5 The City Of Boynton Beach shall advise the School District of a proposed public school site’s consistency with the City Of Boynton Beach’s Comprehensive Plan and land development regulations, including the availability of necessary public infrastructure to support the development of the site.

Policy 10B.2.6 The City Of Boynton Beach shall provide opportunity for the School District to comment on comprehensive plan amendments, rezonings, and other land use decisions which may be projected to impact on the public schools facilities plan.
Policy 10B.2.7 - The City of Boynton Beach shall coordinate with local governments and the School District on emergency preparedness issues which may include consideration of:
1. Design and/or retrofit of public schools as emergency shelters;
2. Enhancing public awareness of evacuation zones, shelter locations, and evacuation routes;
3. Designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

Objective 10B.3 - Population Projections

To establish a joint process of coordination and collaboration between the City Of Boynton Beach, Palm Beach County and the School District in the planning and decision-making on population projections.

Policy 10B.3.1 - The County shall convert the BEBR projections into both existing and new residential units and disaggregate these units throughout incorporated and unincorporated Palm Beach County into each CSA, using BEBR’s annual estimates by municipality, persons per household figures, historic growth rates and development potential considering the adopted Future Land Use maps of all local government Comprehensive Plans. These projections are shown in Exhibit E of the Interlocal Agreement as “Projected Units Table” which shall be amended annually and provided to the School District.

Policy 10B.3.2 - The City Of Boynton Beach commits working with the School District and Palm Beach County to improve this methodology and enhance coordination with the plans of the School District and local governments. Population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the municipalities and the County is reflected in the updated projections. The revised projections and the variables utilized in making the projections shall be reviewed by all signatories through the Intergovernmental Plan Amendment Review Committee (IPARC). Projections shall be especially revisited and refined with the results of the 2000 Census. The responsibilities of local governments and the School District on population projections are described in Section VIII.B. of the Interlocal Agreement.
Exhibit 3
Amendments Related to Transportation Concurrency in Strikeout and Underline Format

<table>
<thead>
<tr>
<th>PROPOSED AMENDMENTS TO TRANSPORTATION ELEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 2.6: Current Policies 2.6.1 and 2.6.2 deleted; 2.6.1 to 2.6.13 new, added</td>
</tr>
</tbody>
</table>

Objective 2.6 The City shall provide for private sector responsibility to implement project related transportation improvements, including bicycle, pedestrian, and public transit infrastructure, particularly within the TCEA.

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Policy 2.6.3 The Complete Streets Mobility Plan and Mobility Fee may be adopted by resolution of the City Commission. The Mobility Fee would go into effect per the provisions of the Mobility Fee ordinance.

Policy 2.6.4 Should the City Commission elect to adopt a Mobility Fee, the City, within one year of adoption of the implementing Ordinance, shall update the Transportation and Capital Improvement Elements of the Comprehensive Plan to reflect the repeal of transportation concurrency, proportionate fair-share and road impact fees and update policies related to level and quality of service standards, complete streets, capacity determinations, backlogged facilities, transportation and associated
multi-modal policies and other elements addressed in the Complete Streets Mobility Plan.

**Policy 2.6.5** The Complete Streets Mobility Plan shall include provisions that address mobility between destinations and should address accessibility to, from destinations, and between modes of travel. The improvements in the Plan shall be based upon the expected, anticipated or desired increase in new development, infill development and redevelopment by the established horizon year and the associated increase in vehicular and person travel demand. The Complete Streets Mobility Plan shall include quality and level of service standards for all modes of travel.

**Policy 2.6.6** The City, as part of a Complete Streets Mobility Plan, may adopt quality and/or level of service standards for pedestrians, bicycle, transit and other multi-modal facilities included in the Plan. Quality of Service standards shall be related to the overall travel experience of the user with higher standards established in areas where walking, bicycling, transit and other non-vehicular modes of travel are encouraged. Level of Service standards shall be related to the width or size of pedestrian, bicycle and non-vehicular facilities with wider and larger facilities in areas where non-vehicular modes of travel are encouraged and frequency of transit service with greater frequencies and spans of service in areas where transit is encouraged.

**Policy 2.6.7** The Complete Streets Mobility Plan may serve as a Master Plan for roads and transit within the City, and also function as a Bicycle, Pedestrian, Trails, Blueways, Greenways and other non-vehicular modes or travel Master Plan.

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**Policy 2.6.9** The Complete Streets Mobility Plan may include policies related to land use to encourage multi-modal supportive development. The Plan may also include provisions that allow for reduction in development parking requirements in recognition of car and bicycle sharing in complete streets, and parking strategies that reduce parking requirements for mixed-use, multi-modal development and affordable housing.

**Policy 2.6.10** The Mobility Fee would be a one-time assessment on new development or redevelopment that results in an impact to the transportation system.
through an increase in vehicular trips or vehicular miles of travel or an increase in person trips or person miles of travel. The Mobility Fee, consistent with State Statute, shall be required to meet the dual rational nexus test and shall be reasonably attributable to the travel demand impact of new development, infill and redevelopment.

Policy 2.6.11 The Mobility Fee may include provisions to encourage and incentivize new development, infill and redevelopment within targeted areas of the City. The Mobility Fee may also include provisions to encourage affordable and workforce housing, mixed-use, multi-modal supportive development, and desired land uses that increase employment and attract economic development.

Policy 2.6.12 An application for private development may not be required to pay a Mobility Fee and also meet transportation concurrency, proportionate-fair share and road impact fees to the extent the Mobility Fee address the same facilities and travel demand impacts as would be addressed through the application of transportation concurrency, proportionate-fair share and road impact fees for City and/or County or State maintained facilities.

Policy 2.6.13 In consideration of a future Complete Streets Mobility Plan, the City may review the Land Development Regulations to consider incentives for and accommodate the needs of compact four and two wheel vehicles (such as hybrids, smart cars, and vespas/scooters, etc.) by assessing the parking requirements and other provisions of the code.
May 30, 2019

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399
Email: ray.eubanks@de.state.fl.us

RE: City of Boynton Beach Amendment CPTA 19-002

Dear Mr. Eubanks:

Palm Beach County staff submits this letter pursuant to Chapter 163.3184(3)(b)3, Florida Statutes (F.S.), as formal comments to the proposed transportation element amendments included in CPTA 19-002 by the City of Boynton Beach. The amendment to the City's Comprehensive Plan proposes to repeal the County's transportation concurrency, proportionate fair-share and road impact fees should the City Commission elect to adopt a Mobility Fee (proposed Policy 2.6.4). Please note that a municipality cannot unilaterally repeal these laws by amending its comprehensive plan in a charter county, according to Florida Constitution, Article VIII(1)(d)(g).

"Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved or voted by the voters. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances."

According to this Article, the Constitution requires a county charter to have provisions explaining the circumstances under which a county law will trump a conflicting municipal ordinance. Palm Beach County Charter, Section 1.3 (2), provides that county ordinances prevail in matters relating to impact fees relating to county road programs; Section 1.3(4), does the same for traffic concurrency as it relates to all collector and arterial roads that are not the responsibility of any municipality.

The Palm Beach County Charter is found in its entirety at the link below:

While the City of Boynton Beach is able to establish mobility fees for infrastructure exclusively provided by the city, the proposed language for amendment CPTA 19-002 contemplates replacing established County programs, which apply in the City of Boynton Beach, and all cities in Palm Beach County, according to the County Charter.

Pursuant to s. 163.3184(3)(b)3, F.S., the City's proposed amendment is inconsistent with several of the County's Comprehensive Plan policies including, but not limited to, Transportation Element policies 1.1-1, 1.1-b, 1.3-i, 1.12-b, 1.12-d, 1.13-a, 1.13-d, 1.13-e, and 1.13-f, and Capital Improvement Element Policy 1.6-e.3, as shown in Exhibit 1.
Additionally, the City does not demonstrate intergovernmental coordination as the City did not communicate its intent to transmit such an amendment except by a notice through the Intergovernmental Plan Amendment Review Committee. To date, the City has not reached out to county staff directly to meet on this item. The County reached out to City staff but was unable to speak with them prior to the issuance of this letter. County Staff encourages the City to meet with County staff to coordinate countywide transportation issues.

We respectfully request that these comments be taken into consideration. Should you have any questions, please do not hesitate to contact me at 561-233-5332 or Khurshid Mohyuddin at 561-233-5351 if you have any further questions.

Sincerely,

Patricia Behn
Planning Director

Attachments:  Exhibit 1 - Palm Beach County Comprehensive Element Policies

c: PBC Board of County Commissioners
   Verdenia Baker, PBC County Administrator
   Patrick Rutler, PBC Assistant County Administrator
   Todd Bon liarox, PBC Assistant County Administrator
   Ramsay Bulkeley, PZE Executive Director
   Leonard W. Berger, Chief Assistant Co. Attorney
   Robert P. Banks, Chief Land Use Co. Attorney
   Chelsea Koester, Assistant County Attorney

   Tom Lanahan, Treasure Coast Reg. Planning Council
   Lori Lavriere, City Manager, City of Boynton Beach
   Ed Breese, PZ Admin., City of Boynton Beach
   David Ricks, PBC County Engineer
   Motasem Al-Turk, PBC Engineering
   Khurshid Mohyuddin, PBC Planning Division
   Bryan Davis, PBC Planning Division

T:\Planning\Intergovernmental\MPARC\2019\Objections\Boynton Beach Transportation Element\County Letter - BoyntonBeach CPTA 19-002.docx
TRANSPORTATION ELEMENT POLICIES

Policy 1.1-a: Development Orders issued by the County and municipalities shall be consistent with the level of service standards of this Element and the Countywide Traffic Performance Standard Ordinance. Roadway capacity shall be provided to accommodate development-related impacts at the adopted Level of Service (LOS) standard, except where otherwise indicated in Objective 1.2 of this Element or in other Goals, Objectives, and Policies of the Palm Beach County Comprehensive Plan. The implementing ordinance may effect a partial exercise in municipalities by the authority established by Section 1.3(4) of the Palm Beach County Charter.

Policy 1.1-b: No development order shall be issued by the County or a municipality for any project that adds traffic to a thoroughfare network street or intersection as defined herein and in the Unified Land Development Code (ULDC) Traffic Performance Standard that causes a LOS in Test One or Test Two to deteriorate below adopted standards. Traffic shall be measured by application of Test One and Test Two as described below and set forth with greater specificity in the ULDC. Exceptions are limited to those Specific Exceptions as provided for in this Element.

1. Test One shall analyze the projected levels of service on the intersections and links of the Thoroughfare network as defined in the ULDC. The analysis shall consist of two components; Test One Part One – Intersection Analysis and Test One Part Two – Link Analysis.

a. Test One Part One shall utilize the peak season, peak hour turning movement volumes at Major Intersections as defined in the ULDC. The intersections must satisfy the LOS D thresholds using the 1985 Highway Capacity Manual-Planning Methodology (also known as the Critical Movement Analysis, CMA). In addition to performing this analysis, subsequent analysis may be performed to show compliance using the most current Highway Capacity Manual Intersection Operational Analysis.

b. Test One Part Two shall utilize the peak season, peak hour, peak direction traffic volumes on links within or beyond the Radius of Development Influence (RDI) where the project has a significant impact as defined in the ULDC.

1) The total project traffic volumes on links shall not exceed the applicable LOS D peak hour, peak direction service volumes as identified in Table TE 1a of this Element. The applicable facility class for each link shall be determined on the basis of the number of traffic signals per mile anticipated by the County Engineer to be in place by the buildout time frame of the proposed project being evaluated. Additionally, for all links where the total traffic peak hour directional volumes exceed the applicable service volume in Table TE 1a and for all links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the link shall meet LOS D Intersection Thresholds as identified in Table TE 1b.

2) If the link fails the analysis under 1), then a more detailed analysis using the HCM Arterial Analysis Operational methodology can be done provided the following conditions are met:

a) the Major Intersections at each end of the link meet the LOS D Intersection Thresholds in Table TE 1b, and
b) the buildout period is five years or fewer, and
c) the traffic signals projected to be in place on the link during the Buildout period of the Traffic Impact Study are less than or equal to 2 miles apart.
If the more detailed analysis is done and the link meets the LOS D Speed Thresholds in Table TE 1c, then the project passes Part Two of Test One. If the conditions to permit the more detailed analysis are not met or the link does not meet the LOS Speed Thresholds in Table TE 1c, then the project fails Part Two of Test One.

2. Test 2-Five Year Analysis: No project shall be approved for development by the County or a municipality unless it can be shown that the traffic impact of the proposed development meets the requirements of Test 2 as described in greater detail in the ULDC. A Test 2 analysis will address all traffic anticipated to be in place at the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement program in effect at the time of traffic analysis submittal. LOS E, provided for in Tables 2a through 2c shall be employed in application of Test 2 as set forth in greater detail in the ULDC.

3. The Level of Service D thresholds for Test One, Parts One and Two are shown in Tables TE-1a through TE-1c.

4. The Level of Service E thresholds for Test Two are shown in Tables TE-2a through TE-2c.

**Policy 1.3-i:** The County will maintain policies and programs which ensure that the overall transportation system meets the County’s level of service criteria in order to provide viable alternatives to the Florida Intrastate Highway System & the Strategic Intermodal System, and to protect their interregional and intrastate functions.

**Policy 1.12-b:** New development shall be assessed an appropriate impact fee to help provide funding for roadway improvements to serve the development.

**Policy 1.12-d:** The Five Year Road Improvement Program shall be consistent with the 1990 Countywide Traffic Performance Standards Ordinance and serve as input to the Capital Improvement Element’s Five Year Road Improvement Schedule.

**Policy 1.13-a:** The County shall utilize intergovernmental programs identified in the Intergovernmental Coordination Element, such as the Intergovernmental Plan Amendment Review Committee (IPARC), to implement the Goal, Objectives, and Policies of the County’s Transportation Element.

**Policy 1.13-d:** To ensure the availability of adequate transportation facilities, the County’s transportation system shall be coordinated with local comprehensive plans to reflect the demand created by anticipated development.

**Policy 1.13-e:** The Palm Beach County Planning Division and Engineering Department shall establish a coordinated review process that will ensure that the Palm Beach County Six Year Road Improvement Schedule is consistent with Goals, Objectives, and Policies of the Comprehensive Plan.

**Policy 1.13-f:** The County shall continue to work with jurisdictions in adjacent counties and municipalities within Palm Beach County to coordinate transportation related issues, such as 1) the locations and dimensions of thoroughfare rights-of-way and to address multi-jurisdictional traffic impacts to assure maintenance of acceptable Level of Service on the traffic circulation network, 2) the future transit needs and delivery services, and 3) the provisions and operations of non-vehicular modes as they relate to intercounty travel.

**CAPITAL IMPROVEMENT ELEMENT POLICY**

**Policy 1.6-e.3:** Fair-Share Road Impact Fees, pursuant to Ordinance 89-19, shall continue to be assessed to residential and non-residential development Countywide, for County roads.
June 20, 2019

Ms. Patricia Behn, Planning Director
Dept. of Planning, Zoning & Building
2300 North Jog Rd.
West Palm Beach, FL 33411-2741

Re: City of Boynton Beach Amendment CPTA 19-002

Dear Ms. Behn:

The City has reviewed the County’s comments concerning the City’s Comprehensive Plan Amendment CPTA 19-002. The City is revising its existing traffic element to include the framework to establish a mobility fee within the framework of Florida Statutes. We believe it is important to address current concerns with the existing transportation impact fee system that cannot adequately address the transportation improvements required in a growing coastal urban area. The City has not decided to move forward with a Mobility Plan at this time but will coordinate with County staff if the City determines that this funding structure will assist in addressing urban impacts from coastal development.

The City intends on working fully within the legal limits of the governmental systems and has already been coordinating with other cities to take advantage of their research and to confirm the City’s conclusions regarding benefits, including the mutual gain, from a mobility system within a portion of the City.

The intent and purpose of the proposed amendments and mobility planning efforts are summarized as follows:

- A local mobility plan and fee system is unequivocally the preferred alternative to a countywide traffic concurrency system to ensure that the collection and allocation of funds meets the critical rational nexus test. The City is located within two different Impact Fee Benefit Districts (Districts #4 and #5), and District #4 alone is over an estimated 40 square miles. District #5 is even larger than District #4.

- A mobility plan and fee system is not limited to roadway improvements. With planning efforts requiring even greater consideration of rights-of-way constraints, as well as given the greater emphasis on walkability and healthy living, alternatives to automobiles is an even greater priority in transportation and redevelopment planning. In 2016, the City adopted a new Redevelopment Plan that included a recommendation for implementing a complete streets program to provide roadway and pedestrian area design requirements for major roadways within our CRA. A mobility plan could more accurately evaluate local needs and fund multi-modal projects than the restricted Countywide concurrency system.

- To follow the recommendations from FS 163.3180, Section 5(e) and (f) which, in part, emphasizes the application of local tools and techniques to supplement transportation concurrency. The City’s downtown redevelopment area is dissected by roadways under the County’s concurrency management system that can often complicate or impede timely and successful redevelopment. Further, the establishment of multimodal...
level of service standards that rely primarily on non-vehicular modes of transportation must be done in conjunction with the coordinated design of local, collector and arterial roadways. If the City decides to implement a mobility system, such a system would include the planning and maintenance responsibility for all city and county roads within the affected area.

Again, the City intends to coordinate with County staff and implement such mobility programming fully within the guidelines and policies of our government systems. The City is also confident that such a program can result in the delivery of municipal services at a greater quality and level of efficiency than if planned for and delivered by Palm Beach County given the geographic demands and under the limits of the conventional concurrency system.

We understand the concerns of the County with the removal of some of the current language concerning the transportation impact fees. The subject policies and other language will be added back to the amendment before final adoption to ensure the City maintains the current concurrency management system until such time that a new framework and fees are developed (see attachment).

Please contact this office if you any questions regarding this information or our schedule for adopting the proposed amendments.

Sincerely,

Michael Rumpf
Development Director

Attachment: Proposed Amendments (shown revised to address county comments)

c:
Lori LaVeriere, City Manager
Colin Groff, Assistant City Manager
Thomas Lanahan, Executive Director, TCRPC
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