I. General Data

Project Name: Transit Oriented Development
Request: Future Land Use Element & Transportation Element
Project Manager: Jorge Perez, AICP
Staff Recommendation: Staff recommends approval based on the findings and conclusions presented in this report.
Motion: To adopt the proposed amendment.

II. Item Summary

Summary: To hold a public hearing on the proposed text amendment to:

1) Revise Policy 1.2-d of the Transportation Element to allow Transit Oriented Developments to be approved when roads and intersections operate at up to 30% above a D Level of Service (LOS).
2) Revise Policy 2.4-d of the Future Land Use Element to further define the elements that qualify a development as Transit-Oriented, including: site planning, parking, mix of uses, master planning, and certain uses.

The specific proposed revisions are reflected in Exhibit 1, which will become the exhibit of the adopted ordinance.

ULDC: Currently, all fixed-route station areas are located within incorporated Palm Beach County. Municipalities wishing to create a Station Area Master Plan would adopt their transit-oriented Land Development Regulations prior to Master Plan approval by Palm Beach County. There will be no impacts to Palm Beach County's ULDC as a result of this amendment.
III. Hearing History

**Local Planning Agency:** Motion to recommend *approval* passed by unanimous vote (9-0) at the Land Use Advisory Board’s April 13, 2007 meeting. The board heard presentations by Treasure Coast Regional Planning Council, and county staff. Further, board members held discussions around the following topics: encouraging the creation of micro-climates through landscaping and vegetation; encouraging hotel uses within Station Areas; and adding further incentives for placemaking efforts to create destination points at each of the Station Areas. There was no public comment regarding this item.

**Board of County Commissioners Transmittal Public Hearing:** Motion to *transmit* by Commissioner McCarty and seconded by Commissioner Newell passed in a 4-0 vote at the April 18, 2007 public hearing, with Commissioners Marcus, Greene and Santamaria absent. The Board held a brief discussion regarding municipalities’ comments. There was no public comment regarding this item.

**The Department of Community Affairs:** No comments or objections in the ORC Report.

**Board of County Commissioners Adoption Public Hearing:** Motion to *adopt* by Commissioner Marcus and seconded by Commissioner Koons passed in a 5-0 vote at the August 27, 2007 public hearing, with Commissioners McCarty and Aaronson being absent. There was neither public input nor discussion regarding this amendment.

IV. Background/History

Palm Beach County provides its residents and visitors with several types of public transportation— from on-demand service to rail transit, there are various alternatives to automobile use. Within the county’s municipalities, there are six (6) Tri-Rail stations serving the east portion of the county.

Currently, rail transit operates largely as a “park and ride” facility, where users’ end destinations are far from the Tri-Rail stations. The proposed text amendment seeks to promote the placement of development that is located within walking distance from the Tri-Rail station, to further integrate these stations with the neighborhoods in which they are located. A mix of commercial, office and residential uses in close proximity to the stations means that more residents will have the option of either living near their transit stop, using Tri-Rail for entertainment, and/or taking more desirable jobs anywhere along Tri-Rail stations. The placement and mix of uses near rail stations is expected to ultimately reduce car trips on roads near the train stops. In the shorter term, the language proposed would allow these uses to impact the adjacent road network up to 30% above the adopted Level of Service (LOS). Additionally, the amendments proposed here are in conjunction with amendments proposed or adopted in other jurisdictions served by Tri-Rail, ensuring a system-wide approach to integrating rail transit with land uses.

It is important to note the FDOT Strategic Intermodal System has been recently expanded to include all roadways connecting to Tri-Rail stations (termed “short connectors”), which has moved regulatory concurrency to FDOT. FDOT is currently developing appropriate concurrency criteria to address TOD projects developed at Tri-Rail stations that may impact these...
connectors.
V. Data and Analysis

A. Consistency with the Comprehensive Plan

The following objective and policies from the Transportation Element are relevant to the proposed amendment:

**Policy 1.1-h:** The County shall maintain a level of service, for the purpose of concurrency management, that requires mass transit services be available to accommodate a minimum of $\frac{1}{2}$% of the total trip demands.

**Policy 1.2-d:** The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, lower level of service standards for specific roadway segments and intersections are appropriate. Consequently, this policy provides for lower transportation facilities level of service standard for certain purposes on roadway segments and intersections:

1. For the public purpose of allowing public and private schools (whose primary purpose is to provide kindergarten, elementary, or high school education) to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections.

2. There is a public purpose to allowing hospital (as defined in Article 1 of the Unified Land Development Code) and hospital-related uses to be constructed or expanded on the original campus or on parcels contiguous to the campus which shall provide interconnectivity. In these cases, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Any project utilizing this exception and significantly impacting Strategic Intermodal System (SIS) facilities shall be required to address its impacts on SIS facilities pursuant to ULDC.

**Policy 1.2-m:** The City of West Palm Beach Transportation Concurrency Exception Area (TCEA) is hereby established and designated as shown on TE Map 15.1 and TE Map 15.2 in the Map Series (additional maps of the TCEA can be found in the Support Document Figures TE-S 6.1 and TE-S 7.1), subject to: 1) the City maintenance of a residential/non-residential ratio minimum, 2) City participation/ support of motor vehicle capacity increases as indicated in the City’s TCEA and the applicable portions of Section II.A.6.d.6 of the Support Document, and 3) the following sub-policies: [9J-5.0055(6)]

1. Palm Beach County shall evaluate the annual reports of the City of West Palm Beach’s Traffic Management System (TMS) and the Buildable Areas Monitoring Table and other appropriate materials as provided by the TCEA policies identified in the various elements of the City’s Comprehensive Plan, and determine conformance with the TCEA policies of the City’s and the
By May 2000, the City shall develop a Traffic Management System (TMS) for the purpose of monitoring motor vehicle operations within the Downtown. The City shall prepare an annual report to determine the necessary measures to effectively manage vehicular traffic operations and evaluate the Traffic Management System. The City shall distribute the report to the Florida Department of Community Affairs, Palm Beach County, and other interested agencies, within three months of the anniversary of the effective date of the TCEA. Based on the results of the traffic monitoring report, the City will pursue strategies including, but not limited to, the following:

a. change motor vehicle signalization devices;
b. promote public transit services;
c. encourage transportation mode options

d. implement an employer-based Transportation Demand Management (TDM) activities;
e. develop a centrally-managed system of strategically located parking facilities; and
f. facilitate capital projects and street modifications in keeping with the Transportation Vision

2. Five years from the effective date of the City's TCEA, the City shall achieve a built ratio of residential to non residential development of no less than the 1995 ratio of .33 (the baseline ratio). If the built ratio is lower than .33 at that time, no building permits shall be issued for new development (not including renovation) in downtown which represent a ratio lower than the next baseline, until such time that a recalculation of built units and floor space yields at least a built ratio of .33.

Every two years (“reporting period”) following the fifth year from the effective date of the City's TCEA, the City shall increase its baseline ratio by .03 until the baseline ratio is .46 by the year 2010. Thereafter, .46 will be the baseline ratio. If the baseline ratio is not met by the end of each reporting period, then no building permits shall be issued for new development in downtown which represent a ratio lower than the next baseline ratio, until such time that a recalculation of built units and floor space yields at least the baseline ratio. This annual report shall be based on total built units as of one month prior to the end of the reporting period.

3. In the event Palm Beach County determines that the City has not complied with the TCEA policies of the City’s and the County’s Comprehensive Plans and Section II.A.6.d.6 of the County’s Transportation Element Support Document, the County’s Comprehensive Plan policies creating the TCEA will be re-evaluated.

4. In the event the City seeks to reduce the number of lanes on Okeechobee Boulevard from Tamarind Avenue to Dixie Highway, a CRALLS designation will be required.
Policy 1.2-o: The Unified Land Development Code (ULDC) shall contain provisions to exempt developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas which pose only special part-time demands on the transportation system from the transportation concurrency requirements.

Policy 1.2-p: The County shall include provisions in the ULDC which may allow a project to be exempted from transportation concurrency requirements provided that the project otherwise is consistent with the adopted Comprehensive Plan and demonstrates that it will promote public transportation pursuant to ss.163.3180(5)(b) F.S, and 163.3164(28) F.S. The following criteria shall be used to determine compliance with the statute for this exception:

1. All projects must be located within the County’s Urban/Suburban Tier and be adjacent to (i.e., abutting or separated only by other public or governmental rights-of-way) the Tri-County Commuter Rail Authority line, or be adjacent to a street which is served by Palm Tran; and

2. All projects shall provide a site to Tri-Rail at the project site adjacent to the Tri-Rail tracks for a station platform, ticket booth, parking for at least 400 automobiles. When a project is not adjacent to Tri-Rail, it shall provide a bus stop facility capable of handling two or more Palm Tran buses at a time with a covered waiting area of sufficient size to accommodate at least 10% of its employees; and

3. The project shall provide a financial incentive in the form of a subsidy of at least 50% of the annual ticket cost to at least 15% of the persons employed at the project site for riding Tri-Rail and/or Palm Tran to and from the project site a minimum of 200 working days per year. As an alternative, the development may provide equivalent funds directly to Palm Tran to subsidize this service; and

4. The project shall provide a ride-sharing information service to persons employed at the project site; and

5. The project shall provide emergency transportation to those employees using mass transit, ride sharing, or other alternative modes of transportation (i.e. bicycles or pedestrian); and

6. The project shall apply access management techniques along all roadways fronting the project; and

7. The project shall provide external pedestrian access to the project, as well as an internal pedestrian system, accommodating persons with disabilities, as well as persons using alternative modes of transportation to the automobile; and

8. a. Projects which promote economic development through job creation shall, at a minimum, be of 200 acres in size, and create, at project build-out, an estimated 5,000 jobs at the project site; or,

   b. Projects developed by a not-for-profit agency in order to provide essential public services shall, at a minimum, be of 20 acres in size, and create, at build-out, an estimated 2,000 jobs at the project site; and
9. The project may be a mixed-use project, incorporating residential and/or commercial components. However, in no event shall residential and/or commercial retail uses combine to comprise more than 45% of the gross floor area; and

10. The project shall not be located within the Coastal High Hazard Area.

Projects utilizing this exemption may be required to provide roadway, intersection, and/or signalization improvements to minimize their impact on the road network. They shall also provide a transportation analysis that illustrates their impact on the Florida Intrastate Highway System to ensure that those impacts are considered in the approval process.

**Policy 1.3-b:** Transportation Systems Management (TSM) strategies that include optimization of traffic signal systems, turning lanes, ridesharing and other innovative transportation system management activities shall continue to be implemented by the appropriate agencies within Palm Beach County. [9J-5.019(4)(c)7 F.A.C.]

**Policy 1.3-c:** The County shall coordinate transportation demand management strategies with land use strategies. Examples include density and intensity of land uses, parking supply and increasing transit attractiveness. [9J-5.019(4)(c)6 F.A.C.]

**Policy 1.3-d:** The County shall promote programs which reduce per capita vehicle miles traveled (VMT) and discourage single occupant vehicle trips, recognizing that these programs assist in reducing the overall air quality emissions. This can be accomplished through supporting Tri-Rail, bicycling, alternative fuels, ridesharing, alternative work hour programs, public transit, parking management and other transportation control measures. [9J-5.019(4)(c)6 F.A.C.]

**Policy 1.3-h:** Palm Beach County shall consider intermodal terminals and access to intermodal facilities, where applicable, in its assessment of future transportation needs within Palm Beach County. [9J-5.019(4)(c)14 F.A.C.]

**Policy 1.4-f(2):** The County, through the MPO, shall give priority to capacity increases required to complete the Interstate Highway System and to other projects in urban areas that integrate and improve access to multiple modes of transportation.

**Policy 1.4-h:** The County shall discourage the use of dead-end streets, loop streets, and oversized blocks in favor of through-streets and shorter blocks; provide cut-throughs for pedestrian access to transit; and promote landscaping of rights-of-way. [9J-5.019(4)(c)5 F.A.C.] [9J-5.019(4)(c)12 F.A.C.]

**Policy 1.5-c:** Palm Tran shall continue to provide and plan for bus service to Tri-Rail stations and to major traffic generators and attractors in the County. [9J-5.019(4)(c)8 F.A.C.] [9J-5.019(4)(c)14 F.A.C.]

**Policy 1.5-d:** The County (through Palm Tran) shall consider increasing the number of park-and-ride facilities and increasing the number of buses connecting to Tri-Rail as means to encourage greater use of mass transit. [9J-5.019(4)(c)8 F.A.C.] [9J-5.019(4)(c)14 F.A.C.]

**Policy 1.5-j:** The County (through Tri-Rail and its coordination with the MPO) shall continue to design and implement a program of incentives to encourage the use of rail...
modes of transportation. The measurement of the success would be through increased usage of the rail modes of transportation.

**Policy 1.5-k:** Tri-Rail and Palm Beach County (through participation on Tri-Rail's governing board) shall regularly coordinate and analyze all reviews of ridership, revenues and costs, and user characteristics relative to the operations of Tri-Rail to determine the feasibility of expanding service.

**Policy 1.5-l:** Palm Beach County shall seek to achieve consistency and coordination between the South Florida Rail Corridor's Double Track Master Plan and this Comprehensive Plan. [9J-5.019(4)(c)11 F.A.C.]

**Policy 1.9-j:** As development occurs, the County shall improve pedestrian linkages between residential and non-residential developments as well as connections within neighborhoods by: 1) increasing the number and quality of pedestrian paths or sidewalks; 2) eliminating physical barriers; and 3) locating transit stops within easy walking distance to all residences. [9J-5.019(4)(c)5 F.A.C.]

**Policy 1.9-k:** The County shall encourage the design of mixed use and multi-use developments and planned developments to be of a pedestrian scale and design by incorporating transit stops and sidewalk connections that follow the accepted general threshold for pedestrian access: 1) approximately five minutes walking time or 2) one quarter mile of distance walked. [9J-5.019(4)(c)5 F.A.C. [9J-5.019(4)(c)9 F.A.C.]

**Policy 1.9-l:** For new residential developments, the County shall encourage cut-through linkages for pedestrian and bicycle access to transit. The County shall also encourage developers of new master plans to include specific circulation planning for pedestrian and bicycle access. [9J-5.019(4)(c)5 F.A.C.]

**Policy 1.13-m:** By January 2000 the County shall consider adopting Transit Oriented Development (TOD) guidelines that will be consistent with the County’s growth management efforts. [9J-5.019(4)(c)5 F.A.C. [9J-5.019(4)(c)12 F.A.C.]

**B. FUTURE LAND USE ELEMENT**

**Policy 1.2-l:** The Unified Land Development Code shall be amended to require that new development or redevelopment of non-residential uses within the Urban/Suburban Tier strengthen the relationship among buildings and their relationship to the street, where appropriate. This shall be accomplished to increase transit accessibility, pedestrian orientation, and promote creation of community spaces through consideration of the elements listed below.

1. Utilize building mass, placement, and orientation, build-to lines and setbacks to increase walkability, provide spatial definition along streets, and create squares or greens at a human scale;
2. Create a distinct sense of identity and delineate the pedestrian system within and along public spaces and streets thereby encouraging pedestrians to walk between stores and other uses. This may be accomplished by placing human-scaled elements, such as light fixtures, casual seating, gathering spaces, water features, statuary, and landscaping;
3. Link the commercial center to adjacent land uses, provide convenient access to transit stops and off-site pedestrian and bicycle systems; and,
4. For new commercial areas, the amount of parking in the front of the building shall be limited to strengthen the relationship of the building to the street; provide for the dispersal of parking shared between adjacent businesses; and, reduce the number of curb cuts and expansive surface parking areas.

Policy 2.4-d: By December 2007, the Planning Division shall develop criteria to encourage Transit Oriented Developments to be located within a reasonable walking distance of a fixed transit node to increase the use and efficiency of mass transit.

C. DATA AND ANALYSIS

As indicated in the report, the proposed change will allow for a lower traffic level of service standard for the construction of Transit Oriented Development (TOD) in areas where otherwise construction would not be permitted due to traffic constraints.

The proposed amendment will modify Transportation Element Policy 1.2-d to establish a lower level of service for roadways and intersections that might be affected by the construction of TOD projects. Specifically, the policy will establish a lower level of service standard up to 30% over the Level of Service D for affected intersections, for the purpose of allowing TOD developments to be constructed.

Construction of development that supports the use of rail transit may cause additional traffic impacts (where volumes are at or above capacity). When those impacts affect roadways and intersections that are working at capacity or over capacity, the development must seek a modified LOS from the Board of County Commissioners. Requesting an amendment to lower the LOS for roadways and intersections, affected by a TOD, is a lengthy process and can delay the construction schedule, or lead to auto-oriented development. The proposed amendment attempts to address the need to provide this essential public service.

Regarding impacts of specific developments, the impact will not be quantified until a specific TOD project comes through the concurrency system for specific approvals. The proposed policy, therefore, is general in nature so that TOD Station Area Master Plans can utilize it in order to provide an essential public service.

VI. Public And Municipal Review

Intergovernmental Plan Amendment Review Committee (IPARC): Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on January 26, 2007. IPARC, of which Palm Beach County is a participating member, functions as a clearing-house for plan amendments. Additionally, county staff held meetings in February of 2007 to receive further input from IPARC members. In addition to staff conversations at several meetings, staffs from the Town of Lantana, the Village of Wellington, and the Florida Department of Transportation (FDOT) submitted written comments regarding the importance of increased cooperation between Palm Beach County and the municipalities where the first TOD Station Area Master Plans would be located.

Other Notice: N/A
VII. Assessments and Conclusions

The Palm Beach County Comprehensive Plan currently recognizes that schools and hospitals are essential services that must be provided in centrally located areas. Transportation and transit facilities are also elements that are essential to support the growth the county has experienced in recent years. The proposed text amendment would encourage pedestrian-friendly, sustainable projects to be built on or around Tri-Rail stations, up to a time when the Level of Service (LOS) of nearby roads are 30% above the minimum LOS. It is expected that the proposed provisions will result in jobs, residences and shopping destinations located within walking distance of the Tri-Rail stations, indirectly reducing vehicular trips and increasing the ridership of transit systems throughout the county.

Attachments

| Exhibit 1 – Proposed Amendment    | 11 |
| TCRPC DRAFT Study of Land Uses Around Tri-Rail stations | 16 |
| League of Cities Letter          | 22 |
| South Florida Regional Transit Authority Resolution Supporting TOD | 24 |
Exhibit 1

A. Transportation Element, Transit Oriented Development

REVISIONS: To establish a lower level of service standard on intersections for transit oriented developments. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck out.

1. REVISED Policy 1.2-d: The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, lower level of service standard for specific roadway segments and intersections are appropriate. Consequently, this policy provides for lower transportation facilities level of service standard for certain purposes on roadway segments and intersections:

   1. For the public purpose of allowing public and private schools (whose primary purpose is to provide kindergarten, elementary, or high school education) to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections.

   2. There is a public purpose to allowing hospital (as defined in Article 1 of the Unified Land Development Code) and hospital-related uses to be constructed or expanded on the original campus or on parcels contiguous to the campus which shall provide interconnectivity. In these cases, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Any project utilizing this exception and significantly impacting Strategic Intermodal System (SIS) facilities shall be required to address its impacts on SIS facilities pursuant to ULDC.

   3. ADDITION For the public purpose of allowing Transit Oriented Development to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Transit Oriented Development shall be those areas planned according to a Station Area Master Plan as this term is outlined in Policy 2.4-d.

B. Future Land Use Element

REVISIONS: To revise with regards to Transit Oriented Developments. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck out.

1. REVISED Policy 2.4-d: By December 2007, the Planning Division shall develop criteria to encourage Transit Oriented Developments to be located within a reasonable walking distance of a fixed transit node to increase the use and efficiency of mass transit. The County shall encourage Transit Oriented Development (TOD) that shall provide an alternative mixed-use development pattern within a ¼ mile radius of rail or
light rail transit nodes. Transit Oriented Development may be allowed in all commercial, residential and institutional land use categories in the Urban/Suburban Tier. This pattern is an alternative to piecemeal, parcel-based development, and shall allow for a wide range of commercial and institutional uses, functionally integrated with residential uses, and shall include a concentrated area for retail, professional offices and services, cultural, and housing opportunities. Incorporated areas seeking to make use of revised Policy 1.2-d(3) of the Transportation Element shall do so by implementing the following strategies as part of their respective Comprehensive Plans and Land Development Regulations to the satisfaction of Palm Beach County.

A. TOD projects shall employ the following strategies:

1. Promote the optimum use of transit nodes by assuring the orderly development of land in Transit Oriented Development areas and improving access for pedestrians and vehicles alike.

2. Accommodate the needs of residents and workers in the vicinity of Transit Oriented Development areas.

3. Provide for the incidental shopping needs of transit riders at transit nodes.

4. Create a “park once” environment for all Transit Oriented Development, by providing retail commercial uses and professional office/services that contribute to a self-sufficient community, and that are directly linked to other Transit Oriented Developments.

B. TOD Projects shall be designed utilizing the principles of traditional urban design addressing Streets and Blocks, Parking, Buildings, Mix of Uses, and a TOD Station Area Master Plan as described below:

1. Streets and Blocks. Properties developed as transit-oriented developments shall include a continuous public street network whereby streets are:

   a. Designed with the inclusion of sidewalks and bicycle/pedestrian amenities to encourage walking and bicycle use;

   b. Provide for efficient connections between buildings and the public realm. Said connections shall be accomplished by using the following: lighting for pedestrians/bicycles, weather protection at transit stops, sidewalks, covered corridors, raised pavers through parking lots, bollards, architectural elements, pocket parks/open space, and the like;

   c. New sidewalks shall meet ADA requirements, and provide year-round functional connections to improved Rights-of-Way;

   d. Designed for on-street parking and other traffic calming measures;

   e. Provide for flexibility in land development regulations in order to create a pedestrian-friendly urban environment between buildings and roads;
f. Provide for public and private landscaping in order to create microclimates that further encourage pedestrian activity within transit areas and nodes;

g. Designed to accommodate feeder buses and trolleys. The perimeter of individual blocks shall not exceed 1800 linear feet, and individual block faces shall not exceed 600 feet, exclusive of alleyways serving primarily deliveries and garbage collection purposes.

h. Stand-alone automobile uses such as fueling stations, car and truck washes, and large parking lots are discouraged, unless designed in a manner to support adjacent development and providing clear, efficient pedestrian connection to adjacent roads and sidewalks. This provision shall not deem existing auto-oriented uses as non-conforming if said uses were legally conforming on the effective date of this chapter.

2. Parking. To maximize pedestrian circulation, off-street surface parking areas within transit-oriented developments shall be limited to not more than ten percent of the gross developable area. Surface parking areas shall be located either mid-block (behind buildings) or in small parking lots. Large expanses of surface parking are prohibited. This goal may be achieved through the following strategies:

a. Establish land development regulations providing for maximum parking allotments and maximum surface parking allotments, in order to encourage use of transit;

b. Allow for the reduction in current parking requirements in order to maximize usable floor space in proximity to transit areas and nodes;

c. Encourage shared parking lots for those uses which are likely to demand parking spaces at different times of day;

d. Structured parking lots are encouraged whenever they are located mid-block, behind buildings, and/or lined with uses friendly to pedestrians and/or residential uses.

3. Buildings. The placement and design of buildings in transit-oriented developments is critical to the success of the pedestrian environment. The fronts of buildings and their main entrances shall be placed along streets to enhance the walkable pedestrian environment, and building fronts shall face other building fronts. All buildings shall contain no fewer than two stories of occupiable space. In mixed-use buildings, ground floor occupiable space shall be dedicated predominately for active uses, including retail or office uses, while upper floors shall contain predominately office and residential uses.

4. Mix of Uses. Transit-oriented development provides employment opportunities, residential space, and retail areas. For projects to qualify
for TOD designation, a mixture of these uses shall be located within the ¼-mile radius of the station to provide around-the-clock amenities for residents, employees, and visitors. Accordingly, in the absence of an adopted Station Area Master Plan, each individual transit-oriented development project must include a land use mix of as described below.

a. Not less than 30% of the total square footage of the TOD shall be dedicated to residential uses.

b. Residential densities shall be no less than 10 dwelling units per acre, and shall be calculated based on the total acreage of each individual project involving residential space.

c. Not less than 20% of the total residential units of the TOD shall be designated for workforce housing.

d. While Floor-Area Ratios (FAR) and lot coverage percentages are not specified in this section, buildings are encouraged to be compact in footprint and shall contain no fewer than two (2) stories in order to provide room for future expansion or new construction on the same site. Minimum FARs, where applicable, shall be defined within the respective municipality’s Land Development Regulations.

5. TOD Station Area TOD Master Plan. A transit-oriented development shall meet the requirements contained in Policy 2.4-d, be part of a Station Area TOD Master Plan, and be developed in an interactive public process and approved by the respective local government(s) and Palm Beach County.

a. A TOD Station Area Master Plan shall be incorporated by reference into the Palm Beach County Comprehensive Plan through the following process. A municipality encompassing a fixed-route station shall propose a Station Area Master Plan by submitting a preliminary plan to the Florida Department of Transportation (FDOT), the Treasure Coast Regional Planning Council (TCRPC), Palm Beach County staff, and other regional and federal agencies with jurisdiction over the area of the master plan. Comments received during the preliminary proposal shall be addressed in the municipality’s adoption of the Station Area Master Plan into said municipality’s Comprehensive Plan and/or Land Development Regulations. A subsequent final submission, meeting all requirements of Policy 2.4-d, shall then be filed with Palm Beach County to incorporate the Station Area Master Plan by reference after due public hearings and other processes.

b. The TOD Station Area Master Plan shall extend at least a quarter-mile radius from the station location and graphically depict the locations of the transit station, roadways, buildings, public spaces, and civic spaces within a half-mile radius of the transit station. This radius may be expanded according to parcel size, ownership
pattern, and the presence of supporting transit modes such as: fixed-route buses, and Rapid Bus Transit (RBT).

c. The TOD Station Area Master Plan shall include an aerial photograph depicting all uses within a one-mile radius of the station, including major employers, residential developments, institutional/educational uses, and entertainment destinations.

d. The TOD Station Area Master Plan shall indicate a mix of residential, commercial, retail, office, flex space, public and civic spaces. Examples of public spaces shall include parks, plazas, and greens. Examples of civic spaces shall include police stations, and all other areas, enclosed or exterior, that provide public services to residents and visitors alike.

e. The TOD Station Area Master Plan shall include a market analysis and potential aggregated development program illustrating a preferred mix of uses to assist in the evaluation of individual TOD projects within the station area.

f. No less than 5% of the total developable square footage of the TOD shall be dedicated to usable public space such as parks, plazas, greens, etc.

g. No less than 2% of the total square footage of the TOD shall be dedicated to civic uses, such as police stations, intermodal transfer facilities.

h. The TOD Station Area Master Plan shall graphically demonstrate an interconnected transportation network that efficiently and effectively links rail stations, bus stops, bike paths, sidewalks, buildings and open spaces in a cohesive manner.
League of Cities Letter regarding TOD

FROM: PBC LEAGUE OF CITIES
PHONE NO.:

Palm Beach County LEAGUE of CITIES, Inc.

April 17, 2007

Honorable Addie Greene
Chair, Board of County Commissioners
Palm Beach County
301 N. Olive Avenue
West Palm Beach, Florida 33401

Re: Transit Oriented Development ("TOD")
Comprehensive Plan Amendments
Transmittal Hearing April 18, 2007

Honorable Addie Greene:

The above-referenced proposal was only presented to the Board of Directors of the Palm Beach County League of Cities, Inc. on April 11, 2007, so the League could not provide its comments to you in a more timely manner.

These proposed comprehensive plan amendments attempt to encourage transit oriented developments by allowing them to meet a lower level of service (130% LOS D). According to page 11 of the staff report, the new plan "provisions will result in jobs, residences and shopping destinations located within walking distance of the Tri-Rail stations, indirectly reducing vehicular trips and increasing the ridership of transit systems throughout the county." The municipalities certainly support this goal. However, the Board of Directors of the League expressed concerns that the process contained in the proposed amendment is so cumbersome, lengthy and overbroad, that no affected municipality would even attempt to utilize the lower level of service for a transit oriented development. Since the staff report indicates that the only sites eligible for approval are within municipalities, it would appear that the amendment would not produce the desired results.

The data and analysis portion of the staff report (page 8) justifies the amendment by saying that, absent the amendment, a transit oriented development that exceeded the road capacity would need to request a lower level of service from the County (a CRALLS comprehensive plan amendment), which "is a lengthy process and can delay the construction schedule, or lead to auto-oriented development." The proposed policies outline a process that is much more cumbersome and time consuming than a CRALLS plan amendment. The proposed future land use policy 2.4-d would require that a municipality first amend its comprehensive plan and land development regulations to provide criteria for transit oriented developments, following the strategies contained in the County’s policy 2.4-d, and those amendments would have to be "to the satisfaction of Palm Beach County". After that, a Station Area Master Plan would have to be developed by the municipality, in consultation with FDOT, TCRPC and the County. The municipality would then have to adopt the station area master plan into its comprehensive plan and/or land development regulations. Then the County would have to approve the station area...
April 17, 2007
Page 2

master plan and adopt a comprehensive plan amendment to incorporate the station area master plan into the County's comprehensive plan. Once all this occurs, any transit-oriented development must then be approved by both the municipality and Palm Beach County.

It appears highly unlikely that any transit oriented development would ever be approved under this cumbersome process. If the County truly desires that transit oriented developments occur within the municipalities, the County should adopt a more "user-friendly" process and should not require municipalities to give final land use and zoning authority to the county for those developments.

Thank you for your thoughtful attention to this issue.

Sincerely,

Jamie Titcomb
Executive Director

cc: The Honorable Burt Aaronson
    The Honorable Jeff Koons
    The Honorable Karen Marcus
    The Honorable Mary McCarty
    The Honorable Warren Newell
    The Honorable Jess Santamaria
July 18, 2007

Mr. Robert Weisman  
County Administrator  
Palm Beach County Commission  
301 North Olive Avenue  
West Palm Beach, FL 33401  

Re: South Florida Regional Transportation Authority Resolution 07-04  

Dear Mr. Weisman:

Please find attached Resolution 07-04 approved by the South Florida Regional Transportation Authority (SFRTA) Governing Board at their May 25, 2007, meeting. Resolution 07-04 supports Palm Beach County’s Transit Oriented Development (TOD) Concurrency Amendment to its Comprehensive Plan for TOD Projects and Planning at Tri-Rail Stations in Palm Beach County.

If you have any questions or require further information, please do not hesitate to contact Ms. Loraine Cargill at (954) 788-7921.

Sincerely,

Joseph Giulietti  
Executive Director

/LC/bk

Enclosure

cc: Commissioner Addie Greene, Chair, Palm Beach County Commission  
Mike McDaniel, DCA  
Bob Dennis, DCA  
Michael Busha, TCRPC  
Kim Delaney, TCRPC  
Barbara Alterman, Palm Beach County  
Khurshid Mohyuddin, Palm Beach County  
Bryan Davis, Palm Beach County  
Jorge Perez, Palm Beach County

GOVERNING BOARD  Bruno A. Barreto | James A. Cummings | Josephus Eggelston, Jr. | Marie Hosenburger | Nissan Kasdin  
Jeff Koons | John Martinez | George Morgan, Jr. | Bill T. Smith, Jr., Esq. | EXECUTIVE DIRECTOR | Joseph Giulietti
SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
RESOLUTION NO. 07-04

RESOLUTION SUPPORTING PALM BEACH COUNTY'S TRANSIT ORIENTED DEVELOPMENT ("TOD") CONCURRENcy AMENDMENT TO ITS COMPREHENSIVE PLAN FOR TOD PROJECTS AND PLANNING AT TRI-RAIL STATIONS IN PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the South Florida Regional Transportation Authority ("SFRTA") is a body politic and corporate, a public instrumentality and an agency of the State of Florida pursuant to Florida Statutes, Chapter 343; and

WHEREAS, the integration of land use and transportation planning has been shown to increase transit ridership; improve transit efficiency, effectiveness, and safety; enhance transportation mobility; promote sustainable development patterns; and improve the success of transit service; and

WHEREAS, "transit-oriented development," or TOD, is one means by which land use and transportation planning have been successfully integrated in conjunction with passenger transit service in the United States and internationally; and

WHEREAS, supporting and encouraging TOD projects and planning at Tri-Rail stations is a goal of the SFRTA; and

WHEREAS, TOD can be encouraged by supportive policies and regulations in local government plans, including comprehensive land use plans and land development codes; and

WHEREAS, Palm Beach County has recently developed and transmitted an amendment to its Comprehensive Plan to define TOD, identify specific TOD design standards, and establish a lower traffic concurrency level-of-service for TOD projects as defined and specified; and

WHEREAS, the Palm Beach County TOD amendment can become a regulatory incentive to encourage TOD projects and planning at Tri-Rail stations in Palm Beach County;

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BOARD OF THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY:

Section 1. The recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2. SFRTA hereby expresses its support for Palm Beach County's Transit Oriented Development ("TOD") Concurrency Amendment to its Comprehensive Plan for TOD Projects and Planning at Tri-Rail Stations in Palm Beach County.
Section 3. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or ineffective for any reason, the remainder of this Resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this Resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

Section 4. This Resolution shall take effect immediately upon its adoption, and any provisions of any previous resolutions in conflict with the provisions herein are hereby superseded.

[Remainder of page left intentionally blank.]
The foregoing resolution was offered by Board Member James A. Cummings, who moved its adoption. The motion was seconded by Board Member Marie Horenburger, and upon being put to vote, the votes were as follows:

Member Mayor Josephus Eggleston, Jr. - yes
Member Neisen Kasdin - yes
Member Commissioner Jeff Koons - yes
Member John Martinez - absent
Member George Morgan, Jr. - yes
Member Bill T. Smith, Jr. - yes
Chairman Commissioner Bruno A. Barreiro - yes

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of May, 2007.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA)

[Signature]

SFRTA Secretary
ATTEST

BY Joseph Giulietti
Executive Director

(SFRTA seal)

South Florida Regional Transportation Authority

BY Commissioner Bruno A. Barreiro
Chair

25 day of May, 2007.

Approved as to form and legal sufficiency by:

Teresa J. Moore
General Counsel, SFRTA
Greenburg Traurig, PA
777 S. Flagler Drive, Ste 300E
West Palm Beach, Florida 33401
(561) 650-7963
ORDINANCE NO. 2007 -010

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
89-17, AS AMENDED; AMENDING THE INTRODUCTION AND
ADMINISTRATION ELEMENT (TO MODIFY JUSTIFICATION
REQUIREMENTS FOR FUTURE LAND USE ATLAS
AMENDMENTS); FUTURE LAND USE ELEMENT (TO MODIFY
IN TABLE 2.2.2-1, ADDITIONAL CRITERIA FOR
DETERMINING THE DEPTH, WIDTH, AND USE FOR
COMMERCIAL AND INDUSTRIAL DESIGNATIONS FOR A LOT;
TO MODIFY POLICY 1.2.2-A REGARDING THE ABILITY OF
AN INFILL PROPERTY TO DEVELOP AT THE MAXIMUM
DENSITY OF ITS LAND USE DESIGNATION; TO MODIFY
LANGUAGE IN THE IMPLEMENTATION SECTION REGARDING
FREESTANDING USES IN THE INDUSTRIAL LAND USE
DESIGNATION; AND TO MODIFY TRANSFER OF
DEVELOPMENT RIGHTS POLICIES REGARDING ATTAINABLE
HOUSING; TO REVISE POLICIES TO FURTHER DEFINE
QUALIFYING CHARACTERISTICS OF A TRANSIT ORIENTED
DEVELOPMENT; THE TRANSPORTATION ELEMENT (TO
ESTABLISH A LOWER LEVEL OF SERVICE STANDARD FOR
TRANSIT ORIENTED DEVELOPMENTS; TO REVISE POLICIES
TO REFER TO A FIVE YEAR CAPITAL IMPROVEMENT
SCHEDULE); THE CAPITAL IMPROVEMENTS ELEMENT (TO
ADD A POLICY TO ACCOUNT FOR PROPORTIONATE SHARE
CONTRIBUTIONS; TO REVISE POLICIES TO REFER TO A
FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE; TO DELETE
POLICY 1.4-G REGARDING THE RURAL SERVICE AREA FOR
CONSISTENCY WITH PREVIOUSLY ADOPTED AMENDMENTS);
THE CONSERVATION ELEMENT (TO ADD AND MODIFY
POLICIES AND OBJECTIVES TO PREVENT WILDFIRES AND
MITIGATE THEIR IMPACTS); THE FIRE RESCUE ELEMENT
(TO ADD AND MODIFY POLICIES AND OBJECTIVES TO
PROMOTE WILDFIRE PREVENTION AND MITIGATION); THE
UTILITY ELEMENT (TO REVISE POLICIES TO REFER TO A
FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE); THE
PUBLIC SCHOOL FACILITIES ELEMENT (TO REVISE
POLICIES TO REFER TO A FIVE YEAR CAPITAL
IMPROVEMENT SCHEDULE); AND AMENDING ALL ELEMENTS
AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the Palm Beach County Local Planning Agency conducted
its public hearings on February 9 and 22, March 9 and 30, and April
13, 2007 to review the proposed amendments to the Palm Beach County
Comprehensive Plan and made recommendations regarding the proposed
amendments to the Palm Beach County Board of County Commissioners
pursuant to Chapter 163, Part II, Florida Statutes; and

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

WHEREAS, Palm Beach County received the Department of Community
Affairs "Objections, Recommendations, and Comments Report," dated June
29, 2007 which was the Department's written review of the proposed
Comprehensive Plan amendments; and

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

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

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

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

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989
Comprehensive Plan are hereby adopted and attached to this Ordinance
in Exhibits 1 through 9:

1. PLUA Amendment Requirements Text, to modify justification
requirements for Future Land Use Atlas Amendments
   A. Introduction and Administration Element
2. Commercial/Industrial Zoning Clarifications Text - Table 2.2.2-1, to modify Additional Criteria for Determining the Depth, Width, and Use for Commercial and Industrial Designations definition of lot in Table 2.2.2-1 for a lot,
   A. Future Land Use Element
3. Infill Maximum Density Exemption Text, to modify Policy 1.2.2-a regarding the ability of an infill property to develop at the maximum density of its land use designation
   A. Future Land Use Element
4. Industrial Future Land Use Text, to modify language in the Implementation Section regarding freestanding uses in the Industrial land use designation
   A. Future Land Use Element
5. Transfer of Development Rights Program Text, to modify Transfer of Development Rights policies regarding attainable housing
   A. Future Land Use Element
6. Transit Oriented Development Text, to revise policies to further define qualifying characteristics of a Transit Oriented Development, and to establish a lower level of service standard for Transit Oriented Developments
   A. Transportation Element
   B. Future Land Use Element
7. Revenue Policy Addition and Six to Five Year Schedule Change Text, to add a policy to the CIP to account for proportionate share contributions and to revise policies to refer to a five year capital improvement schedule
   A. Capital Improvement Element
   B. Public School Facilities
   C. Utilities Element
   D. Transportation Element
8. Rural Service Area Policy Corrective Text, to delete Policy 1.4-g regarding the Rural Service Area for consistency with previously adopted amendments
A. Capital Improvement Element

9. Wildfire Prevention, to add and modify policies and objectives to prevent wildfires and mitigate their impacts

A. Conservation Element

B. Fire-Rescue Element

Part II. Repeal of Laws in Conflict

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

Part III. Severability

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

Part IV. Inclusion in the 1989 Comprehensive Plan

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

Part V. Effective Date

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

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

ATTORNEY

Palm Beach County, Florida,

by its Board of County Commissioners

approved as to form and legal sufficiency

COUNTY ATTORNEY

Filed with the Department of State on the day of
2007.
EXHIBIT TABLE OF CONTENTS

1. FLUA Amendment Requirements Text, to modify justification requirements for Future Land Use Atlas Amendments
   A. Introduction and Administration Element

2. Commercial/Industrial Zoning Clarifications Text - Table 2.2.2-1, to modify the definition of lot in Table 2.2.2-1, Additional Criteria for Determining the Depth, Width, and Use for Commercial and Industrial Designations
   A. Future Land Use Element

3. Infill Maximum Density Exemption Text, to modify Policy 1.2.2-a regarding the ability of an infill property to develop at the maximum density of its land use designation
   A. Future Land Use Element

4. Industrial Future Land Use Text, to modify language in the Implementation Section regarding freestanding uses in the industrial land use designation
   A. Future Land Use Element

5. Transfer of Development Rights Program Text, to modify Transfer of Development Rights policies regarding attainable housing
   A. Future Land Use Element

6. Transit Oriented Development Text, to revise policies to further define qualifying characteristics of a Transit Oriented Development, and to establish a lower level of service standard for Transit Oriented Developments
   A. Transportation Element
   B. Future Land Use Element

7. Revenue Policy Addition and Six to Five Year Schedule Change Text, to add a policy to the CIE to account for proportionate share contributions and to revise policies to refer to a five year capital improvement schedule
   A. Capital Improvement Element
   B. Public School Facilities
   C. Utilities Element
   D. Transportation Element

8. Rural Service Area Policy Corrective Text, to delete Policy 1.4-g regarding the Rural Service Area for consistency with previously adopted amendments
   A. Capital Improvement Element

9. Wildfire Prevention, to add and modify policies and objectives to prevent wildfires and mitigate their impacts
   A. Conservation Element
   B. Fire-Rescue Element
EXHIBIT 1

A. Introduction and Administration Element, FLUA Amendment Requirements

REVISIONS: To revise and update to revise with regards to FLUA Amendment Requirements. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck-out.

II. ADMINISTRATION

H. Applications For Amendment

The following conditions shall apply to any application for change in the Palm Beach County Comprehensive Plan:

1. The process for Amending the Comprehensive Plan shall be guided by the provisions of Florida Statutes Chapter 163, the Administrative Rules implementing it and in accordance with the provisions herein.
2. Amendments to the text, tables, charts, and maps shall be initiated only by the Board of County Commissioners or the Local Planning Agency.
3. Applications for an amendment to the Future Land Use Atlas (FLUA) for specific parcels of land shall be initiated only by the owner of the parcel, the Board of County Commissioners, or the Local Planning Agency.
4. Site specific amendments shall be based on one or more of the following factors, and a demonstrated need to amend the Future Land Use Atlas:
   a) - Changed Projections: Changed projections in the Comprehensive Plan, including but not limited to amendments that would ensure provision of public facilities.
   b) - Changed Assumptions: Changed assumptions in the Comprehensive Plan, including but not limited to the fact that an area's growth has altered the character such that the proposed development is now reasonable and consistent with land use characteristics.
   c) - Data Errors: Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan.
   d) - New Issues: New issues that have arisen since adoption of the Comprehensive Plan.
   e) - Additional Detail or Comprehensiveness: Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan.
   f) - Data Updates: Data updates.

unaltered text omitted for brevity

EXHIBIT 2

A. Future Land Use Element, Commercial/Industrial Zoning Clarifications - Table 2.2.2-1

REVISIONS: To delete/add wording relating to lots. The revisions are shown below with the added text underlined and the deleted text struck-out.

Table 2.2.2-1 Additional Criteria for Determining the Depth, Width, and Use for Commercial and Industrial Designations

F. A lot, or portion of a lot thereof:
   1. was granted commercial or industrial zoning prior to August 4, 1980; and
   2. has a commercial or industrial land use designation on more than fifty percent of the lot area.

The county may rezone the entire lot to commercial or industrial.

(unaltered text omitted for brevity)
A. Future Land Use Element, Infill Maximum Density Exemption

REVISIONS: To add text to allow an infill property under the requirements of Policy 1.2.2-a to be developed at the maximum density of its land use designation. The revisions are shown below with the added text underlined.

Policy 1.2.2-a: To encourage redevelopment and infill, the County shall allow a parcel of land that cannot fulfill the minimum acreage requirement under its land use designation and, when applicable, frontage and/or depth requirements for a Planned Development to develop consistent with the character, intensity, and density of the: 1) Existing built environment; and/or 2) Potential built environment...

(unaftered text omitted for brevity)

EXHIBIT 4

A. Future Land Use Element, Industrial Future Land Use

REVISIONS: To revise and update uses permitted in the Industrial Future Land Use designation. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck-out.

Implementation Section, INDUSTRIAL, Uses

General. The Future Land Use Atlas delineates the industrially designated areas to include lands primarily used for manufacturing, assembly, processing, research and development and wholesale distribution and storage of products. The land uses listed below are allowable within the industrial future land use designation as permitted by the ULDC.

1) Mining, subject to the limitations included in the subsection entitled "Mining and Excavation";
2) Accessory commercial uses within buildings devoted to primary industrial uses (automotive paint and body shop, car wash and auto-detailing, and repair and maintenance, general, shall be allowed as freestanding uses);
3) Commercial uses within areas zoned as Planned Industrial Park Developments;
4) Parks and Recreation;
5) Commercial Recreation;
6) Conservation;
7) Institutional and Public Facilities;
8) Transportation and Utility Facilities;
9) Communication Facilities;
10) Non-residential agricultural uses;
11) Caretakers' quarters;
12) Uses and structures accessory to a permitted use; and,
13) Residential uses, subject to the limitations described in the provisions for a Planned Industrial Park Development;
14) Commercial uses of an industrial nature that have impacts similar to industrial uses.
EXHIBIT 5

A. Future Land Use Element, Transfer of Development Rights Program

REVISED: To revise the Transfer of Development Rights Program with regards to workforce housing. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck-out.

REVISED Objective 2.6 Transfer of Development Rights

Palm Beach County shall implement a Transfer of Development Rights (TDR) program. The TDR program is designed to protect Environmentally Sensitive Lands and the Agricultural Reserve and to contribute to the County's attainable workforce housing inventory.

REVISED Policy 2.6-a: The Transfer of Development Rights program shall:

1. designate sending areas;
2. assign densities within the sending areas on equitable bases, based on the parcel's location, development potential and value to the community;
3. delineate specific receiving areas, and designate appropriate density increases within each;
4. provide variable pricing for the County-owned TDR units, based on location and furthering the County Goals and Objectives contained within the Comprehensive Plan;
5. establish incentives other than density, that the County would use to encourage Transfer of Development Rights; and,
6. require 50% of TDR units per project be provided as workforce housing units and each workforce housing TDR at no cost to the developer; and,
7. define administrative and legal requirements, including notification to the Property Appraiser's office and recording in the public records.

REVISED Policy 2.6-b: The Workforce Housing program and the Transfer of Development Rights programs are shall be the required methods for increasing density within the County, unless an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or the applicant is using the Palm Beach County Page 69 - FLUE 1989 Comprehensive Plan Revised 8/21/08 Ordinances 2006-19, 22-23 & 25 Workforce Housing Program, as outlined in the Housing Element of the Comprehensive Plan and the Palm Beach County Unified Land Development Code.

REVISED Policy 2.6-c: By January 2009, and annually thereafter the County PZ&B shall prepare an annual report that describes all TDR program activities during the previous year. The annual report shall be provided to the Board of County Commissioners. In addition the annual report shall evaluate the TDR Program to assess the need for additional sending areas. Should a need exist, the County shall investigate and designate, if warranted, the following as sending areas: school sites, historic and archaeological resources, and linked open space sites. Need shall be based upon at least a fifty (50) percent reduction in the number of TDR units in the County's TDR Bank or available in the private market.

DELETE Policy 2.6-f: The County shall not approve the designation of receiving areas, which would result in an incompatibility with the surrounding land uses (both existing and future). Compatibility shall be determined based upon the following factors:

1. The character of the proposed development in relation to the adjacent properties, including building type and size and the gross and net densities of the proposed receiving area and the adjacent properties, and;
2. Proximity of the proposed receiving area to environmentally sensitive lands.

The determination of compatibility may be made by the BCC or the Development Review Committee (DRC).

DELETE Policy 2.6-g: By January 2000, the County shall seek municipal involvement by investigating and establishing, if feasible and warranted, a Countywide TDR program. The County shall utilize the Intergovernmental Plan Amendment Review Committee (IPARC) and the Issues Forum to seek municipal involvement.
III. IMPLEMENTATION

REVISED D. Transfer of Development Rights

Pursuant to Policy 2.64 b, the compatibility of a proposed Transfer of Development Rights (TDR) receiving area shall be determined based upon the following factors:

1. The character of the proposed development in relation to the adjacent properties including building type and size and the gross and net densities of the proposed receiving area and the adjacent properties. The site development plan for the proposed receiving area must consider the natural topography, native vegetation, existing lakes and natural and man-made constraints found on-site and reflect the limitations imposed by these factors.

2. Proximity of the proposed receiving area to environmentally sensitive lands is and evaluated as follows:

A receiving area must not degrade adjacent Environmentally Sensitive Lands. Therefore, the receiving area shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the Conservation Lands Acquisition Selection Committee (CLASC) or sites designated as preserve areas according to Article 14.1 TDR, Vegetation Preservation and Protection of the Unified Land Development Code, so that the development is compatible with, and does not destroy or negatively impact the environmentally sensitive area according to the following table.

The determination of compatibility may be made by the BCC or the Development Review Officer (DRO).
EXHIBIT 6

A. Transportation Element, Transit Oriented Development

REVISIONS: To establish a lower level of service standard on intersections for transit oriented developments. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck-out.

1. REVISED Policy 1.2.d: The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, counteracting planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, lower level of service standard for specific roadway segments and intersections are appropriate. Consequently, this policy provides for lower transportation facilities level of service standard for certain purposes on roadway segments and intersections:

   1. For the public purpose of allowing public and private schools (whose primary purpose is to provide kindergarten, elementary, or high school education) to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections.

   2. There is a public purpose to allowing hospital (as defined in Article 1 of the Unified Land Development Code) and hospital-related uses to be constructed or expanded on the original campus or on parcels contiguous to the campus which shall provide interconnectivity. In these cases, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Any project utilizing this exception and significantly impacting Strategic Intermodal System (SIS) facilities shall be required to address its impacts on SIS facilities pursuant to ULDC.

   3. ADDITION For the public purpose of allowing Transit Oriented Development to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Transit Oriented Development shall be those areas planned according to a Station Area Master Plan as this term is outlined in Policy 2.4.d.

B. Future Land Use Element

REVISIONS: To revise with regards to Transit Oriented Developments. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck-out.

1. REVISED Policy 2.4.d: By December 2007, the Planning Division shall develop criteria to encourage Transit Oriented Developments to be located within a reasonable walking distance of a fixed transit node to increase the use and efficiency of mass transit. The County shall encourage Transit Oriented Development (TOD) that shall provide an alternative mixed-use development pattern within a 1/2 mile radius of rail or light rail transit nodes. Transit Oriented Development may be allowed in all commercial, residential and institutional land use categories in the Urban/Suburban Tier. This pattern is an alternative to piecemeal, parcel-based development, and shall allow for a wide range of commercial and institutional uses, functionally integrated with residential uses, and shall include a concentrated area for retail, professional offices and services, cultural, and housing opportunities. Incorporated areas seeking to make use of revised Policy 1.2.d(3) of the Transportation Element shall do so by implementing the following strategies as part of their respective Comprehensive Plans and Land Development Regulations to the satisfaction of Palm Beach County.

   A. TOD projects shall employ the following strategies:

   1. Promote the optimum use of transit nodes by assuring the orderly development of land in Transit Oriented Development areas and improving access for pedestrians and vehicles alike.
2. Accommodate the needs of residents and workers in the vicinity of Transit Oriented Development areas.

3. Provide for the incidental shopping needs of transit riders at transit nodes.

4. Create a "park once" environment for all Transit Oriented Development by providing retail, commercial uses and professional office services that contribute to a self-sufficient community, and that are directly linked to other Transit Oriented Developments.

B. TOD Projects shall be designed utilizing the principles of traditional urban design addressing Streets and Blocks, Parking, Buildings, Mix of Uses, and a TOD Station Area Master Plan as described below:

1. Streets and Blocks. Properties developed as transit-oriented developments shall include a continuous public street network whereby streets are:
   
   a. Designed with the inclusion of sidewalks and bicycle/pedestrian amenities to encourage walking and bicycle use.
   
   b. Provide for efficient connections between buildings and the public realm. Said connections shall be accomplished by using the following: lighting for pedestrian/bicycles, weather protection at transit stops, sidewalks, covered corridors, raised areas through parking lots, bollards, architectural elements, pocket parks/open space, and the like.
   
   c. New sidewalks shall meet ADA requirements, and provide year-round functional connections to improved Rights-of-Way.
   
   d. Designed for on-street parking and other traffic calming measures.
   
   e. Provide for flexibility in land development regulations in order to create a pedestrian-friendly urban environment between buildings and roads.
   
   f. Provide for public and private landscaping in order to create microclimates that further encourage pedestrian activity within transit areas and nodes.
   
   g. Designed to accommodate feeder buses and trolleys. The perimeter of individual blocks shall not exceed 1800 linear feet, and individual block faces shall not exceed 900 feet, exclusive of alleys serving primarily deliveries and garbage collection purposes.
   
   h. Stand-alone automobile uses such as fueling stations, car and truck washes, and large parking lots are discouraged, unless designed in a manner to support adjacent development and providing clear, efficient pedestrian connection to adjacent roads and sidewalks. This provision shall not deem existing auto-oriented uses as non-conforming if said uses were legally conforming on the effective date of this chapter.

2. Parking. To maximize pedestrian circulation, off-street surface parking areas within transit-oriented developments shall be limited to not more than ten percent of the gross developable area. Surface parking areas shall be located either mid-block (behind buildings) or in small parking lots. Large expanses of surface parking are prohibited. This goal may be achieved through the following strategies:

   a. Establish land development regulations providing for maximum parking allotments and maximum surface parking allotments in order to encourage use of transit.

   b. Allow for the reduction in current parking requirements in order to maximize usable floor space in proximity to transit areas and nodes.
c. Encourage shared parking lots for those uses which are likely to demand parking spaces at different times of day.

d. Structured parking lots are encouraged whenever they are located mid-block, behind buildings, and/or lined with uses friendly to pedestrians and/or residential uses.

3. Buildings. The placement and design of buildings in transit-oriented developments is critical to the success of the pedestrian environment. The fronts of buildings and their main entrances shall be placed along streets to enhance the walkable pedestrian environment, and building fronts shall face other building fronts. All buildings shall contain no fewer than two stories of occupable space. In mixed-use buildings, ground floor occupable space shall be dedicated predominantly for active uses, including retail or office uses, while upper floors shall contain predominately office and residential uses.

4. Mix of Uses. Transit-oriented development provides employment opportunities, residential space, and retail areas. For projects to qualify for TOD designation, a mixture of these uses shall be located within the 1/4-mile radius of the station to provide around-the-clock amenities for residents, employees, and visitors. Accordingly, in the absence of an adopted Station Area Master Plan, each individual transit-oriented development project must include a land use mix of as described below.

a. Not less than 30% of the total square footage of the TOD shall be dedicated to residential uses.

b. Residential densities shall be no less than 10 dwelling units per acre, and shall be calculated based on the total acreage of each individual project involving residential space.

c. Not less than 20% of the total residential units of the TOD shall be designated for workforce housing.

d. While Floor-Area Ratios (FAR) and lot coverage percentages are not specified in this section, buildings are encouraged to be compact in footprint and shall contain no fewer than two (2) stories in order to provide room for future expansion or new construction on the same site. Minimum FARs, where applicable, shall be defined within the respective municipality's Land Development Regulations.

5. TOD Station Area TOD Master Plan. A transit-oriented development shall meet the requirements contained in Policy 2.4-d, be part of a Station Area TOD Master Plan, and be developed in an interactive public process and approved by the respective local government(s) and Palm Beach County.

a. A TOD Station Area Master Plan shall be incorporated by reference into the Palm Beach County Comprehensive Plan through the following process. A municipality encompassing a fixed-ride station shall propose a Station Area Master Plan by submitting a preliminary plan to the Florida Department of Transportation (FDOT), the Treasure Coast Regional Planning Council (TCRPC), Palm Beach County staff, and other regional and federal agencies with jurisdiction over the area of the master plan. Comments received during the preliminary proposal shall be addressed in the municipality's adoption of the Station Area Master Plan into said municipality's Comprehensive Plan and/or Land Development Regulations. A subsequent final submission, meeting all requirements of Policy 2.4-d, shall then be filed with Palm Beach County to incorporate the Station Area Master Plan by reference after due public hearings and other processes.

b. The TOD Station Area Master Plan shall extend at least a quarter-mile radius from the station location and graphically depict the locations of the transit station, roadways, buildings, public spaces, and civic spaces within a half-mile radius of the transit station. This radius may be expanded according to parcel size, ownership
pattern, and the presence of supporting transit modes such as fixed-route buses and Rapid Bus Transit (RBRT).

c. The TOD Station Area Master Plan shall include an aerial photograph depicting all uses within a one-mile radius of the station, including major employers, residential developments, institutional/educational uses, and entertainment destinations.

d. The TOD Station Area Master Plan shall indicate a mix of residential, commercial, retail, office, flex space, public and civic spaces. Examples of public spaces shall include parks, plazas, and greens. Examples of civic spaces shall include police stations, and all other areas, enclosed or exterior, that provide public services to residents and visitors alike.

e. The TOD Station Area Master Plan shall include a market analysis and potential aggregated development program illustrating a preferred mix of uses to assist in the evaluation of individual TOD projects within the station area.

f. No less than 5% of the total developable square footage of the TOD shall be dedicated to usable public space such as parks, plazas, greens, etc.

g. No less than 2% of the total square footage of the TOD shall be dedicated to civic uses, such as police stations, intermodal transfer facilities.

h. The TOD Station Area Master Plan shall graphically demonstrate an interconnected transportation network that efficiently and effectively links rail stations, bus stops, bike paths, sidewalks, buildings and open spaces in a cohesive manner.
EXHIBIT 7

A. Capital Improvement Element, CIE Revenue Policy Addition and Six to Five Year Schedule Change

REVISIONS: To add a revenue policy and to revise references from a CIE six year capital improvement schedule to a five year schedule. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck-out.

1. RENUMBERED Policy 1.6-a-3.4

2. NEW POLICY 1.6-a-3: Contributions from the proportionate share process are included as a revenue source in the Five Year Road Program and CIE Schedule of Capital Improvements when required and appropriate.

3. Six to Five Year Schedule Change (unaltered text omitted for brevity)
Policy 1.2-e4 ... Palm Beach County Six Five Year Capital Improvement Schedule
Policy 1.3-a ... The 6 Five Year Capital Improvement Schedule
Policy 1.6-c-1 ... Six Five
Policy 1.6-c-2 ... Six Five
Policy 1.6-c-3 ... Six Five
Objective 1.7 ... Six Five
Policy 1.7-a ... Six Five
Policy 1.7-b ... Six Five

B. Public School Facilities Element, CIE Six to Five Year Schedule Change

REVISIONS: To revise and update references from a CIE six year capital improvement schedule to a five year schedule. (unaltered text omitted for brevity)
Policy 1.1-f: ... Six Five
Policy 1.1-g: ... Six Five
Objective 1.3 Title ... Six Five
Policy 1.3-a: ... Six Five

C. Utilities Element, CIE Six to Five Year Schedule Change

REVISIONS: To revise and update references from a CIE six year capital improvement schedule to a five year schedule. (unaltered text omitted for brevity)
Policy 1.1-c: ... Six five

D. Transportation Element, CIE Six to Five Year Schedule Change

REVISIONS: To revise CIE, Public School, Utilities, Transportation Element references from a CIE six year capital improvement schedule to a five year schedule.
Policy 1.12-d: ... Six Five

EXHIBIT 8

A. Capital Improvement Element, Rural Service Area Policy Corrective Text

REVISIONS: To delete Policy 1.4-g. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck-out.

DELETED Policy 1.4-g Policy 1.4-g: in accordance with the Future Land Use Objective 3.4, the County shall not subsidize urban levels of service for potable water or sanitary sewer services in the Rural Service Area. The County will limit funding of potable water and sanitary sewer services to special assessments or the collection of appropriate connection fees.
A. Conservation Element, Wildfire Prevention

REVISIONS: To revise and update with regards to Wildfire Prevention. The revisions are numbered below, and shown with the added text underlined.

GOAL: PROTECTION OF NATURAL RESOURCES

It is the GOAL of Palm Beach County to preserve, protect, and enhance the County’s natural resources, encouraging the highest possible environmental quality and best long-term management of natural resources. [9J-5.013(2)(a) F.A.C.]

OBJECTIVE 1.3 Wildfire Prevention

The County shall implement the following policies applicable to Palm Beach County Natural Areas and those lands set-aside that are governed by a County approved management plan.

Policy 1.3-a: The County shall continue to coordinate fire management on Palm Beach County Natural Areas with the Florida Division of Forestry and the appropriate County or municipal Fire-Rescue Department to mitigate the potential of wildfires. The County’s Department of Environmental Resources Management (ERM) shall assist with Community Wildfire Protection Plans and Firewise Communities, and shall promote educational awareness of prescribed burns.

Policy 1.3-b: The County shall use prescribed burns and mechanical methods in County Natural Areas to reduce fuel loads. Additionally, ERM shall install and regularly maintain perimeter fire breaks to reduce the potential for wildfires to enter or leave County Natural Areas.

Policy 1.3-c: The County shall pursue alternative fuel reduction methods in the event smoke management concerns prohibit the use of prescribed fire in highly developed urban areas.

Policy 1.3-d: The County shall assess and manage storm related debris along urban interfaces of County Natural Areas with the assistance of the Florida Division of Forestry.

Policy 1.3-e: The County shall pursue opportunities such as State Hazard Mitigation Grant Funding, to preserve lands for natural resources (i.e. beaches and dunes, native vegetation, wetlands and barrier islands). A benefit of preserving lands for natural resources is hazard mitigation aimed at protecting development from natural disasters.

B. Fire-Rescue Element, Wildfire Prevention

REVISIONS: To revise and update with regards to Wildfire Prevention. The revisions are numbered below, and shown with the added text underlined.

OBJECTIVE 1.3 Level of Service: Non-Emergency Response

Palm Beach County shall maintain a Level of Service Standard for non-emergency functions.

Policy 1.3-g: The County shall continue to work cooperatively with the Florida Division of Forestry to support the FireWise Community Program and to provide educational outreach programs to encourage the development of Community Wildfire Protection Plans.

OBJECTIVE 1.4 Intergovermental/Inter-Agency Cooperation

Palm Beach County shall develop service agreements to ensure the orderly interaction with neighboring agencies and jurisdictions when assistance is required.

Policy 1.4-4: The County shall continue to support fire management efforts on ERM-managed Natural Areas in Fire-Rescue’s Jurisdiction through cooperation with the Florida Division of Forestry and ERM to mitigate the potential of wildfires.

Unaltered text omitted for brevity
FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' database is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850) 245-6270 or Suncom 205-6270.

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(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: (_______)
KEYFIELD 1 CODE: (_______) KEYFIELD 2 CODE: (_______)
KEYFIELD 3 CODE: (_______) Rev. 4/1994