

ORDINANCE NO. 2016 - 024

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 TRANSPORTATION ELEMENT (TO REVISE POLICIES RELATED TO THE WESTGATE BELVEDERE HOMES COMMUNITY REDEVELOPMENT AREA TRAFFIC CONCURRENCY EXCEPTION AREA (CRA TCEA)); 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 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3184(2)(a), Florida Statutes, provides that comprehensive plan amendments shall follow the expedited state review process except as set forth in Section 163.3184(2)(b) and (c), 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 proposed amendments meet the requirements of Section 163.3184(3)(a), Florida Statutes, to be processed through the expedited state review process, and are being processed through the expedited state review process; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on November 13, December 11, 2015 and January 15, 2016 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 January 27, 2016 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the state land planning agency and review agencies pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received a letter from the state land planning agency dated March 8, 2016 stating that the agency had identified no comments related to

important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment contained in this ordinance if adopted; and

WHEREAS, on April 27, 2016 the Palm Beach County Board of County Commissioners held a public hearing to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with the requirements of the Community Planning 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 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance is Exhibit 1:

A. Transportation Element, to revise to Westgate Belvedere Homes CRA TCEA in order to remove cap on individual use types to allow flexibility, delete completed conditions, and revise language to reflect changing conditions.

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 re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

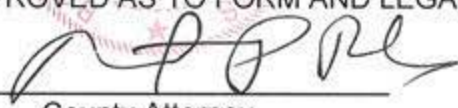
The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the County that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment

1 may be issued or commence before it has become effective. If a final order of
2 noncompliance is issued by the Administration Commission, this amendment may
3 nevertheless be made effective by adoption of a resolution affirming its effective status, a
4 copy of which resolution shall be sent to the state land planning agency.

5 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
6 Beach County, on the 27th day of April, 2016.

7 ATTEST: PALM BEACH COUNTY, FLORIDA,
8 SHARON R. BOCK, CLERK BY ITS BOARD OF COUNTY COMMISSIONERS
9 & COMPTROLLER

10 By  Deputy Clerk
11 By  Mary Lou Berger, Mayor

12 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
13 By 
14 County Attorney

15 Filed with the Department of State on the 4th day of May, 2016.
16 T:\Planning\AMEND\16-8\Admin\Ordinances\Ord-WestgateCRATCEA.docx

EXHIBIT 1

A. Transportation Element, Westgate Community Redevelopment Area TCEA

REVISIONS: To revise to Westgate CRA TCEA in order to remove cap on individual use types to allow flexibility, delete completed conditions; and revise language to reflect changing conditions. The added text is underlined, and the deleted text struck-out.

Policy 1.2-r: The Westgate-Belvedere Homes Community Redevelopment Area (Westgate CRA) Transportation Concurrency Exception Area (TCEA) is hereby established and designated. Contiguous with the boundaries of the CRA, the TCEA is bounded by Okeechobee Boulevard on the north side, Florida Mango Road on the east side, Belvedere Road on the South side, and Military Trail on the West side. The TCEA shall be limited to the maximum allowable number of units, square footage, total daily trips, and total pm peak hour trips identified in the Table TE-6 of this policy. A proposed project must be recommended for approval by the Community Redevelopment Agency to be eligible to benefit from this pool. Any project utilizing this TCEA and significantly impacting Interstate 95 shall be required to address its impacts pursuant to the ULDC. By August 2040~~20~~20, the TCEA may be modified by the BCC if the CRA achieves the developments shown in Table TE-6. Beginning December 30th, 2006, The CRA shall submit an annual report to the County's Planning Director to demonstrate compliance with the conditions set forth in this policy as well as provide data on the Existing Land Use Intensities by number of units, square footage of uses as well as the status of the total daily trips and total peak pm hour trips. Upon review by the Planning Director and the County Engineer, the annual report will be submitted to the Board of County Commissioners (BCC) for consideration. In the event that any of the conditions below are not met, the BCC may amend or rescind any or all of this policy. The conditions are:

1. Development approvals utilizing the TCEA shall remain at or below the maximum allowable limits for units, square footage, total daily trips and total p.m. peak hour trips set by Table TE-6. No building permits shall be issued for new development when the applicable maximum allowable limit for that development is reached.

**Table TE-6
Westgate/Belvedere Homes CRA –TCEA Monitoring Table**

Allowable Land Use Intensities	Residential/ Rental Units	Hotel Rooms	Industrial	Office	Other Non- Residential
Existing Land Use Totals ¹	2257	0	323,895	482,000	2,302,005
Planned Land Use Totals ²	2937	200	572,633	1,137,785	2,819,577
Allowed Variance +/- (%)	15%	50%	10%	10%	10%
Maximum Allowable	3377	300	629,896	1,251,563	3,101,535
Minimum Allowable	2496	100	515,369	1,024,006	2,537,619
Allowable Vehicle Trips		Daily Traffic		PM Peak Hour Traffic	
Planned Land Use Net New Trips		13,229		1,457	

1. As per justification report dated February 2005.

2. Includes existing development.

2. By January 2009, the CRA Board shall adopt a inclusionary housing policy.

- 2.3. The CRA Board shall continue to implement its inclusionary housing policy that requires developers participating in the bonus density pool to set aside 40% of the density bonus units for middle to very low income households (150% of AMI and below). The annual report starting March 31, 2008 must also show the number of the density bonus units by household income created annually through the bonus density pool.

- 3.4. By January 2008, ~~t~~The CRA Board shall continue to implement an incentive program that rewards developers who mix two or more uses on one site for trip internalization.

5. ~~Prior to issuance of building permits for TCEA development generating more than 30% of the total Planned Land Use Net New PM Peak Hour Trips (as identified in Table TE-6). The CRA shall establish a local transit circulator service that runs through the CRA to transport visitors and resident to the main commercial corridors. Transit service at no more than 30-minute frequency over~~

~~a minimum 12-hour duration on weekdays shall be provided within a ¼ mile of fifty percent (50%) of all residential and non-residential areas with the TCEA boundaries. If, however, equivalent service is already being provided by regular Palm Tran bus routes, then the CRA does not need to provide any additional service.~~

~~6. By January 2008, the CRA shall undertake a detailed transit study to develop a local transit connector to downtown West Palm Beach.~~

~~4.7. The CRA shall continue to coordinate with the County Engineering Department to improve the sidewalk network, connections to Palm Tran stops, multi-modal opportunities and street features, including bus shelters, street furniture, lighting, way finding and other pedestrian amenities to create safe, balanced, livable streets that can be used for all forms of travel including non-vehicular modes of travel.~~

~~5.8. By January 2007, The CRA shall continue to work to obtain rights to use property for the development of the greenway and shall complete the design of the greenway alongside the L-2 Canal. The design should show how the bike/walking path will connect the residential neighborhoods to the commercial corridors.~~

~~6.9. By January 2007, ~~t~~The CRA shall continue to develop a parking plan within the CRA that will incorporate shared parking, structured parking garage and parking reduction programs tailored to encourage businesses, residents and visitors to use alternative modes of transportation by locating parking away from pedestrian and bike pathways, providing incentives for bikers and carpoolers, and by designing an environment that reduces dependency on automobiles.~~

~~10. The CRA Board in coordination with the County should evaluate the feasibility of extending Westgate Ave. from Haverhill Road to Jog Road. The CRA Board should coordinate with County to implement the recommendations of the feasibility study for the eastern extension of Westgate Ave up to Old Okeechobee Road.~~



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 4, 2016

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Timothy Montiglio, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your revised electronic copy of Palm Beach County Ordinance No. 2016-024, which was filed in this office on May 4, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb