

# ARTICLE 12

## TRAFFIC PERFORMANCE STANDARDS

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# ARTICLE 12

## TRAFFIC PERFORMANCE STANDARDS

### CHAPTER A GENERAL

#### Section 1 Intent and Authority

##### A. Intent

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

It is the intent of this Article to implement the goals, objectives, policies, and standards of the Plan by amending and readopting the [TPS Ordinance No. 90-40](#).

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

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

##### B. Authority

The BCC has the authority to adopt this Article pursuant to [Article VII, Sec. 1\(g\)](#) and to [Article VIII, Sec. 1, Fla. Const.](#), the [PBC Charter, F.S. §125.01 et seq.](#), [F.S. §163.3161, F.S. §163.3202 et seq.](#), and [Rule 9-J5, F.A.C.](#)

#### Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

##### A. Other Definitions

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

#### Section 3 Applicability

##### A. General

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

##### B. Credits Against Project Traffic

This Section establishes a method for calculating credits against Project Traffic that may apply when seeking to amend a Previously Approved Development Order, or when applying for a Site Specific



Development Order on property, which has an existing use. The burden shall be on the applicant to demonstrate the eligibility and the amount of credit for a proposed Project.

1. Any proposed amendment to a Previously Approved Development Order shall receive a credit for Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current trip generation rates and pass-by rates to the land use or uses previously approved by the Site Specific Development Order. The credit shall be adjusted as necessary to account for changes in traffic distribution resulting from modifications to the Previously Approved Development Order. The credit shall be reduced as applicable based on any subsequent reduction of square footage or number of units built pursuant to master plan or site plan amendment, and in accordance with any subsequent amendment to applicable municipal rules, policies or land development regulations.
2. Any application for a Site Specific Development Order on property on which there is an existing use shall receive a credit against Project Traffic subject to the provisions of this Section. The credit shall be calculated by applying current trip generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application.
3. A Project shall be eligible for a 100 percent credit against Project Traffic if the Previously Approved non-residential Project has received CO for interior tenant improvements for at least 80 percent of the gross leasable area for more than five years or a residential Project shall be deemed completely built when 80 percent of the units as set forth in the master plan or site plan as applicable have been issued building permits.
4. An urban redevelopment project located within a defined and mapped existing urban service area shall not be subject to the standards of this Section, for up to 110 percent of the traffic generation of the previously existing development.

### **C. Non-Applicability**

#### **1. Local Government Applications**

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

#### **2. Development Order Time Limit Criteria**

This Section shall not apply to PBC initiated petitions to lower density/intensity under Development Order Time Limit Criteria in [Article 2.E, MONITORING](#), of the Code. Nothing herein shall preclude the review of approvals under Development Order Time Limit Criteria, for consistency with this Section.

#### **3. Entitlement**

The standards of this Section shall not apply to Site Specific Development Orders not exceeding entitlement densities/intensities established in the Plan or [Art. 12.E, Entitlement](#).

#### **4. Special Events**

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

- a. For purposes of this Section, a special event is an activity which does not exceed three consecutive weeks a year, occurs no more frequently than once a year, and is open to the general public. It includes auto races; Fourth of July activities; parades; and festivals. It does not include recurring events such as baseball games, football games, concerts, races, and the like held in stadiums, amphitheaters, or other permanent facilities even if such facilities are used for special events. Each special event shall constitute a separate special event for purposes of calculating the number of weeks of the event. If the Plan is amended to provide more stringent provisions as to this exception, the Plan shall control.
- b. For the purposes of this Section, a special part time demand event is a development that does not have more than 200 scheduled events during any calendar year and does not put traffic on the roadway system during the 100 highest traffic hours.
  - 1) The 100 highest traffic hours for the area of the special part-time demand shall be determined by the County Engineer based on information from permanent count stations.
  - 2) The development shall not be permitted if the daily traffic generated during a scheduled event has an impact that exceeds five percent of the LOS D Standard Volume on a roadway on the Florida Intrastate Roadway System.
  - 3) The development shall be restricted to areas identified as urban infill, urban redevelopment, existing urban service, or downtown revitalization areas in the Local Government's Comprehensive Plan.

- 4) A traffic report shall be prepared that identifies the trip generation of the development, the modal split (if any), the location of the development, and the month and time of day of scheduled events. The Development Order for the development shall include monitoring and enforcement provisions restricting the development to the number and timing of the events.
5. **Subsequent or Amendments to Development Orders**
  - a. **Subsequent Implementing Development Orders**

The standards of this Article shall not apply to Site Specific Development Orders which are subsequent implementing Development Orders to Previously-Approved Site Specific Development Orders which were captured by this Section or [Ordinance 90-6](#) (Traffic Performance Standards Municipal Implementation Ordinance), but which are required by Local Government as part of the Development approved under the captured or Previously-Approved Site Specific Development Order. Examples of these subsequent implementing Site Specific Development Orders are subdivision approvals and building permits issued in a planned unit development (PUD) where the PUD is a Previous Approval or met the requirements of this Article (either directly or through the Traffic Performance Standards Municipal Implementation Ordinance).
  - b. **Amendments to Previously-Captured-Approvals**

Amendments to Site Specific Development Orders which were captured by this Article or [Ord. 90-6](#) (Traffic Performance Standards Municipal Implementation Ordinance) which do not increase the captured Site Specific Development Orders Net Trips or Net Peak Hour Trips on any Link or Major Intersection (including increases resulting from redistribution) shall not be subject to the standards of this Article. For purposes of this determination, the generation rates and capture rates of the captured Site Specific Development Order shall be updated to current generation and capture rates, if applicable, and shall be used to calculate whether there is any increase. If there is an increase, Net Trips shall be subject to the standards of this Article.
6. **Vested Rights**

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

The standards of this Article shall not apply to Site Specific Development Orders for the Coastal Residential use as set forth in [Article 12.I.COASTAL RESIDENTIAL EXCEPTION](#), the small 100 percent very low and low-income housing Project as set forth in [Article 12.G, AFFORDABLE HOUSING](#) and the special events, as set forth in [Article 12.A.3.C.4, Special Events](#).
8. **Requirements**

The exceptions to the standards of this Article (LOS Standards) do not obviate the requirement to report the Site Specific Development Order, or provide the Traffic Impact Study (where required), to the County Engineer.
- D. **Municipal Determination of Previous Approval**
  1. **Validity**

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

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

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

If the County Engineer requests additional information, he shall have 30 days, exclusive of tolled days, from the receipt of the additional information to notify the property owner and Municipality as to, and file, an action for judicial review.
  5. **Period to File**

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

The documents sent pursuant to [Article 12.A.3.D.2, Procedures](#) and [Article 12.A.3.D.4, Additional Information](#), shall be sent certified mail, return receipt requested, or hand delivered.

**7. Appeals**

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

**8. Limitation on PBC's Review/Appeal**

- a. The time frames set forth in [Article 12.A.3.D.3, Timing](#), and [Article 12.A.3.D.4, Additional Information](#), above as to PBC are jurisdictional. Any failure on the part of PBC to timely send the notification shall result in the municipality's determination being conclusive and binding.
- b. Clerical errors in long-standing otherwise Valid Site Specific Development Orders on which development commenced prior to February 1, 1990 shall not be grounds for appeal or review.
- c. Any Municipal determination that there is a Previous Approval on a Lot upon which building construction or infrastructure improvements have been made within the last three years which are consistent with the Development Order considered to be the Previous Approval shall not be appealed by PBC.
- d. Any Municipal determination that a Valid Site Specific Development Order (as determined by PBC) issued prior to February 1, 1990, and within three years prior to February 1, 1990, is a Previous Approval and shall not be appealed by PBC.

**9. Completion of Previous Approvals**

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

**E. Municipal Concurrency Management System**

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

**CHAPTER B STANDARD**

**Section 1 General**

There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which would violate this standard. This standard consists of two tests. The first test relates to the Buildout Period of the Project and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Project Buildout Period. Where a CRALLS service volume has been adopted, those volumes shall apply. Where a CRALLS service volume has been adopted for the LINK only, the allowable service volume for the intersections at both ends of the CRALLS links shall be calculated as follows: Allowable CRALLS intersection volume = CRALLS Link volume/LINK LOS D volume x 1400. Where CRALLS service volumes have been adopted for contiguous links that meet at a common intersection, the allowable service volume for the intersection shall be calculated as follows: Allowable CRALLS intersection volume = the average of the two CRALLS Link volumes/Link LOS D volume x 1400. The second test relates to the modeling of traffic based upon Model Traffic. It requires that Total Model Traffic not exceed the Adopted LOS on any Link. [Ord. 2005 – 002]

**Section 2 Project Buildout/Model Standard**

**A. Buildout Test - Test 1- Part One and Two**

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

**1. Part One – Intersections**

This Part requires analysis of Major Intersections, within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development of Influence. For purposes of this Part One, Major Intersections also includes intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access where: 1) the intersection is signalized or where projected traffic volumes warrant a signal; and 2) the non-thoroughfare approach

is projected to carry at least 200 two-way, peak hour trips and, 3) the non-thoroughfare approach represents 20 percent or more of the intersection critical sum volume. **[Ord. 2005-002]**

- a. At the Major Intersections in each direction nearest to the point at which the Proposed Project's Traffic enters each Project Accessed Link, and where the Project Traffic entering and exiting the intersection is significant, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA). The intersections analyzed shall not exceed two intersections per Project Accessed Link. **[Ord. 2005 – 002]**
- b. At all Major Intersections where the Project Traffic comprises ten percent or more of the Total Traffic on at least one approach, the applicant shall conduct a CMA analysis. **[Ord. 2005 – 002]**
- c. The intersections shall operate below the threshold of 1,400 vehicles per hour as a Critical Volume using CMA, or the Project shall fail Test One. In the event that one or more intersections exceed the 1,400 threshold, the applicant may elect to conduct the intersection analysis of those intersections using the HCM Operational Analysis.
- d. If the HCM Operational Analysis is selected, the analysis will comply with the default input values published by the County Engineer no more frequently than twice per year. Revisions to the input values may be made to reflect actual or projected field conditions where substantial differences from the default values can be demonstrated. If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C-2 1B, the Project passes Part One of Test One and continues with the Part Two – Link Analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C-2 1B, the Project fails Part One of Test One.
- e. For the projects on or having a directly accessed link to Southern Boulevard, the single Point Urban Interchange shall be treated as one of the nearest Major Intersections. For purposes of determining significance of the traffic entering and exiting the intersection, the traffic entering and exiting the ramps shall be considered against the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour. **[Ord. 2005 – 002]**

## 2. Part Two – Links

This Part requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development influence. The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic; two-way volume threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the Total Traffic is higher than the threshold, then the Project fails Part Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Part Two. **[Ord. 2005 – 002]**

- a. Optional Analysis i., On all Links where the peak hour Total Traffic exceeds the [Table 12.B.2.C-1, 1A: LOS D Link Service Volumes](#), Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each Link shall be compared to the thresholds in [Table 12.B.2.C-1, 1A: LOS D Link Service Volumes](#), Class II. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the peak hour Total Traffic is higher than the threshold, then the Project fails. If the Project fails, optional analysis ii may be completed as outlined below, to demonstrate compliance with Part Two.
- b. Optional Analysis ii, On all Links where the Total Traffic peak hour directional volumes exceed the thresholds in [Table 12.B.2.C-1, 1A: LOS D Link Service Volumes](#), Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in [Table 12.B.2.C-1 1A: LOS D Link Service Volumes](#), Class I and the Major Intersections on each end of the failing Link shall be analyzed using the CMA analysis. If the project is on Southern Boulevard, the intersection created by the Single Point Urban Interchange shall not be considered the intersection at the end of the link since the intersection is actually not on Southern Boulevard. The project should include the next intersection with Southern Boulevard for analysis. If these intersections exceed the 1,400 Critical Volume, these intersections must meet LOS D using the HCM Operational analysis: **[Ord. 2005 – 002]**
  - 1) the Total Traffic peak hour directional volume on the Link is less than the thresholds in [Table 12.B.2.C-1, 1A: LOS D. Link Service Volumes Class I](#);
  - 2) and the intersections are below the 1,400 Critical Volume or below the Delay Threshold in [Table 12.B.2.C-2, 1B: LOS D Intersection Thresholds](#).If the Project fails Part Two of Test One using optional analysis ii but the intersections at the end of the failing link are below the 1,400 Critical Volume or below the Delay Threshold in



Table 12.B.2.C-2,1B a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Part Two. **[Ord. 2005 – 002]**

- c. Optional Analysis iii, On all Links where the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of the Link did not exceed the 1,400 Critical Volume or the LOS D Intersection Threshold, the HCM Arterial Analysis Operational methodology shall be conducted. For these Links, the Project shall demonstrate that the Total Traffic peak hour, directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D as defined in [Table 12.B.2.C-3, 1C: LOS D. Speed Thresholds](#). If the speed is lower than LOS D then the Project fails Part Two of Test One. If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test One. **[Ord. 2005-002]**

If the number of lanes is different in each direction of a Link both directions shall be evaluated against the applicable standard. If the Peak Season, Peak Hour, Peak Direction Traffic exceeds the Adopted Peak Season, Peak Direction LOS during the Buildout Period of the Project, no Site Specific Development Order shall be issued unless Link improvements are made, including Through-Intersection Continuity such that Test One, is satisfied. The Applicant may make intersection improvements in accordance with PBC or FDOT Design Standards to achieve the Adopted LOS Critical Volume.

## **B. Model Test/Test 2**

1. Except as specifically provided in this Article, no Site Specific Development Order shall be issued which would add Daily Net Trips to any Link within the Project's Model Radius Development Influence if the Total Model Traffic on that Link would result in an Average Daily Traffic volume, as determined by the Model, that exceeds the Adopted LOS. For purposes of this analysis, the construction contemplated in the Model Plan shall be the basis. **[Ord. 2005-002]**
2. For proposed Projects generating more than seven thousand Daily Net Trips, except as specifically provided in this Article, no Site Specific Development Orders shall be issued which would add Net Trips to any Link within the Project's Model Radius of Development Influence if the Total Model Traffic (by utilization of Model to assign Net Trips) on that Link would result in an Average Daily Traffic volume, as determined by the Model, that exceeds the Adopted LOS. For purposes of this analysis, the construction contemplated in the Model Plan shall be the basis. **[Ord. 2005-002]**
3. If Test Two could be technically satisfied by improving the deficient Link(s), the County Engineer may determine that such improvements will not satisfy Test Two where such improvements do not result in additional capacity sufficient to solve the deficiency on the Major Thoroughfare Network or do not provide continuity based upon generally accepted traffic engineering principles.

## **C. Level of Service Standard**

1. The LOS D Standard Service Volumes as to Average Daily Traffic, Peak Hour Traffic two-way and Peak Season, Peak Direction (Test 1 for Links are set forth in [Table 12.B.2.C-1, 1A: LOS D Link Service Volumes](#). The LOS D thresholds relative to intersections are set forth in [Table 12.B.2.C-2 1B: LOS D Intersection Thresholds](#). The LOS D threshold associated with the HCM arterial analysis in terms of speed is provided in [Table 12.B.2.C-3, 2C: LOS D Speed Thresholds](#).
2. The LOS E Standard Service Volumes for Average Daily Traffic, Peak Hour Traffic two-way and directional, applied to Link Tests, are set forth in [Table 12.B.2.C-4, 2A, LOS E Link Service Volumes](#). The LOS E thresholds relative to intersections are set forth in [Table 12.B.2.C-5 2B, LOS E Intersection Thresholds](#). The LOS E thresholds associated with the HCM arterial analysis in terms of speed are provided in [Table 12.B.2.C-6 2.C, LOS E Speed Thresholds](#).
3. For roads on the FIHS, the LOS standard shall be LOS D in Urban Areas and LOS C in Transitioning Urban Areas, Urban Areas, or Communities; and, LOS B in Rural Areas as adopted by the FDOT. This standard must be met for roadways on a peak hour/peak direction basis. Numeric values for this standard, for planning purposes, are shown in Table 4-7 in FDOT's "LOS Manual." For more specific capacity determinations, numeric calculations of this standard shall be in accordance with the methodologies for roadway capacity, (Chapter 11) contained within the Highway Capacity Manual, Special Report 209, Third Edition, as published by the Transportation Research Board or the FDOT's "Level of Service Manual" (1995 or as amended), using "ART-Plan". For Projects with impacts on the FIHS roadways the LOS standard shall be established and met for each Project phase, and at Project completion.
  - a. A Project with traffic impacts on roads on the FIHS, that received a Development Order prior to the implementation of the methodology described above, may readdress its traffic impacts on the FIHS based on the methodology described in [Article 12.B.2.C.3](#), above using updated traffic information.

4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a development order condition may not be necessary due to the adoption of a CRALLS. An applicant with a Project that has a development order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the concurrency reservation (for unincorporated Projects) or determination of the County Engineer (for municipal Projects) has been amended to delete the applicable roadway phasing condition.

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**Table 12.B.2.C-1 1A: LOS D Link Service Volumes**

FACILITY TYPE		ADT	Peak Hour Two Way	Peak Season, Peak Hour, Peak Direction	
				(Class I)	(Class II)
2 lanes undivided <sup>1</sup>	2L	12,300	1,170	690	650
2 lanes one-way	2LO	19,600	1,870	2,230	2,050
3 lanes two-way	3L	15,400	1,460	860	810
3 lanes one-way	3LO	29,500	2,810	3,350	3,080
4 lanes undivided <sup>1</sup>	4L	24,500	2,330	1,400	1,280
4 lanes divided	4LD	32,700	3,110	1,860	1,710
5 lanes two-way	5L	32,700	3,110	1,860	1,710
6 lanes divided	6LD	49,200	4,680	2,790	2,570
8 lanes divided	8LD	63,800	6,060	3,540	3,330
4 lanes expressway	4LX	67,200	6,250	3,440	3,440
6 lanes expressway	6LX	105,800	9,840	5,410	5,410
8 lanes expressway	8LX	144,300	13,420	7,380	7,380
10 lanes expressway	10LX	182,600	16,980	9,340	9,340

[Ord. 2005 – 002]

Based on the FDOT Quality/ LOS Manual, 2002 edition.

<sup>1</sup>Service volumes for “undivided” roadways assume no left turn lanes are available. [Ord. 2005 – 002]

**Table 12.B.2.C-2 1B: LOS D Intersection Thresholds**

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

**Note:** The delay identifies seconds of delay greater than 35.0 and less than or equal to 55.0.

**Table 12.B.2.C-3 1C: LOS D Speed Thresholds**

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

**Note:** speed values refer to a “range” of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.

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**Table 12.B.2.C-4 2A: LOS E- Link Service Volumes**

FACILITY TYPE		ADT	Peak Hour	Peak Season, Peak Hour, Peak Direction	
			Two-Way	Class I	Class II
2 lanes undivided <sup>1</sup>	2L	13,000	1,240	710	680
2 lanes one-way	2LO	20,700	1,960	2,230	2,160
3 lanes two-way	3L	16,300	1,550	890	850
3 lanes one-way	3LO	31,100	2,950	3,350	3,250
4 lanes undivided <sup>1</sup>	4L	25,900	2,450	1,400	1,350
4 lanes divided	4LD	34,500	3,270	1,860	1,800
5 lanes two-way	5L	34,500	3,270	1,860	1,800
6 lanes divided	6LD	51,800	4,920	2,790	2,710
8 lanes divided	8LD	67,000	6,360	3,540	3,500
4 lanes expressway	4LX	76,500	7,110	3,910	3,910
6 lanes expressway	6LX	120,200	11,180	6,150	6,150
8 lanes expressway	8LX	163,900	15,240	8,380	8,380
10 lanes expressway	10LX	207,600	19,310	10,620	10,620

[Ord. 2005 – 002]

Based on the FDOT Quality/LOS Manual, 2002 edition.

<sup>1</sup>Service volumes for “undivided” roadways assume no left turn lanes are available. [Ord. 2005 – 002]

**Table 12.B.2.C-5 2B: LOS E Intersection Thresholds**

LOS	Critical Movement	HCM Operational Analysis
E	1500	Greater than 55.0 to 80.0 Seconds of delay

**Note:** The delay identifies seconds of delay greater than 55.0 and less than or equal to 80.0.

**Table 12.B.2.C-6 2C: LOS E Speed Thresholds**

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

**Note:** speed values refer to a “range” of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.

**D. Maximum Radius of Development Influence/Project Significance**

Table 12.B.2.D-7, 3A and Table 12.B.2.D-8, 3B represent the maximum Radius of Development Influence- (Test One) and Model Maximum Radius of Development Influence (Test Two) for the specific volume of the proposed Project’s Net Trips. Where the distribution of the Project’s Net Trips on the Major Thoroughfare system results in 95 percent or more of its traffic assigned beyond the Radius of Development Influence on one link, the radius will expand to include the Links of the first Major Intersection beyond the RDI. [Ord. 2005-002]

**Table 12.B.2.D-8 3B: Test Two – Model Test –Maximum Radius Development Influence**

Net Daily Trip Generation	Radius
1 – 50	Need not address any Link under Test 2
51 – 1,000	Only address Project-Accessed Link on first accessed major thoroughfare.
1,001 – 4,000	1 mile
4,001 – 8,000	2 miles
8,001 – 12,000	3 miles
12,001 – 20,000	4 miles
20,001 – up	5 miles

[Ord. 2005 – 002]

A Project must address only those Links on which its Net Trips are greater than three percent of the LOS E of the Link affected on an ADT basis up to the limits set forth in Table 12.B.2.C-5, 2.B: LOS E Intersection Threshold. Provided, in all cases, I-95 shall be addressed only if Net Trips on I-95 are greater than five percent of the LOS E of the Link affected on an ADT basis up to the limits set forth in Table 12.B.2.C-5: 2.B: LOS E Intersection Threshold.

Table 12.B.2.D-9-3B identifies the thresholds for the purposes of defining project significance for Test One. The LOS D thresholds shall mean those two-way peak hour volumes listed in Table 12.B.2.c-1 1A.



Table 12.B.2.D-10-4B identifies the Significance thresholds for Test Two. The LOS E thresholds shall be those ADT volumes listed in Table 12.B.2.C-4.2A. [Ord. 2005 – 002]

**Table 12.B.2.D-9 -3B – Test One Levels of Significance**

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	one percent LOS D	five percent LOS D

[Ord. 2005 – 002]

**Table 12.B.2.D-10-4B – Test Two Levels of Significance**

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	three percent LOS E	five percent LOS E

[Ord. 2005 – 002]

**E. Phasing**

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

1. The Proposed Project is able to comply with all the other Concurrency Requirements of the Plan in the unincorporated area.
2. The proposed phasing results in the proposed Project complying with the standards set forth in this Chapter.
3. The proposed phasing comports with the extent and timing of the Assured Construction.
4. The County Engineer confirms that construction is in fact Assured Construction.
5. For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to the application being accepted that a condition of approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security.
6. Building Permits for that portion of a Project approved with phasing which if standing alone would be the Entitlement phase of the Project may be issued notwithstanding the standards in this Chapter.
7. Conditions of the Development Order are imposed or an Agreement is entered which ensure permits are restricted in accordance with the phasing.
8. Phasing shall be controlled by the non-issuance of building permits. Phasing may not occur by issuing building permits for any of the phased units or square feet and withholding the CO, inspections, or other items subsequent to the issuance of building permits. Local Government may control phasing by a means prior to the issuance of building permits.

**F. Reliance on Assured Road Construction**

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

1. If intersection improvements are required to meet Test one and there is a scheduled road construction Project which would incorporate all or a portion of such intersection improvements, then the County Engineer, in his/her sole and exclusive discretion, may require payment for the cost of such intersection improvement provided all other requirements of the TPS have been satisfied. In that event, upon receipt of the payment, Building Permits shall be granted for a portion of the Project which is phased to such intersection improvements. The payment shall be based on a certified engineering estimate accepted by the County Engineer.
2. If the Assured Construction is in the first three years of PBCs Five Year Road Program Ordinance as construction, or the first three years of the FDOT Adopted Work Program for construction, and was relied upon for the issuance of the Site Specific Development Order and the construction is subsequently deleted from the PBC Five Year Road Program Ordinance, or the FDOTs Adopted Work Program, Building Permits for development that was phased to that Assured construction shall be issued, but not sooner than the end of the fiscal year construction was to commence. For purposes of this paragraph, "deleted" shall mean the elimination of the construction project, the material reduction in the scope of construction work or funding thereof (as it affects the construction

project), the postponement of the construction project for more than two years (one year for projects approved prior to June 16, 1992) beyond the year the construction was originally programmed in the first three years of PBCs Five-Year Road Program or the first three years of the FDOTs Adopted Work Program.

3. Three-Year Grace Period notwithstanding the requirements in this Subsection, a Project may receive a building permit if the required roadway improvements are in the first three years of PBCs Five-Year Road Program, and the Project is one of the following:
  - a. located in the residential exception Area per Transportation Element [Policy 1.2-a](#);
  - b. located in the Glades communities, delineated as the areas in the Urban/Suburban (U/S) Tier immediately east of Lake Okeechobee, and the areas with urban densities in the rural towns of Lake Harbor and Canal Point;
  - c. located in the Redevelopment and Revitalization Overlay; or
  - d. the Project is a facility that is wholly owned and operated by State or local government, or a public or private school as defined in the Introduction and Administration Element of the Plan.

#### **G. Development of Regional Impact (DRI)**

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

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

## **CHAPTER C TRAFFIC IMPACT STUDIES**

### **Section 1 Traffic Impact Study**

#### **A. Scope**

A Traffic Impact Study shall be required for any Proposed Project, except as set forth in [Article 12.E.1.C, No Study Needed](#). It shall be presented concisely using maps whenever practicable; and shall state all assumptions and sources of information.

#### **B. Criteria**

The following criteria shall be addressed:

##### **1. Level of Service (LOS)**

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

##### **2. Radii of Development Influence**

The traffic study shall use the Radius Of Development Influence for Test One and Test Two.

##### **3. Projected Buildout Period**

The Projected Buildout Period of the Project shall be set forth in the study and shall be subject to the review and approval of the County Engineer, based on the following criteria.

- a. The size, type and location of the proposed Project.
- b. Customary Buildout Periods for Projects of similar size, type, and location.
- c. Any other factors or conditions relevant to the specific Project, including special market conditions and schedules of Assured Construction.

##### **4. Project Phasing**

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

##### **a. Generation**

Project traffic figures and assignments for each proposed phase; and

**b. Assured Construction**

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

**5. Peak Hours**

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

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

**6. Off-Peak to Peak Season Factors**

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

**7. Net Trips**

For proposed Projects generating more than seven thousand Net daily Trips, for Test Two the analysis shall include information sufficient for the County Engineer to utilize the Model to assign Net Trips to the Model Plan.

**8. Compliance**

The analysis must demonstrate compliance with the standards contained in Test One and Test Two.

**9. Professional Services**

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

**10. List**

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

**11. Site Related Improvements**

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

**C. Traffic Volume Components**

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and the Model Forecast Year as outlined for Test One and Test Two.

**1. Existing Traffic - (Peak Season Peak Hour Traffic)**

Peak Hour Traffic, two-way and directional shall be counted by PBC during the Peak Season as defined in this Article. Where current data are not available the Project shall conduct counts or upon approval by the County Engineer may establish the Peak Hour Traffic using approved K and D factors.

**a. Counts**

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

**b. Factors**

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

## 2. Traffic Generation

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

### a. Rates

Trip generation rates presented in [Table 13.H.4-20](#), Fair Share Road Impact Fee Schedule shall be used to calculate Average Daily Project trips. For peak hour Project trip generation and where no appropriate daily rates are listed in [Table 13.H.4-20](#), Fair Share Road Impact Fee Schedule the rate equation or tables published in the latest edition of the ITE Trip Generation and Informational Report shall be used unless the County Engineer accepts that other standards provide a more accurate means to evaluate the rates of generation or if documentation is supplied by the Applicant which affirmatively demonstrates more accurate generation rates based on accepted engineering principles.

### b. Local Conditions

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

### c. Similar Developments

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

### d. Internal Traffic

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

### e. Pass by Trips

It is acknowledged that some trips generated by a proposed non-residential Project are from existing traffic passing the proposed Project and are not newly generated trips. Credit against the trip generation of the proposed Project may be taken for these trips up to the percentage shown in [Article 13, IMPACT FEES](#), or the ITE manual when approved by the County Engineer. The study must detail: (1) all traffic generated from the Project, and (2) the number of Pass-By Trips subtracted from the traffic generated by the Project during the Buildout Period of the Project. Uses other than those listed in [Article 13, IMPACT FEES](#), and any percentage credit proposed to be taken in excess of that shown in [Article 13, IMPACT FEES](#), must be justified based on accepted traffic engineering principles to the satisfaction of the County Engineer as part of the required traffic study, based upon the peculiar characteristics and location of the proposed Project. Factors which should be considered in determining a different Pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding Major Thoroughfare system, and existing and projected traffic volumes. In no case shall the number of Pass-By Trips exceed 25 percent of Existing traffic plus Background Traffic on the Link, unless demonstrated otherwise to the satisfaction of the County Engineer based on generally accepted traffic engineering principles.

## 3. Traffic Assignment

Total Traffic shall be computed, and traffic assignments of the Net Trips made, for each Link and Major Intersection within the Projects Radius of Development Influence and Model Radius of Development Influence in conformity with accepted traffic engineering principles for both Test One, and Test Two. The assignments shall address phasing and cover the Buildout Period of the Project for Test One.

## 4. Background Traffic

### a. General

Existing traffic volumes will likely change during the Buildout Period of the proposed Project. The traffic study must account for this change in traffic based on Background Traffic during the Buildout Period of the proposed Project. The Projection of Background Traffic shall be based upon the information set forth on the Historical Traffic Growth Rate Table and the map of Major Projects, and shall be established in accordance with the requirements set forth in this Article and accepted engineering principles. This change in traffic shall be shown as it relates to the proposed phasing. The Projection of Background Traffic during the Buildout Period of the proposed Project shall be based upon and subject to the review and approval of the County Engineer, using the following criteria:

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

**b. Historical Growth Tables**

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed Project. This change shall be on an average peak hour basis and a Peak Season, Peak Hours-Peak direction basis if optional analyses are selected. The effect of Major Projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer.

**c. Major Project Tables**

Using the Major Project Tables, all traffic from the unbuilt portion of Major Projects which have received a concurrency reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add more trips than ten percent of the LOS D Table 12.B.2.C.1, 1A: LOS D Link Service Volumes, to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting Traffic. No double counting of trips shall occur, and the historically derived projections shall be adjusted based upon the impact of Major Projects. Only the traffic generated from the unbuilt portions of the Major Projects as set forth above which are projected to be built during the Buildout Period of the proposed Project shall be considered. [Ord. 2005-002]

**5. Assured Construction**

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

**Section 2 Conditions**

The Concurrency Reservation or Site Specific Development Order shall contain such conditions as are necessary to ensure compliance with this Article. The Local Governments, including the legislative and administrative boards, the DRO and officials, issuing Concurrency Reservations or Site Specific Development Orders are authorized to, and shall, impose such conditions. The Local Governments including the legislative and administrative boards, the DRO, and officials shall require where necessary to ensure compliance with this Section that an Agreement be executed prior to the issuance of the Site Specific Development Order. Performance Security shall be required to ensure compliance with the conditions or performance under the Agreement or condition of approval. The Agreement or conditions of approval shall be binding on the owner, its

successors, assigns, and heirs; and it, or notice thereof, shall be recorded in the Official Records of the Clerk of the Circuit Court in and for PBC, Florida.

## **CHAPTER D MODELING OF TRIPS**

### **Section 1 General**

The Department of Community Affairs (DCA) in conjunction with the FDOT requires that all Traffic from both approved-built and approved-un built Projects be "loaded" on the Major Thoroughfare system. This loading is done by the Model using the currently adopted long range plan.

### **Section 2 Relationship to Traffic Impact Studies**

#### **A. Intent**

The Model is intended to be used as a planning tool to estimate the remaining available capacity on the Major Thoroughfare system. It is a general planning tool which does not lend itself to analyzing specific Traffic Impact Studies. Therefore, Applicants should not assign Project Traffic using the Model. However, Applicants may provide input to the County Engineer or the MPO in updating the data and recalibrating the Model.

#### **B. Utilization**

Notwithstanding Art. 12.D.2.A, Intent, above, the Model shall be utilized by the County Engineer to assign Net Trips for Test Two purposes on proposed Projects generating more than 7000 Net daily Trips.

The Model Plan is a long-term plan. Because of its distance in time, many things may change which will result in a different Major Thoroughfare system. Therefore, it is not accurate for purposes of ensuring that road capacity not be "given away" twice.

### **Section 3 Iterative Model**

#### **A. Information in Plan's Table 2**

Socio-economic data from all municipally-approved but unbuilt Projects were not included in the model because the data was not available. All approved but unbuilt Projects in the unincorporated area were included. It is anticipated that some of these unincorporated Projects will not receive Concurrency Exemption Determinations under the Concurrency Exemption Ordinance. It is presently believed that this overestimation of PBC approvals and absence of municipal approvals roughly balances, resulting in an acceptable estimation for the determination of Model Traffic for the application of this Section for a relatively short time.

However, it is necessary as a planning tool and a concurrency management tool that PBC establish an estimation that warrants confidence. PBC shall complete its socio-economic data update from its Concurrency Exemption process no later than July 1, 1991. Any units or square footage lost through the application of PBC Code shall be removed from the Model socio-economic data as approved, unbuilt land uses.

#### **B. Municipal Responsibility**

##### **1. List**

Therefore, by July 1, 1991, the Planning Division, with the cooperation of the municipalities, shall establish a final list of approved but unbuilt Projects and built Development in the municipalities. The list shall include the estimated buildout date for each residential Project containing more than 50 units. The traffic from these approvals shall be "loaded" in the Model no less frequently than every six months as data is gathered and refined.

##### **2. Information**

In order to update the socio-economic data used in the Model, the Municipality shall identify and provide PBC with preliminary but complete information as to specific uses approved, their locations, the density or intensity of each use, and the extent of the development already built and yet to be built. This shall be sent to PBC as soon as practical following receipt of the data forms and maps from the PBC Planning Division. These forms and maps shall be used by the municipality.

##### **3. Update**

The municipality shall update this information no less frequently than every six months as a result of all new information, including Site Specific Development Orders issued after preliminary submittal referenced in Art. 12.D.3.B, Municipal Responsibility, and units or square footage lost through the

application of the Municipal land development regulations. Updates to the socio-economic database which are the result of municipal determinations as to Previous Approvals shall be sent to the County Engineer within 15 days of each determination but in no case no later than July 1, 1991. This updated information shall be used for informational purposes to update the socio-economic database, by TAZ, for the Model.

**4. Appeals**

Subsequent to the six month update of the Model, appeals by interested persons who provided written input in accordance with Art. 12.D.3.B.2, Information, may be filed with the Appeals Board established in Art. 12.G, Appeals. Appeals shall be filed within 30 days of the County Engineer's publishing of the updated Model information, care of the County Engineer, Traffic Division. The appeals shall state the grounds therefore.

5. Nothing herein shall restrict input on the Model outside of the process of this Art. 12.D.3.B, Municipal Responsibility.

**Section 4 Adjustments**

**A. ADT**

The Model reflects Peak Season weekday average daily traffic. All updates of the Model shall include an adjustment to reflect ADT.

**B. Phasing/Assured Construction**

1. That traffic from the portion of a Project phased to improvements on a Link which are not included in the Model Plan shall not be included in the Model until the Link, as improved, is included in the Model Plan.
2. Assured construction shall be included in the Model Plan System.

**CHAPTER E PROCEDURE**

**Section 1 Required Submission of Impact Study**

**A. Application Procedure**

Prior to acceptance of any application for a Site Specific Development Order in the unincorporated area, or issuance of a Site Specific Development Order in the incorporated area, a non-refundable application fee established by the BCC from time to time to defray the actual cost for processing the application, shall be submitted along with the Traffic Impact Study or documentation sufficient to establish that the application is not subject to the standards of this Article. In order to receive a time extension pursuant to [Article 2.E, MONITORING](#), the applicant shall be required to submit a new Traffic Impact Study or documentation sufficient to establish that the Project with the additional time provided by the extension meets the standards of this Article in effect at the time the extension is granted.

**B. Review by County Engineer**

The County Engineer or Municipal Engineer, as applicable, shall review the information submitted pursuant to this Article and determine whether the proposed Project complies with this Article. In the unincorporated area the County Engineer shall coordinate with the Planning Division whether the Site Specific Development Order meets the other Concurrency Requirements of the Plan. The procedures set forth in the Adequate Public Facilities Chapter, shall control; except as to any appeals from this Article, in which case [Article 12.F, APPEALS](#), of this Article shall control. Nothing herein or in the Adequate Public Facilities Chapter shall preclude direct informal communication between the County Engineer and the Applicant or his agents. In the Unincorporated Area, a statement that an application for a Site Specific Development Order is being considered shall be sent to any Municipality within the proposed Project's Radius of Development Influence 30 days prior to the issuance of the Site Specific Development Order for all proposed Projects generating more than 100 Gross Peak Hour Trips. The statement shall be sent by U.S. Mail, or hand delivered.

**C. No Study Needed**

**1. Residential**

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

**2. Non-Residential**



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

### **3. Amendments**

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

## **Section 2 Review of Traffic Impact Study**

### **A. County Engineer Review**

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

### **B. Municipal Review**

On all other proposed Projects the Municipality shall perform such review unless the Municipality provides in writing, delivered to the County, that the Municipality elects to require review by the County Engineer. If the Municipality elects to perform the review, it shall be done by a Municipal Engineer. The review shall be in accordance with the requirements of this Article. In the case of Municipal review, 30 days prior to approval of the application for the Site Specific Development Order, the Traffic Impact Study, along with the determination of the reviewing traffic engineer, shall be sent to the County Engineer, c/o Traffic Division, 160 Australian Avenue, West Palm Beach, Florida, 33406. A statement that the Municipality is considering an application for a Site Specific Development Order shall also be sent to any Municipality within the Project's Radius of Development Influence involved 30 days prior to issuance of the Site Specific Development Order for all proposed Projects generating more than one 100 Gross Peak Hour Trips. All documents under this Article shall be sent by U.S. Mail, or hand delivered.

### **C. Prohibitions**

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

### **D. Appeals**

Determinations of the County Engineer or Municipal Engineer must be in writing and any denial shall state the reasons thereof. Determinations of denial may be appealed pursuant to [Article 12.F, APPEALS](#).

## **CHAPTER F ENTITLEMENT**

### **Section 1 General**

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

### **Section 2 Unincorporated Area**



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

### **Section 3      Incorporated Area**

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

### **Section 4      Discretion of Board**

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

## **CHAPTER G    APPEALS**

### **Section 1      Board**

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

### **Section 2      Request/Notice**

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

### **Section 3      Hearing**

#### **A. Burden of Proof**

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

#### **B. Reimbursement**

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

#### **C. Quorum**

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

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#### **D. Decision**

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

#### **Section 4 Appeal from the TPSAB**

The decision of the TPSAB may be appealed by petition for writ of certiorari to the Fifteenth Judicial Circuit Court by either the Applicant or a Local Government within 30 days of the decision. Consideration shall be limited to the record established before the TPSAB.

#### **Section 5 No Impairments of Judicial Rights or Remedies**

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

### **CHAPTER H AFFORDABLE HOUSING**

#### **Section 1 Applicability**

##### **A. Applicability**

This Chapter applies to "Projects to Provide Affordable Housing." Income limits for purposes of this shall be as set forth in the Plan, Housing Element, using the median income as established by the U.S. Department of Housing and Urban Development, Subsection 8 Income Guidelines, West Palm Beach - Boca Raton - Delray Beach, Florida.

##### **B. Definition**

Affordable housing shall be that housing where mortgage payments, taxes, insurance, and utilities on owner-occupied housing; and contract-rent and utilities on renter-occupied; is less than or equal to 30 percent of the applicable Adjusted Gross Income as described in the preceding paragraph.

#### **Section 2 Eligibility**

In order to be eligible for Traffic Concurrency Relief under this Section, a Project must provide one of the following:

- A. Mixed housing which enhances or balances the proportions of very low and low income and market-rate housing within the surrounding area as designated by a sector. A sector is defined in the Supporting Document of Transportation Element of the Plan and is provided here for convenience. A sector is "...a geographic area that shall include and be relative to the size and location of the proposed development. It shall consist of one or more neighborhoods that contain a school, an integrated network of residential and collector streets bounded by arterial roads, civic uses, and localized shopping and employment opportunities. The sector will include a minimum of one census tract but shall not extend beyond important physical boundaries which may include a major arterial roadway or wildlife refuge." **[Ord. 2005 – 002]**
- B. Meet the requirements of Art. [5.G.1. Workforce Housing Program](#) and Section 6, below. **[Ord. 2005 – 002]**
  1. A mixed housing Project shall not exacerbate an existing imbalance of very low/low income housing opportunities within the sector of the proposed development, but shall achieve an economic balance of households, as measured by household income, within a designated sector and shall promote the following ranges of housing opportunities:

**Table 12.H.2-11 – Ranges of Housing Opportunities**

Very low (up to 50 percent of the median)	10 - 40 percent
Low (from 50 percent to 80 percent of the median)	10 - 40 percent
Moderate (from 80 percent to 120 percent of the median)	20 - 70 percent
Middle (from 120 percent to 150 percent of the median)	10 - 20 percent
High (over 150 percent of the median)	05 - 30 percent

**[Ord. 2005-002]**

**Section 3 Application Review of Special Methodologies Projects**

**A. Submittal**

An application shall be submitted, in duplicate, to the Planning Division to be considered for traffic concurrency under this Special Methodologies Section. The form of this application shall be prepared by the Planning Division, in coordination with the Commission on Affordable Housing.

1. The application shall be reviewed for sufficiency by the Planning Division, and the applicant shall be notified of any deficiencies within five working days of receipt of the application. Further processing of the application shall be suspended until the required items and information are provided.

**B. Review**

The complete application shall be reviewed by both the Planning Division and the Commission on Affordable Housing staff who shall determine if a Project qualifies as either a 100 percent very low and low Housing Project or a Mixed Housing Project.

1. When determining whether a Project qualifies as a Mixed Housing Project, the staff shall consider the following factors:
  - a. Whether or not the Project complies with, at least, the minimum standards for a development of its size as identified in the traffic performance standards exemption criteria in the Transportation Element [Policy 1.2-b](#) of the Plan. This involves scoring a minimum number of points awarded relative to the Project's size and development characteristics meeting certain performance standards, these standards include affordability, accessibility, quality of design, resource protection, environmental quality, neighborhood compatibility, safety, pedestrian and vehicular circulation, parking, open space, parks and landscaping.
  - b. Whether the Project furthers the balance of housing opportunities within a sector by providing units which meet the minimum required housing in the very low, low and moderate categories determined by the existing percentage of very low, low and moderate income housing in that sector. The following table shows the proportions of households as described by income:
2. When determining whether a Project qualifies as a Workforce Housing Project, the staff shall meet the requirements of [Art. 5.G.1. Workforce Housing Program](#) and Section 6, below. **[Ord. 2005 – 002]**

**Table 12.H.3.B – 12 – Proportions of Households as Described by Income**

Income Category	Percent of Affordable Housing Existing Within a Sector and Minimum Very Low and Low Housing Required *,**				
	Very Low And Low	Existing	Under 20 percent	20-40 percent	40-50 percent
Required		40 percent	30 percent	20 percent	10 percent
	<b>Percent of Moderate Income Housing Existing Within a Sector and Minimum Moderate Housing Required</b>				
Moderate and Above	Existing	Under 20 percent	20-60 percent	Above 60 percent	
	Required	20 percent	10 percent	0 percent	

[Ord. 2005 – 002]

\* The distribution of very low and/or low required in a Project is 50 percent of each type of housing with the exception of Projects with only owner-occupied units which shall be required only to provide low income units. These Projects may fulfill the minimum requirement of very low and low-income units with the provision of all low income units.

\*\* Minimum percentages as applied to a number of units to be constructed will be rounded down to the nearest whole unit number or one unit, whichever is greater.

Note: The Commission of Affordable Housing, in conjunction with the Planning Division, shall identify and periodically update the criteria to be used for evaluating the appropriate mix of very low, low, and other housing in a Project that is to be reviewed for compliance with the Special Methodologies provisions. Upon request, this information shall be made available to an applicant.

**Section 4 Approval**

- A. In the event the Project is found to qualify as a Mixed Housing Project, the Planning Director shall notify the County Traffic Engineer that this Project need not meet the LOS Standards if the Project Traffic is less than or equal to three percent of the Average Daily Traffic LOS D Standard on any Link; provided however, that the cumulative traffic from Mixed Housing Projects on any Link does not exceed three percent of Adopted LOS D Standard. **[Ord. 2005 – 002]**
- B. The relief provided under this special Methodology Section shall be considered in determining whether or not there are adequate road facilities for this Project in accordance with this Code. In the event that is a determination of sufficiency, any Concurrency reservation issued by the Zoning Director for the Project must include a condition prohibiting the issuance of a Development Order until a covenant is recorded in the Public Records of PBC as outlined in the paragraph below. **[Ord. 2005 – 002]**
- C. The applicant shall prepare a covenant approved by the Commission on Affordable Housing, determined to be legally sufficient by the County Attorney. The covenant, to be recorded in the public records of PBC, shall guarantee, for a period of at least ten years for single family housing and 20 years for multi-family housing rental units, how the affordability shall be maintained for units required to be very low and moderate income (pursuant to income categories and definitions of the Plan, Housing Element). The period of time these units will remain affordable shall commence from the date of the issuance of the final CO for the first required affordable unit built in the Project. The covenant shall be recorded in the Public Records of the Clerk of the Court for PBC prior to final DRO approval of the site plan. For a mixed housing project located within a municipality the covenant shall be recorded in the Public Records of the Clerk of the Circuit Court for PBC prior to the issuance of any building permit by the municipality. **[Ord. 2005 – 002]**

**Section 5 Municipal and Department Coordination**

- A. In the event that a Project being proposed is in part or wholly within a municipality, the Planning Director shall provide the appropriate officials of the city with the conditions upon which the Project is to receive traffic concurrency. The Planning Division shall coordinate with the municipal staff to ensure that the issuance of certificates of occupancy for the required housing complies with the covenanted requirements and conditions.
- B. The Traffic Division shall be responsible for monitoring the exempted traffic under the Special Methodologies for the LOS standard for Links impacted by the specific type, i.e. for mixed housing developments. The respective limit is three percent for any impacted Link on the PBCs thoroughfare network. The Traffic Engineer shall determine whether the Project traffic, when added to all other existing approved Projects' traffic exempted under the Special Methodologies procedures, exceeds the limits for exempted volume for the mixed housing development. **[Ord. 2005 – 002]**

- C. The Traffic Engineer shall inform the Planning Director, prior to the certification of the Project at the DRO, when a Special Methodologies application has been approved for the traffic exemption from the applicable LOS standard. The Planning Director shall include this information in the review of an application for development certification at the DRO for a Project to be built in unincorporated PBC.
- D. The Commission of Affordable Housing shall monitor the Project for compliance with the required covenant.

**Section 6 Workforce Housing**

A WHP development that meets the requirements of Art. 5.G.1, Workforce Housing Program will not be required to meet the traffic performance standards set forth in Art. 12, if traffic generated by the development is less than or equal to five percent of the service volume for all affected intersections and Links. **[Ord. 2005 – 002]**

**CHAPTER I CONSTRAINED FACILITIES**

**Section 1 Purpose and Intent**

It is recognized by the BCC that some Links and Major Intersections are not planned to be widened to width, laneage, or geometrics that can accommodate Traffic from the density/intensity and location of land uses at the Generally-Adopted LOS. Links and Major Intersections which are improved (or presumed to be improved under Test 2) to their ultimate width, laneage, and geometrics as contemplated by the Thoroughfare R-O-W Protection Map are, by definition, Constrained Facilities. Which of those Constrained Facilities cannot accommodate future Development at the Generally Adopted LOS, and what should be done to remedy the situation, requires thorough study, comprehensive data, and close scrutiny of the various policies involved. This Section is intended to ensure thorough review of application for a CRALLS. It is declared to be the minimum review and procedure necessary to ensure an appropriate level of review.

**Section 2 Procedure**

**A. General**

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

**B. Applications**

Applications for a reduced LOS on a Constrained Facility shall be made to the BCC through the Planning Director for initial review by the Land Use Advisory Board (LUAB), containing such information relating to the criteria of this Section as the LUAB requires. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO. The MPO shall review the proposal for technical traffic engineering purposes and consistency with its adopted plan. The advice of the MPO shall be considered by the LUAB and the BCC when considering an application for a reduced LOS. The application shall propose the reduced LOS sought for Test One and Test Two. It need not be an entire range. The level of data and study needed for existing and Future Land Use to review an application for a CRALLS designation shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning.

**C. Pre-application Conference**

The applying Local Government shall contact the Planning Director prior to making application, notifying the Director of the Local Government's intent to make application under this [Article 12.H.2.B, Applications](#). The Director shall set a pre-application conference prior to accepting an application. The conference shall include representatives of the: (1) Local Government making application; (2) County including the Planning Division and County Engineering; (3) FDOT, District IV; (4) Treasure Coast Regional Planning Council; and (5) MPO. The purpose of the pre-application conference shall be to identify the issues for consideration, the likely impact of the proposal, the assumptions and changes made in socio-economic data (including justification for such), the application requirements (including which should be waived, if any), and to coordinate review. The level of data and study needed for existing and FLU, and the proposed CRALLS, to review the proposed application shall be determined in the pre-

application conference. The decision shall be made by the County Engineer based upon the magnitude of the proposed CRALLS, the difference from existing and FLU, the extent of the proposed lowering of the LOS, the amount and quality of existing data and planning, the size of the area affected, the extent to which the affected area is built out, and the Major Thoroughfare Links and Major Intersections involved (whether they are or will be collectors, minor arterials, or principal arterials).

### **Section 3 Determination Criteria**

In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should be, and any conditions that shall be imposed, the applicant, the MPO, LUAB, and the BCC shall consider the following public policy criteria:

- A. Cause of the constraint; e.g., whether the lineage or geometrics are insufficient to accommodate Projected traffic as a result of concerns relating to physical limitations, fiscal limitations, environmental areas, aesthetics, historically significant development, or the character-of-area or neighborhood and the impact of adding lanes or changing the geometrics on such concerns.
- B. When more than one cause is identified, the extent to which each contributes to the constraint shall be considered.
- C. Existence of, or proposed, "reliever" facilities and the proximity and continuity of such, and the extent to which they presently, or are Projected to, relieve the Constrained Link.
- D. The existing and Projected volume-to-capacity ratio given the adopted FLUE of Local Governments' comprehensive plans.
- E. The extent of vested Development Orders, and non-vested land use, zoning district designations, or Development Orders.
- F. The impact on the ability of Local Governments to allow Development consistent with their comprehensive plans; and the interjurisdictional compatibility of the various Local Government comprehensive plans as related to the Constrained Facility.
- G. The practicability of adjusting land uses, zoning districts, and uses therein.
- H. The impact on the ability of the overall Major Thoroughfare system in the area affected to function at the Generally Adopted LOS.
- H. The length of the Constrained Link(s).
- J. The option of modifying the Plan, including the Thoroughfare R-O-W Identification Map, or other regulations to add lanes, improve geometrics or reliever facilities.
- K. Whether modifications can be made that would add capacity, and how much capacity would be added.

### **Section 4 Determination**

The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Link, if reduced. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a CRALLS. The Plan shall be modified to set this LOS. A reduced LOS need not necessarily be a whole range; it may be a portion of a range. Any proposed reduction in the LOS on a State Constrained Facility shall be coordinated with and approved by the State in accordance with Florida law.

It is recognized that detailed and comprehensive transportation planning has not yet been completed for all of PBC. This transportation planning will involve balancing the transportation system to the land use as to density/intensity and location. This balancing will involve, in part, adjusting the levels of service on the Major Thoroughfare system. It will be achieved through the work of the MPO's work in updating the Model, and improving the data. Theoretically, once this balancing is completed, the need for CRALLS would not be necessary, unless amendments to land uses are made, or R-O-W widths or lanes are reduced. Accordingly, once the system is balanced through the work on the Model and data, the criteria shall be revisited to ensure that the criteria take into account this balancing.

### **Section 5 Application to Modify or Eliminate Adopted Link or Intersection**

#### **A. Who May Apply**

Only a Local Government may apply to the BCC to amend the adopted width, proposed geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements.

#### **B. Contents**

The application shall contain a detailed and comprehensive traffic evaluation of all affected Links and Major Intersections, taking into account existing, committed, and FLU development.

### **C. Criteria**

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

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

### **D. Procedure/Extraordinary Vote**

1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing, modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the ability of Local Governments to allow Development consistent with their FLU Elements of their plans; the BCC shall require a review and determination of whether a reduced LOS (CRALLS designation) should be set on the Link or other Links before the BCC's eliminating the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the number of lanes shall require a majority-plus-one vote of the members of the BCC. No elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a manner that would reduce capacity, or reducing the number of lanes on a Link shall be effected until any necessary adjustments are made to: (1) the Major Thoroughfare system (including capacity improvements or lower the levels of service, as appropriate); (2) or the land uses have been made to accommodate the elimination, narrowing, modification, or reduction.
2. If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments' allowing Development consistent with the FLUE of their plans would result, the BCC may, by a majority vote of its members narrow the adopted width, modify the proposed geometrics of a Link, or Major Intersection, or reduce the number of lanes in the Plan without LUAB review. Nothing herein shall require CRALLS review, application to the LUAB, or notice to any Local Government for minor modifications to the proposed Major Thoroughfare system which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System. Nothing herein shall require LUAB review for waivers of expanded intersection requirements or R-O-W protection pursuant to [Policy 2-d](#) of the Transportation Element of the Plan.

## **CHAPTER J Coastal Residential Exception**

### **Section 1 Intent**

The Coastal Residential exception to the LOS requirements of this Article promotes urban infill and deters urban sprawl. It also promotes redevelopment. It provides closer proximity of residential uses to commercial uses and employment bases, thereby reducing the impact on the overall Major Thoroughfare system, pollution, the use of fossil fuels and other resources, and the travel time and needs of the public. Because it applies only to the incorporated area, it also promotes annexation of unincorporated areas. Therefore, the public benefits of an uncrowded and efficient road system promoted by this Article are also promoted generally (but not necessarily on



a specific Link or Major Intersection) by the creation of a Coastal Residential exception to the LOS requirements of this Article. The Coastal Residential exception may also result in more integration in the PBC School system.

## **Section 2 Creation**

Because of these public benefits there is hereby established pursuant to [Policy 1.2-a](#) of the Transportation Element of the Plan a Coastal Residential exception which shall be within the Incorporated Area east of I-95, north of the Broward County line, west of the Atlantic Ocean (excluding the barrier island), and south and east of a boundary from I-95 along PGA Boulevard to Prosperity Farms Road, then north to the western prolongation of the northern boundary of Juno Isles, then east to a point 600 feet west of U.S. 1, then north to the northern boundary of Juno Beach, then east to the Atlantic Ocean. It shall also be the incorporated area bounded on the south by the north boundary of the Jupiter Hospital, and its eastern and western prolongation between the Atlantic Ocean and Military Trail; bounded on the west by Military Trail and its northern prolongation to the North Fork of the Loxahatchee River, then meandering northwest along the northeast shore of the North Fork of the Loxahatchee River to the Martin County Line; bounded on the north by the Martin County Line; and bounded on the east by the Atlantic Ocean, excluding the barrier island. It shall allow such residential Projects, and the residential portion of mixed use Projects that otherwise meet the standards of this Article, in incorporated areas to receive a Site Specific Development Order notwithstanding the standards of this Article. The Coastal Residential Exception shall not apply to conditions or limitations placed on residential Projects or the residential component of mixed use projects that are located within the boundaries of a Transportation Concurrency Exemption Area as designated pursuant to Chapter L of this Article. **[Ord. 2005 – 002]**

## **Section 3 Traffic Impact Study Information**

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

## **Section 4 Municipal Levels of Service**

Nothing in this Article shall be construed as derogating the requirement under [F. S. Chapter 163](#), or [Rule 9J-5](#), F.A.C. that Municipalities set the LOS on PBC and State roads consistent with the PBC and State LOS to the maximum extent feasible.

## **CHAPTER K TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA)**

### **Section 1 Intent**

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

### **Section 2 Area Wide Level of Service**

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

- A. The designation of a TCMA and the establishment of an area wide LOS standard must be supported by data and analysis which:
  1. Demonstrate that the TCMA is compatible with and furthers the various portions and elements of the Plan. When in a municipality, the data and analysis shall also demonstrate that the TCMA is compatible with and furthers the various portions and elements of the local government's Comprehensive Plan.
  2. Provide justification for the size and boundary of the TCMA for consistency with the purpose of promoting the stated purpose of a TCMA.

3. Demonstrate that the TCMA contains an integrated and connected network of roads and provides multiple, viable alternative travel paths, or modes for common trips.
  4. Demonstrate the basis for establishing the area wide LOS standard and determine the existing and Projected transportation facilities and services requirements that will support the requested area wide LOS standards.
  5. Demonstrate that the area wide LOS standard and other transportation services and programs will support infill development and redevelopment.
  6. Demonstrate that the planned roadway improvements and other transportation services and programs will accomplish mobility within and through the TCMA. The programs may include, but not be limited to Transportation System Management (TSM), Transportation Demand Management (TDM), and incentives to promote public transit such as parking policies and provisions for intermodal transfer.
  7. Identify the impacts on other local governments, if any.
- B. The local government shall establish and maintain an internally consistent transportation, land use, and capital improvement planning program. These programs shall be sufficient to meet and maintain the established area wide LOS standard.

### **Section 3 Procedure**

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

## **CHAPTER L TRANSPORTATION CONCURRENCY EXCEPTION AREAS (TCEA)**

### **Section 1 Intent**

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

### **Section 2 Area Types**

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

- A. A specific geographic area delineated in the local government comprehensive plan for urban infill development. Such an area shall meet the following requirements:
  1. The area shall contain no more than ten percent developable vacant land. Developable vacant land shall not include water bodies and land designated for conservation use, natural reservations, public road R-O-W, public recreation sites, or other areas or uses designated in the local government's comprehensive plan as unavailable for development.
  2. For areas where residential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average residential density shall be at least five dwelling units per gross residentially developed acre of land.

3. For areas where nonresidential uses are the dominant types of uses, comprising greater than 60 percent of the developed land, the average nonresidential intensity shall be at least a FAR of 1.0 per gross nonresidentially developed acre of land.
  4. If neither residential nor nonresidential uses comprise more than 60 percent of the developed land, then both the existing residential uses and nonresidential uses shall meet the appropriate density and intensity criteria prescribed in [Article 12.K.2.A.2](#) and [Article 12.K.2.A.3](#) above. The term "gross developed acre" shall include all uses associated with the predominant land use including roads, parking, drainage, open space, landscaping, and other support facilities.
- B. A specific geographic area delineated in the local government comprehensive plan for urban redevelopment. The urban redevelopment area must be within an urban infill area or within an existing urban service area that does not contain more than 40 percent developable land.
  - C. A specific geographic area delineated in the local government Plan for downtown revitalization within the designated central business district.

### **Section 3 Criteria**

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

### **Section 4 Procedure**

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

### **Section 5 Traffic Impact Study Information**

A traffic study providing Traffic Generation, Assignment throughout the Test One Radius of Development Influence and Projections of future traffic at the site access must be submitted to PBC for proposed Project within the limits of a TCEA.

## **CHAPTER M TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION**

### **Section 1 Intent**

The purpose and intent of this Chapter is to allow a local government to grant an exception from the concurrency requirements for transportation facilities for Projects which promote public transportation. [F. S. § 163.3164\(28\)](#)

defines Projects that promote public transportation as those that “directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or Projects that include fixed-rail or transit terminals as part of the building, and Projects which are transit-oriented and designed to complement reasonably proximate planned or existing public facilities”. Under limited circumstances, it allows exceptions to the standards of this Article in defined urban areas. The exception requires that Projects establish meaningful facilities and programs that promote public transportation.

## **Section 2 Project Types**

This exception is limited to Projects that meet the requirements of [Article 12.L.2.A](#) and [Art. 12.L.2.B](#), below:

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

## **Section 3 Project Location**

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

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

## **Section 4 Required Provisions to Promote Public Transportation**

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

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

demonstrates that the requirements in [Article 12.L.4.A](#), [Article 12.L.4.B](#), [Article 12.L.4.C](#) and [Article 12.L.4.D](#) above are being met. Each annual report shall be due on the anniversary of the first CO.

## **Section 5 Required Traffic Study**

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

## **Section 6 Required Roadway Improvements**

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

## **Section 7 Parking**

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

# **CHAPTER N FIVE-YEAR ROAD PROGRAM**

## **Section 1 Intent**

The BCC of PBC Florida finds that the 1990 Traffic Performance Code adopted by [Article 12.A, GENERAL](#), through [Article 12.L, TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION](#) is premised on PBCs commitment to adhere to and implement the adopted PBC Five-Year Program Ordinance, referred to as "Five-Year Road Program" in this Article and the 1989 PBC Plan, as amended, (referred to as "Plan in this Section"). PBCs failure to maintain its commitment to adhere to and implement its adopted Five-Year Road program as set forth in this [Article 12.M.1, Intent](#), shall result in a review and reconsideration of the adopted LOS contained in [Article 12, TRAFFIC PERFORMANCE STANDARDS](#), and in the Plan.

## **Section 2 Description of Five-Year Road Program**

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

## **Section 3 Monitoring of County's Adherence to and Implementation of the Adopted Five-Year Road Program**

### **A. General**

PBC's adherence to and the effectiveness of its implementation of the adopted Five-Year Road Program shall be monitored by the Independent Five-Year Road Program Oversight and Advisory Council. (Referred to as "Oversight and Advisory Council").

### **B. Independent Five-Year Road Program Oversight and Advisory Council**

#### **1. Council**

An Oversight and Advisory Council is hereby created and established, consisting of nine members. One member shall be selected from each of the six disciplines listed below so that all the disciplines are represented, and appointed by the BCC of PBC:

- a. construction management;
- b. civil engineering;
- c. operations research/systems analysis;
- d. finance/certified public accounting;
- e. economist; and

- f. legal or general business.

Three members shall be selected from the general public; one from each of the following geographic areas:

- 1) North PBC - bounded on the west by State Road 7 and a line being the Projection north of the centerline of State Road 7; bounded on the south by Southern Boulevard.
- 2) South PBC - bounded on the west by State Road 7 and on the north by Southern Boulevard.
- 3) West PBC - bounded on the east by State Road 7.

The members shall be appointed at large by a majority vote of the BCC, and shall be PBC residents. They shall serve two year terms; provided that the initial term only of the members from construction management, civil engineering, operations research/systems analysis, finance/certified public accounting, and North PBC shall be one year. Any member missing three consecutive meetings may be replaced by the BCC, with the new appointment filling the unexpired term of the member replaced.

## **2. Purpose and Functions**

The purpose of the Oversight and Advisory Council is to function both as a resource for both the County Engineer and the BCC in matters of the Five-Year Road Program implementation; to detect potential problems with PBC road building programs; to recommend to the BCC suggested corrective actions relating to any such problems so identified; to strengthen the confidence of the public and industry of PBC in the road transportation improvement program; to generally monitor whether there is adherence to the adopted LOS standards and the Five-Year Road Program schedule.

## **3. Activities**

To implement the functions stated in [Article 12.M.3.B.2, Purpose and Functions](#), the members of the Oversight and Advisory Council are directed:

- a. To aid in the review of the policies, procedures, and programs for use by the County Engineer for implementation of the Five-Year Road Program.
- b. To monitor whether the preparation of plans for road and bridge construction is on schedule.
- c. To monitor whether the preparation of plans for R-O-W acquisitions and abandonments is on schedule.
- d. To monitor the progress of road construction.
- e. To monitor the collection and expenditure of all road reviews, including impact fees.
- f. To monitor whether there is adherence to the adopted LOS for the major thoroughfare system and the Five-Year Road Program Schedule.
- g. To monitor the impact of this Article on the level of development activity by comparison to other communities.
- h. To review and recommend funding sources, mechanisms, and mixes of funding to improve the major thoroughfare system.
- i. To perform such other duties as the BCC shall direct; provided that the Oversight and Advisory Council shall not be involved in recommending changes to, or the adoption of, the annual Five Year Road Program or the management of the Engineering Department.

## **4. Administration**

- a. The Office of the County Administrator shall provide such administrative staff and assistance as is required for the Oversight Advisory Council to perform its duties and functions.
- b. All PBC departmental directors shall cooperate with the Oversight Advisory Council to the fullest extent.

## **5. Reports**

- a. adopted Five-Year Road Program. This report shall contain a detailed report on the status of each Project in the Five-Year Road Program, including the proposed commencement and completion. The County Engineer shall submit a report by April 30 and October 30 each year to the Oversight and Advisory Council detailing the status of the PBCs implementation of its dates of all programmed activities within each quarter of each fiscal year and the likelihood of meeting those dates.
- b. The Oversight and Advisory Council shall meet at least quarterly and shall submit an annual report by January 31 of each year to the BCC detailing its findings on PBCs implementation of the adopted Five-Year Road Program, the general effectiveness of PBCs road building efforts, and the other tasks contained in [Article 12.M.3.B.3, Activities](#). The Oversight and Advisory Council may submit other reports to the BCC regarding actual as opposed to planned performance and shall respond to other requests from the BCC.



**C. Review of the Oversight and Advisory Council**

The need for, and tasks of, the Oversight and Advisory Council shall be reviewed approximately June 1, 1992 and every two years thereafter.

**Section 4 Modification of Five-Year Road Program**

**A. Semi-annual Modification of Five-Year Road Program**

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

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

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

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

**Section 5 Standards Five-Year Road Program**

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

**A. Funding**

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

**B. New Fifth Year**

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

**C. Projects on Schedule**

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

**Section 6 Effect of Failure of County to Adhere to And Implement its Adopted Five-Year Road Program**

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

above, the BCC shall review the adopted LOS to determine whether it is realistic, adequate, and financially feasible.

## **CHAPTER O METHOD OF PRIORITIZING THOROUGHFARE IMPROVEMENTS**

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

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

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

## **CHAPTER P PROJECT AGGREGATION**

### **Section 1 Applicability**

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

### **Section 2 Aggregation Criteria**

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

- A. The Developments generate more than 500 peak hour, two-way trips when aggregated.
- B. The same Person owns or has a significant legal or equitable interest or an option to obtain significant legal or equitable interest in each Development. A "significant legal or equitable interest" means that the same Person has an interest or an option to obtain an interest of more than 25 percent in each Development for the following types of interests: (1) a fee simple estate; (2) a leasehold estate of more than 30 years duration; (3) a life estate, or (4) similar equitable, beneficial or real property interests in the Developments. A lessor's interest in a lease of more than 30 years is not a significant legal or equitable interest
- C. The Developments are part of a unified plan of development as evidenced by meeting at least two of the following:
  1. There is a period of two years or less between the issuance of the first building permit, or issuance of a Development Order if the first building permit has not been issued, for one Development and subsequent traffic concurrency application for another Development. This subparagraph shall apply



only if any portion of the parcels that contain the Developments: a) presently share a common boundary; or b) previously shared a common boundary or existed as a single parcel within two years from the date the earliest of the Developments received traffic concurrency approval.

2. The Developments are physically proximate to one other. Two or more Developments shall be considered "physically proximate" when any portion of two or more Developments is contiguous or separated by a road R-O-W or public canal easement of 140 feet or less.
3. A master plan or series of plans or drawings exists covering the Developments sought to be aggregated which have been submitted to a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan which aggregates Developments; or
4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the Developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government, SFWMD, local drainage or improvement special district, the Army Corps of Engineers, the FDEP, the Division of Florida Land Sales, Condominiums, and Mobile Homes, or the Public Service Commission. "Sharing of infrastructure" means the voluntary joint use by two or more Developments of internal roadways, internal recreational facilities or parks, amenities, or water, sewage or drainage facilities specifically constructed to accommodate the Developments sought to be aggregated. Shared infrastructure does not include:
  - a. Any joint or shared use of private or public infrastructure specifically required under an established policy of general applicability as set forth under a comprehensive plan adopted pursuant to [F.S. Chapter 163](#), an adopted local government ordinance or resolution, state statute or by adopted rule of regional or state regulatory agencies;
  - b. Any joint or shared use of public recreational facilities or parks so long as they were not conveyed by a person with a significant legal or equitable interest in the Developments sought to be aggregated;
  - c. Any joint or shared use of publicly financed drainage or stormwater management facilities, roadways or water or sewer facilities which were not constructed or financed specifically to accommodate the Developments considered for aggregation; or
  - d. Design features, financial arrangements, donations, or construction that is specified in and required by an Agreement between PBC and two or more Developments;
  - e. Cross access or shared driveways.
5. There is a common advertising scheme or promotional plan in effect for the Developments sought to be aggregated. "Common advertising scheme or promotional plan" means any depiction, illustration, or announcement which indicates a shared commercial promotion of two or more Developments as components of a single Development and is designed to encourage sales or leases of property.

### **Section 3      Exceptions**

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

- A. Activities undertaken leading to the adoption or amendment of any Plan element described in [part II of F. S. Chapter 163](#).
- B. The sale of unimproved parcels of land, where the seller does not retain significant legal or equitable interest in the future development of the parcels.
- C. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.
- D. Drainage improvements that are not designed to specifically accommodate the Developments sought to be aggregated.
- E. Use of the same real estate broker to market and sell two or more Developments.
- F. Agreements to authorize owners or developers to pool impact fees or impact-fee credits, or to enter into front-end agreements or other financing arrangements by which they collectively agree to design, finance, donate, or build such public infrastructure, facilities, or services.

- G. Nothing herein shall prevent the development of a portion of a parcel owned by one Person where no unified plan of development for the remainder of the parcel, or portion thereof, is evidenced.

#### **Section 4 Procedure**

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

#### **Section 5 Traffic Impacts**

This Chapter shall be applied only for the purpose of evaluating the traffic impacts of a Project pursuant to the requirements of this [Article 12, TRAFFIC PERFORMANCE STANDARDS](#).

#### **Section 6 Traffic Concurrency**

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

#### **Section 7 Aggregation**

Portions of this Chapter concerning aggregation are based on the aggregation regulations for DRI, codified in [F.S. § 380.0651](#), and [Rule 9J-2, F.A.C.](#) Unless the context clearly indicates otherwise, the terms used in this Chapter shall have the same meaning and application as those terms that are provided for in the state regulation.

### **CHAPTER Q OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM**

#### **Section 1 Purpose and Intent**

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

- A. Reduction of single occupant vehicle trips by encouraging ridesharing, diversion to alternate travel modes, and telecommuting. **[Ord. 2006-036]**
- B. Reduction of peak hour vehicle trips by shifting these trips to other time periods. **[Ord. 2006-036]**
- C. Reduction of land use densities and intensities for proposed development/redevelopment. **[Ord. 2006-036]**
- D. Increase in land use densities and intensities for proposed development/redevelopment only in cases where land use mix maximizes internal trip capture and promotes feasibility of mass transit modes. **[Ord. 2006-036]**

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## **Section 2      Applicability**

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

## **Section 3      Procedure**

### **A. General**

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

### **B. Application Requirements**

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

### **C. Conditions of Approval**

PBC shall impose conditions of approval and the recording of restrictive covenants as necessary to ensure compliance with the requirements of this Chapter. All conditions of approval shall be made part of the Traffic Concurrency and Development Order approved by the County or municipality, as the case may be. **[Ord. 2006-036]**

### **D. Condition Monitoring**

Development order conditions imposed upon projects in the unincorporated area will be monitored by the County Engineer. For development orders imposed upon projects within municipalities, monitoring reports with prescribed format and documentation shall be submitted to the relevant municipality, as well as the County Engineer as required in Section 4 of this Chapter. Failure to meet the requirements of any strategy, any condition of approval imposed pursuant to this Chapter, or any monitoring report required by this Chapter, may result in enforcement action including but not limited to Code Enforcement actions and actions to modify or revoke the concurrency approval, Development Order, or both. **[Ord. 2006-036]**

### **E. Substitution of Alternative Strategies or Alteration of Existing Strategy at a Later Date.**

If the property owner wishes to alter an existing strategy or substitute another mitigation strategy or strategies after receiving initial Development Order conditions of approval for qualification under the Point System, then an application for a Development Order amendment must be filed for approval by PBC. For Projects located in municipalities, alteration or substitution of alternative strategies must be reviewed and approved by the County Engineer before the application for Development Order amendment is submitted to the municipality. If an approvable mitigation strategy of equivalent or greater points is substituted, or if the County Engineer determines that an alteration of an existing strategy provides mitigation equal to or greater than originally approved, the development will not need to qualify again for approval under the Point System. **[Ord. 2006-036]**

### **F. Time Limits**

Each approval shall be subject to specific time limitations. Expiration of the concurrency or failure to commence development as set forth in Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, will result in actions to modify or revoke the concurrency approval, Development Order, or both. If revoked, the capacity reserved will be returned to the system. **[Ord. 2006-036]**

### **G. Municipal Review**

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

## **Section 4      Mitigation Strategies**

## **A. Strategy 1. Mixed Use Development Around Transit Corridors**

### **1. Applicability**

This strategy consists of providing a mixed-use development near a transit corridor. (This strategy cannot be combined with Strategy 2.) **[Ord. 2006-036]**

### **2. Qualifying Criteria**

- a. The transit corridor must be no more than ¼ mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to transit services and adjoining uses. **[Ord. 2006-036]**
- b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. **[Ord. 2006-036]**
- c. A Master Plan or Site Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. **[Ord. 2006-036]**
- d. Uses must be identified within the Master Plan or Site Plan. **[Ord. 2006-036]**
- e. The Master Plan or Site Plan shall be approved as part of the Development Order. **[Ord. 2006-036]**
- f. Minimum floor area ratio must be 0.5 per net acre. **[Ord. 2006-036]**
- g. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net AM or PM trips for the development. **[Ord. 2006-036]**
- h. Non-residential land uses shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of 10 percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a local, collector or arterial street. **[Ord. 2006-036]**

### **3. Implementation Timeframe**

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

### **4. Monitoring and Enforcement**

- a. At the conclusion of each phase of development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. **[Ord. 2006-036]**
- b. As part of the development approval process, a restrictive covenant must be recorded against all parcels of the development indicating the minimum and maximum percentages allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during development review. PBC shall not allow the conversion of uses that would result in a project's failure to meet specified requirements. **[Ord. 2006-036]**
- c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. **[Ord. 2006-036]**
- d. Two years following Project Buildout, the developer, owner or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to [Art. 12.Q.3.F, Time Limits](#). **[Ord. 2006-036]**

### **5. Credit Factor**

- a. 0.4 for FAR 0.5 or higher per net acre, and at least 60 percent of the total square footage must be dedicated to residential use; **[Ord. 2006-036]**
- b. 0.6 for FAR 0.75 or higher per net acre, and at least 70 percent of the total square footage must be dedicated to residential use; or **[Ord. 2006-036]**
- c. 0.8 for FAR 1.0 or higher per net acre, and at least 80 percent of the total square footage must be dedicated to residential use. **[Ord. 2006-036]**

## **B. Strategy 2. Mixed Use Development Around Transit Centers**

### **1. Strategy**

This strategy consists of developing a mixed-use project near a transit center located on a transit corridor as either a unified or parcelized development. This strategy cannot be combined with Strategy 1. **[Ord. 2006-036]**

### **2. Qualifying Criteria**

- a. The transit center must be no more than ¼ mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to transit services and adjoining uses. **[Ord. 2006-036]**
- b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. **[Ord. 2006-036]**
- c. A Master Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe. **[Ord. 2006-036]**
- d. Uses must be identified within the Master Plan. **[Ord. 2006-036]**
- e. Minimum floor area ratio must be 0.5 per net acre. **[Ord. 2006-036]**
- f. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net AM or PM trips for the development. **[Ord. 2006-036]**
- g. Non-residential land use shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of 10 percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a local, collector or arterial street. **[Ord. 2006-036]**

**3. Implementation Timeframe**

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

**4. Monitoring**

- a. At the conclusion of each phase of development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase. **[Ord. 2006-036]**
- b. As part of the development approval process, a restrictive covenant must be recorded against all parcels of the development indicating the minimum and maximum densities and intensities allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during development review. PBC shall not allow the conversion of uses that would result in a project's failure to meet specified requirements. **[Ord. 2006-036]**
- c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses. **[Ord. 2006-036]**
- d. Two years following Project Buildout, the developer, agent or property owner as appropriate may request alteration of existing strategies or substitution of alternative strategies pursuant to [Art. 12.Q.3.F, Time Limits](#). **[Ord. 2006-036]**

**5. Credit Factor**

- a. 0.6 for FAR of 0.5 or higher per net acre, and at least 60 percent of the total square footage must be dedicated to residential use; **[Ord. 2006-036]**
- b. 0.8 for FAR of 0.75 or higher per net acre, and at least 70 percent of the total square footage must be dedicated to residential use or **[Ord. 2006-036]**
- c. 1.0 for FAR of 1.0 or higher per net acre, and at least 80 percent of the total square footage must be dedicated to residential use. **[Ord. 2006-036]**

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

**1. Strategy**

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

**2. Qualifying Criteria**

- a. Developers must specify dedicated funding commitments to provide for direct costs of feeder services or transit passes for a minimum of 2 years, or make a fair-share contribution to be determined by and paid to the appropriate local transit agency for new or expanded services. **[Ord. 2006-036]**
- b. Vehicles must be classified as either buses or minibuses. **[Ord. 2006-036]**



- c. The transit service must be no more than ¼ mile walking distance from the nearest building entrance. **[Ord. 2006-036]**
- d. The project site plan must include provisions for transit service infrastructure, including pick-up/drop-off areas and transit circulation plans. Additionally, pedestrian connectivity between the transit stop infrastructure and the primary use of the development that complies with ADA criteria must be specified. **[Ord. 2006-036]**
- e. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity. **[Ord. 2006-036]**
- f. Combining this strategy with Strategy 4, Parking Management, is encouraged. **[Ord. 2006-036]**
- g. Proposed route(s) shall be subject to approval by PBC in consultation with PalmTran. **[Ord. 2006-036]**
- h. Proposed service associated with a non-residential site shall be operated at a minimum during the AM and PM peak hours during which the majority of site employees commute to and from work on all weekdays that the business(es) at the project site is open. Proposed service associated with a residential site shall be operated at a minimum during the highest AM peak hour and highest PM peak hour on all weekdays that major employment centers along the Okeechobee corridor are open. **[Ord. 2006-036]**

**3. Implementation Timeframe**

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

**4. Monitoring and Enforcement**

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

**5. Credit Factor**

- a. .05 for subscription bus service that operates with at least 50 percent employer subsidy; **[Ord. 2006-036]**
- b. .05 for feeder service/transit passes on routes with 30-minute peak hour headways; **[Ord. 2006-036]**
- c. .10 for feeder service/transit passes on routes with 20-minute peak hour headways; **[Ord. 2006-036]**
- d. .15 for feeder service/transit passes on routes with 10-minute peak hour headways; or **[Ord. 2006-036]**
- e. A 50 percent credit bonus will be given for feeder service that is operated with a peak headway as shown above and at least one-hour non-peak hour headways for a total period of at least 12 hours each weekday. The credit will double for feeder services offered free to the general public (not just site employees or residents). **[Ord. 2006-036]**

**D. Strategy 4. Parking Management**

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

**1. Qualifying Criteria**

- a. Parking lot must clearly identify separate parking areas for employees and customers, if any. Separate parking areas, including areas for employee preferred parking, shall be delineated on the Site Plan. **[Ord. 2006-036]**
- b. Notwithstanding [Article 6, Parking](#), or other jurisdiction parking requirements, at least ten percent of the minimum number of parking spaces required by the applicable County or municipal code must be eliminated from the portion of the lot reserved for employees. **[Ord. 2006-036]**
- c. Employees who drive to work must pay a daily fee of six dollars to park in the lot. The parking spaces for these employees must be located at the most remote point from the nearest building

entrance relative to all other parking spaces. Employees who fail to pay the fee or park in an unauthorized space shall be subject to penalties including a fine equal to double the daily fee imposed, and in cases of repeated violations, towing. **[Ord. 2006-036]**

- d. All fees and penalties collected from the employees who pay to park must be deposited in a separate parking fee fund. Moneys in the fund shall be used to reduce traffic impacts by offering payments to employees who use public transportation or Vanpools in accordance with Strategy 5, Ridesharing Programs, offering payments to provide or fund in part shuttle service for employees in accordance with Strategy 3, Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes, or both. **[Ord. 2006-036]**
- e. Employees who rideshare do not pay a daily fee to park and may park in spaces designated for ridesharing participants. Because of the above relationships, this Strategy should be combined with Strategy 5, Ridesharing Programs. **[Ord. 2006-036]**
- f. Applicant must specify a dedicated funding commitment from a source other than the parking fee to provide on-site monitoring and parking fee fund management. **[Ord. 2006-036]**

**2. Implementation Timeframe**

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

**3. Monitoring**

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

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

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

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

**4. Credit Factor**

Credit factor shall be calculated in accordance with [Table 12.Q.4.D-13, Strategy Four Credit Factor Calculation](#).

**Table 12.Q.4.D-13 - Strategy Four Credit Factor Calculation**

Credit Factor =	$\frac{P}{10 \times (\text{square root of } S)}$
P =	number of parking spaces eliminated by parking management.
S =	total size of non-residential building area in 1,000 sf

**[Ord. 2006-036]**

**E. Strategy 5. Ridesharing Programs**

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

**1. Qualifying Criteria**

a. At least 15 percent of the project employees must participate in Ridesharing within nine months of Project Buildout or as otherwise specified in the Master Plan. The Master Plan shall specify an



- alternate, backup mitigation strategy or corrective/incentive plan to be implemented if after nine months, 15 percent of the project employees do not participate in Ridesharing. **[Ord. 2006-036]**
- b. Projects must identify and fund a Ridesharing coordinator to assist participants, promote and facilitate the Ridesharing Program, and track performance of the Ridesharing Program for monitoring purposes. As an alternative, the Project may elect to participate in the existing South Florida Commuter Services ridesharing program by paying an annual membership fee. **[Ord. 2006-036]**
- c. Applicants must identify a dedicated funding commitment to fund all aspects of the Ridesharing Program. This funding commitment shall include a commitment to provide at least a 50 percent subsidy of the out-of-pocket cost of any employee vanpool utilizing the South Florida Vanpool program. **[Ord. 2006-036]**
- d. Preferential parking must be allocated for Ridesharing Program participants. Preferential parking spaces must be located closest to building entrances, with the exception of reserved spaces required by the ADA and delineated on the Site Plan. **[Ord. 2006-036]**
- e. Combining this strategy with Strategy 4, Parking Management, is encouraged. **[Ord. 2006-036]**
- f. No credit shall be received for Strategy 5, Ridesharing Programs, for those employees qualifying for credit under the non-peak hour work hours part of Strategy 13, Compressed work Week/Non-Peak Hour Work Hours. **[Ord. 2006-036]**

**2. Monitoring**

- a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report must be certified by an independent financial auditor and shall at a minimum contain monthly and cumulative statistics providing: **[Ord. 2006-036]**
  - 1) The number of total employees employed during each month and average number for the calendar year; **[Ord. 2006-036]**
  - 2) The number of employees who participated in Ridesharing; **[Ord. 2006-036]**
  - 3) The number of days each employee participated in Ridesharing per reporting period, and **[Ord. 2006-036]**
  - 4) An accounting detailing the amount expended to fund the Ridesharing Program, including coordinator salary and amounts spent on promoting and monitoring the Ridesharing Program.

The report shall also include copies of all materials used in promoting the Ridesharing Program. **[Ord. 2006-036]**
- b. Two years following Project Build-out, the developer, owner or agent as appropriate may request alteration or substitution of strategies pursuant to [Art. 12.Q.3.F, Time Limits](#). **[Ord. 2006-036]**

**3. Implementation Timeframe**

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

**4. Credit Factor**

Credit factor shall be calculated in accordance with [Table 12.Q.4.E-14, Strategy Five Credit Factor Calculation](#).

**Table 12.Q.4.E-14 - Strategy Five Credit Factor Calculation**

Credit Factor =	$\frac{E \times 2 \times D/5}{50 \times (\text{square root of } S)}$
E =	number of on-site employees that are required to participate
D =	number of weekdays per week that employees are required to participate
S =	number total size of non-residential building area in 1000 sf

**[Ord. 2006-036]**

**F. Strategy 6. Telecommuting Programs**

**1. Strategy**

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

**2. Qualifying Criteria**

- a. Project must be an employer of at least 20 people. **[Ord. 2006-036]**
- b. Project must develop a formal policy and contract between employees and managers. The Policy shall identify which job categories are suitable for telecommuting, and what employees must do to participate. **[Ord. 2006-036]**

- c. Employees must participate in the telecommuting program an average of at least two weekdays per week. **[Ord. 2006-036]**
  - d. The projected level of participation, i.e., the number of employees participating and days per week telecommuting, must be established in the Master Plan or Site Plan and maintained. **[Ord. 2006-036]**
  - e. Combining this strategy with Strategy 5, Ridesharing Programs, is encouraged. **[Ord. 2006-036]**
- 3. Implementation Timeframe**  
One year from Project Buildout to meet projected level of participation, or as otherwise specified in the Master Plan or Site Plan. **[Ord. 2006-036]**
- 4. Monitoring**
- a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a service report to the County Engineer, identifying the number of employees from the development participating in the program and the number of days each employee telecommutes. This Monitoring Report shall also include a copy of the telecommuting policy and copies of each of the signed telecommuting contracts entered during the reporting period. **[Ord. 2006-036]**
  - b. Two years following initiation of this strategy, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant [Art. 12.Q.3.F, Time Limits](#). **[Ord. 2006-036]**
- 5. Credit Factor**  
Credit factor shall be calculated in accordance with Table 12.P.4.F-15, Strategy Six Credit Factor Calculation.

**Table 12.Q.4.F-15 - Strategy Six Credit Factor Calculation**

Credit Factor =	$\frac{E \times 2 \times D/5}{50 \times (\text{square root of } S)}$
E =	number of on-site based employees that telecommute
D =	number of weekdays per week that employees telecommute
S =	number total size of non-residential building area in 1000 sf

**[Ord. 2006-036]**

**G. Strategy 7. Bicycle Parking Facilities**

- 1. Strategy**  
This strategy consists of providing secure bicycle parking at residential and non-residential developments. **[Ord. 2006-036]**
- 2. Qualifying Criteria**  
Minimum requirements for Bicycle Parking Facility shall be in accordance with the table below:

**Table 12.Q.4.G-16 - Minimum Requirements for Bicycle Parking Facility**

Use Type	Number of Parking Spaces
Commercial, Retail and Institutional	1 bicycle space per 25 vehicle parking spaces
Multi-Family and Mixed Use Development	1 bicycle space per 4 dwelling units

**[Ord. 2006-036]**

- a. The secure bicycle parking facility must be provided within 75 feet of the entrance to buildings that cyclists will most likely use. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. All bicycle parking facilities shall be covered and may be fully enclosed. **[Ord. 2006-036]**
  - b. Combining this strategy with Strategy 4, Parking Management, is encouraged. **[Ord. 2006-036]**
- 3. Implementation Timeframe**  
Secured bicycle facility must be completed prior to issuance of the first CO. **[Ord. 2006-036]**
- 4. Monitoring & Enforcement**  
When this strategy is used, the provision of bicycle facilities, including the number and general location, shall be included in the Development Order/Master Plan. **[Ord. 2006-036]**
- 5. Credit Factor**  
Credit factor shall be calculated in accordance with Table 12.P.4.G-17, Strategy Seven Credit Factor Calculation, below:

**Table 12.Q.4.G–17 - Strategy Seven Credit Factor Calculation**

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

[Ord. 2006-036]

**H. Strategy 8. Provide Access Between Developments**

**1. Strategy**

- a. This strategy applies to vehicle and pedestrian connections between adjacent Projects and encourages the use of such interconnections to reduce the need to access abutting roadways. The credit factor is based on the standard internalization criteria used by the Traffic Division. **[Ord. 2006-036]**
- b. For projects on a CRALLS roadway, the credit will be based on the reduction of trips on the CRALLS roadway. Projects not directly on a CRALLS roadway will receive one-half the credit amount. **[Ord. 2006-036]**

**2. Qualifying Criteria**

- a. The connection between the adjacent parcels must be conveniently located and designed to accommodate both vehicles and pedestrians. **[Ord. 2006-036]**
- b. The pedestrian connection must be ADA accessible. **[Ord. 2006-036]**
- c. Pedestrian connections between adjacent parcels or between building clusters within a single parcel shall be provided at a minimum of every 500 feet of building frontage or property line, and should be designed and located to maximize access to roadway corridors, transit stops, and parking areas. **[Ord. 2006-036]**
- d. The cross access easement shall be shown on the parcel’s plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. A letter of agreement from the adjacent property owner shall be provided at the time of application in order to initially qualify for use of this strategy. If the Project is subsequently approved conditioned upon implementation of this strategy, the condition shall require a reciprocal cross access easement at the same location on the adjacent property be recorded prior to the issuance of the first CO for the Project. Pedestrian crossings should incorporate treatments that provide the highest degree of visibility and safety for pedestrians. Recommended treatments include countdown signals, in-pavement lighting at crosswalks, raised pedestrian crosswalks, curb bulb-outs, and other traffic calming measures. These treatments should be applied where suitable, with special emphasis given in locations where pedestrians will cross collector and arterial roadways, and in parking and circulation areas of large developments. **[Ord. 2006-036]**
- e. The cross access must be provided in addition to any other cross access required by government land development regulations or driveway permit conditions. **[Ord. 2006-036]**
- f. Access for pedestrian use only will receive a reduced credit factor as set forth in [Art. 12.Q.3.H.5, Credit Factor](#), below. **[Ord. 2006-036]**

**3. Implementation Timeframe**

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

**4. Monitoring and Enforcement**

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

**5. Credit Factor**

- a. Project where the first directly accessed LINK is a CRALLS roadway: **[Ord. 2006-036]**
  - 1) 0.1 of smaller retail for retail to retail; **[Ord. 2006-036]**
  - 2) 0.1 of residential for residential to retail; **[Ord. 2006-036]**
  - 3) 0.1 of office for office to retail; and **[Ord. 2006-036]**
  - 4) 0.05 of office for office to residential **[Ord. 200-036]**
- b. Project where the first directly accessed LINK is not on CRALLS roadway: **[Ord. 2006-036]**
  - 1) 0.05 of smaller retail for retail to retail; **[Ord. 2006-036]**

- 2) 0.05 of residential for residential to retail; [Ord. 2006-036]
- 3) 0.05 of office for office to retail; and [Ord. 2006-036]
- 4) 0.025 of office for office to residential [Ord. 2006-036]
- c. The credit factor for pedestrian only connections shall be one-tenth of the above numbers. [Ord. 2006-036]

**I. Strategy 9. Provide Access To More Than One Road**

**1. Strategy**

- a. This strategy applies to properties that have access to two or more thoroughfare roadways, either directly, via non-thoroughfare roadways, or via shared access with an adjacent property. It is intended to allow better distribution of traffic onto the major roadway system as compared to projects with single access. [Ord. 2006-036]
- b. For Projects that directly access a CRALLS roadway, the credit is associated with the reduction of trips on the CRALLS roadway. The secondary access must be an alternative to access to a CRALLS roadway. For Projects that do not directly access a CRALLS roadway, the access must be on two or more thoroughfare roadways. These projects will receive a lesser credit. [Ord. 2006-036]

**2. Qualifying Criteria**

- a. Secondary access must be at an existing median opening to qualify for the full credit. If there is no median opening, the credit will be 50 percent less. Full credit shall be given if a median opening will be established concurrent with development. [Ord. 2006-036]
- b. The secondary access must be designed to accommodate both vehicles and pedestrians. [Ord. 2006-036]
- c. The secondary access for the pedestrian connection must be ADA accessible. [Ord. 2006-036]
- d. The access easement should be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. [Ord. 2006-036]
- e. The secondary access must be provided in addition to any secondary access required by government land development regulations or driveway permit. [Ord. 2006-036]
- f. For projects not on CRALLS roadways, the secondary access will not necessarily reduce traffic on the CRALLS roadway, but will better distribute Project Traffic on the roadway system. The credit factor is reduced by 50 percent in these cases. [Ord. 2006-036]
- g. Secondary access shall meet the access management requirements of the municipality, County, or FDOT, as applicable; if not, then it must have been granted a variance from the access management requirements prior to qualifying for credit. [Ord. 2006-036]
- h. The secondary access may be an access point onto the CRALLS roadway that aligns with another thoroughfare and thus allows dispersion of some project traffic without impacting the CRALLS roadway except at the intersection. [Ord. 2006-036]

**3. Implementation Timeframe**

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

**4. Monitoring**

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

**5. Credit Factor**

- a. 1.0 at median opening for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]
- b. 0.5 not at median openings for access to thoroughfare secondary to CRALLS roadway; [Ord. 2006-036]
- c. 0.2 at median opening to another thoroughfare for projects not on CRALLS roadway; [Ord. 2006-036]
- d. 0.1 not at median opening to another thoroughfare for projects not on CRALLS roadway; or [Ord. 2006-036]
- e. 0.4 for access onto CRALLS roadway that aligns with full median opening with another thoroughfare. [Ord. 2006-036]

**J. Strategy 10. Low Generation Traffic Sensitive Uses**

**1. Strategy**

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

**2. Qualifying Criteria**

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

**3. Implementation Timeframe**

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

**4. Monitoring**

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

Two years following Project Buildout, the project’s developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant [Art. 12.Q.3.F, Time Limits](#). **[Ord. 2006-036]**

**5. Credit Factor**

- a. Credit shall be determined by multiplying by three the percent reduction (expressed as a decimal) in two-way peak hour trips as compared to the typical average net external two-way peak hour trips per gross acre for development in the area per the land use designation as of the effective date of adoption of this Section. The typical development density and intensities based on an analysis of existing developments in area of CRALLS are as follows: **[Ord. 2006-036]**
  - 1) Residential: as per maximum allowable under land use designation. **[Ord. 2006-036]**
  - 2) Retail Commercial: 0.18 gross lot area coverage by buildings. **[Ord. 2006-036]**
  - 3) Office: 0.16 gross lot area coverage by buildings. **[Ord. 2006-036]**
  - 4) Industrial: 0.22 gross lot area coverage by buildings. **[Ord. 2006-036]**
  - 5) Institutional: 0.09 gross lot area coverage by buildings. **[Ord. 2006-036]**
- b. It is further assumed that, for purposes of calculation and comparison, the typical gross lot area coverage intensities are based upon single story buildings occupying the parcels. Also, for purposes of comparison, the typical density/intensity for the land use designations listed above shall be calculated using the general trip generation rate for that designation as published by PBC Engineering and Public Works Department/Traffic Division, whereas the proposed project shall be calculated using the specific trip generation rate for the proposed use if it is a requested use under the applicable zoning district. **[Ord. 2006-036]**
- c. Credit factor shall be calculated in accordance with Table 12.Q.4.J-18, Strategy Ten Credit Factor Calculation, below:

**Table 12.Q.4.J-18 - Strategy Ten Credit Factor Calculation**

Credit Factor =	$\frac{3 \times (T_A - T_P)}{T_A}$
$T_A$ =	average net external 2-way peak hour trips per gross acre in area for applicable land use designation
$T_P$ =	project net external 2-way peak hour trips per gross acre

**[Ord. 2006-036]**

**6. Example**

- a. Proposed self-storage development of 60,000 sf on 10-acre parcel with industrial land use designation = 0.14 gross lot area coverage **[Ord. 2006-036]**
- b. Average industrial gross lot area coverage = 0.22 **[Ord. 2006-036]**
- c. Project net external 2-way PM peak hour trips per gross acre =  $(60 \times .26) / 10 = 1.56$  trips/gross acre **[Ord. 2006-036]**
- d. Average Net 2-way PM peak hour trips per gross acre =  $0.98 \times (0.22 \times 10 \times 43,560/1000) / 10 = 9.39$  trips/gross acre **[Ord. 2006-036]**
- e. Credit Factor =  $3 \times [(9.39 - 1.56)/9.39] = 2.5$  **[Ord. 2006-036]**

**K. Strategy 11. Intersection Modifications**

**1. Strategy**

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

**2. Qualifying Criteria**



- a. This strategy applies only to intersections projected to exceed a critical sum of 1200 during either the AM or PM peak hour by Project Buildout. **[Ord. 2006-036]**
  - b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. **[Ord. 2006-036]**
  - c. Credit will not be given for that portion of the intersection modification that is required to mitigate just the traffic impacts of the proposed development. **[Ord. 2006-036]**
- 3. Methodology for Analyzing Improvement**  
The intersection will be analyzed using the “sum of critical movements” approach as detailed in [Art. 12.B, Standard](#). **[Ord. 2006-036]**
- 4. Implementation Timeframe**  
Determined during Site Plan review. **[Ord. 2006-036]**
- 5. Monitoring and Enforcement**  
When this strategy is used, the provision of intersection modifications shall be included in the Development Order as well as the Master Plan or Site Plan. The project’s developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant [Art. 12.Q.3.F, Time Limits](#). **[Ord. 2006-036]**
- 6. Credit Factor**  
Equal to five times the percentage reduction (expressed as a decimal) of the “sum of critical movement” in the operation of the intersection during either the AM or PM peak hour. The reduction in the critical movement sum is calculated without considering the component of traffic attributable to the proposed development itself. Credit factor shall be calculated in accordance with [Table 12.Q.4.K-19, Strategy 11 Credit Factor Calculation](#), below:

**Table 12.Q.4.K-19 - Strategy 11 Credit Factor Calculation**

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

**[Ord. 2006-036]**

- 7. Pooling Improvement by Multiple Developments**  
Multiple developments may pool their resources to implement an intersection improvement if the combined trips from the developments do not exceed the improvement to the intersection. In this case, the credit will be given proportionately according to each development’s contribution. **[Ord. 2006-036]**
- 8. Example**  
An intersection has an existing “sum of critical movements” of 1500. A proposed improvement will result in a “sum of critical movements” of 1350. The improvement is  $5 \times [1 - (1350/1500)] = 5(1-0.9) = 0.5$ . **[Ord. 2006-036]**
- L. Strategy 12. Grade Separated Interchange Improvement**
- 1. Strategy**  
This strategy consists of dedicating R-O-W for a proposed grade separated interchange or interchange modification. **[Ord. 2006-036]**
- 2. Qualifying Criteria**
- a. The interchange improvement must be approved by the Florida Department of Transportation District 4, PBC and/or Florida’s Turnpike District, as appropriate. **[Ord. 2006-036]**
  - b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. **[Ord. 2006-036]**
  - c. The dedication of R-O-W must be in addition to what is required by government land development regulations and must not be site-related. **[Ord. 2006-036]**
- 3. Implementation Timeframe**  
Determined during Site Plan review. **[Ord. 2006-036]**
- 4. Monitoring and Enforcement**  
When this strategy is used, the provision of grade separated interchange improvements shall be included in the Palm Beach County Comprehensive Plan on either the Thoroughfare Right of Way Identification Map or Adopted Long Range Plan Map and the area to be dedicated shall be designated in the project’s Development Order/Master Plan. The project’s developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant to [Art. 12.Q.3.F, Time Limits](#). **[Ord. 2006-036]**

**5. Credit Factor**

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

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

**1. Strategy**

A work site policy implementing a work schedule for full-time (i.e. working at least 35 hours per week) employees for a less than 5-day work week by extending hours of work during the remaining work days, with start and end work times that fall outside the normal AM (7 to 9 AM) and PM (4 to 6 PM) peak hours. [Ord. 2006-036]

**2. Qualifying Criteria**

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

**3. Implementation Timeframe**

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

**4. Monitoring and Enforcement**

- a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a report to the County Engineer identifying the number of employees from the development participating in the program and the total number of employees employed during the reporting period, and the work schedules of each participant. This Monitoring Report shall also include a copy of the compressed work week policy and copies of each of the signed compressed work week contracts entered during the reporting period. The County Engineer shall analyze the data for compliance with the Development Order. If the program fails to meet the plan's specified criteria within one year of Project Buildout, the owner, developer, or agent shall undertake remedial action, or institute an alternate mitigation strategy. [Ord. 2006-036]
- b. Two years following initiation of the strategy, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant [Art. 12.Q.3.F, Time Limits](#). [Ord. 2006-036]

**5. Credit Factor**

Credit factor shall be calculated in accordance with [Table 12.Q.4.M-20](#), Strategy 13 Credit Factor Calculation, below:

**Table 12.Q.4.M-20-Strategy 13 Credit Factor Calculation**

Credit Factor =	$\frac{E \times (D + H/(5-D))}{50 \times (\text{square root of } S)}$
E	= number of on-site based employees that participate in program
D	= number of weekdays per week that the employees do not have to drive to work due to their participation in program
H	= number of peak hours per week on workdays during which participating employees will not drive to work
S	= size of project in 1,000 sf

[Ord. 2006-036]

**N. Strategy 14. Additional Mitigation Fee Payment**

**1. Strategy**

This strategy involves the payment of mitigation fees in excess of the amount required by the Code for road impact fees. These fees shall be deposited in a separate Okeechobee Boulevard Mitigation

Fee Account and shall be used by the BCC to fund road improvements or other Programs designed to improve traffic flow in the Okeechobee Boulevard corridor. [Ord. 2006-036]

**2. Qualifying Criteria/Implementation Timeframe**

- a. Prepayment of the additional mitigation fees shall be required prior to issuance of the first building permit. [Ord. 2006-036]
- b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9. [Ord. 2006-036]

**3. Credit Factor**

Credit factor shall be calculated in accordance with Table 12.Q.4.N-21, Strategy 14 Credit Factor Calculation, below:

**Table 12.Q.4.N-21 - Strategy 14 Credit Factor Calculation**

0.001 X (additional amount of payment in \$1000s) + 0.005 X (percentage excess payment above required impact fee expressed as whole number --- up to a maximum of 100 percent)
[Ord. 2006-036]

**4. Example**

A project with a road impact fee of \$132,000 agrees to pay 100% of its fee as an additional mitigation fee payment. The project will thus qualify for a credit factor of  $(0.001 \times 132) + (0.005 \times 100) = 0.632$  [Ord. 2006-036]

**Section 5 Section 5 CRALLS Mitigation Strategies: Point System Methodology**

The following section outlines the methodology for a preliminary point system to be used in conjunction with CRALLS Mitigation Strategies. This system operates within the context of PBC's Traffic Performance Standards, in that it assigns trips impacting CRALLS facilities as part of the overall trip generation function. Once those assigned trips are understood and classified, a weighting factor can be applied to reflect the intensity of mitigation required by the developer. The "credit factor" used in this system corresponds to the sum of the credit factors derived from the mitigation strategies utilized.

**Table 12.Q.5-22 – Point System Methodology**

CRALLS Facilities Assigned Trips (Net 2-way peak-hour trips)	Weighting Factor	Minimum Points Needed to Fulfill Mitigation (divide assigned trips by 10)
1 – 100	5	<=10
101 – 200	10	11 – 20
201 - 400	20	21 – 40
401 - 800	40	41 – 80
801 – 1000 <sup>1</sup>	80	81 – 100

**Note:**

<sup>1</sup> Net 2-way peak hour trips in excess of this number shall be categorized and assigned weighting factors in a proportionate manner to the above table. [Ord. 2006-036]

**A. Calculation to Determine Mitigation**

The method of calculation to determine mitigation shall be in accordance with Table 12.P.5.A-23, Calculation to Determine Mitigation, below:

**Table 12.Q.5.A-23 – Calculation to Determine Mitigation**

$\frac{\text{Number of assigned trips}^1 \times \text{credit factor}}{\text{weighting factor}} = \text{Points earned}$
<sup>1</sup> The assigned trips include only those trips that are impacted by the specific mitigation strategy.

**Note:**

All credit factor calculations for each strategy are to be rounded off to the nearest one-hundredth prior to summing them to derive total points. [Ord. 2006-036]

**B. Example Calculation**

**1. Impact**

- a. Development will impact 100 trips onto CRALLS facility [Ord. 2006-036]
- b. Developer needs 10 points to achieve CRALLS mitigation [Ord. 2006-036]

**2. Mitigation Examples**

- a. Developer chose to implement an access to thoroughfare secondary to CRALLS roadway:



$$\frac{100 * .10}{0.5} = 20 \text{ points}$$

[Ord. 2006-036]

- b. Developer chose to implement a feeder route with 30-minute headways:

$$\frac{100 * .05}{0.5} = 10 \text{ points}$$

[Ord. 2006-036]

**Amendment History:**

[Ord. 2003 – 067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-036; August 29, 2006]