

**ORDINANCE NO. 10-2021**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN; PROVIDING FOR A NEW ELEMENT OF THE COMPREHENSIVE PLAN ENTITLED PRIVATE PROPERTY RIGHTS ELEMENT; PROVIDING FOR AMENDMENTS TO GENERAL TEXT AND CERTAIN OBJECTIVES AND POLICIES WITHIN THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AMENDMENTS TO GENERAL TEXT, A NEW POLICY 3.0, AND AMENDMENTS TO CERTAIN OBJECTIVES AND POLICIES WITHIN THE TRANSPORTATION ELEMENT; AND PROVIDING FOR THE TRANSMITTAL OF THE AMENDMENTS TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission of the Town of Lake Park, Florida (Town) has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, previously known as the “Local Government Comprehensive Planning and Land Development Regulation Act” and now known as the “Community Planning Act” (the Act); and

**WHEREAS**, the former Department of Community Affairs, now known as the Department of Economic Opportunity, has previously determined that the Town’s Comprehensive Plan was “in compliance” with the Act; and

**WHEREAS**, the Town’s Planning and Zoning Board sitting as the Local Planning Agency (LPA) has conducted a public hearing as required by §163.3174(4)(a), *Fla. Stat.*, and has recommended that the Commission amend the Town’s Comprehensive Plan as recommended by the Town’s Department of Community Development; and

**WHEREAS**, the Commission has conducted a public hearing to consider the LPA’s recommendations regarding the proposed amendments to the Transportation and Capital

Improvements Elements, and the adoption of a new element entitled "Private Property Rights Element" (the Amendments) and

**WHEREAS**, the Commission has determined that the adoption of the proposed amendments would be in compliance with the Act; and

**WHEREAS**, pursuant to § 163.3184(11), *Fla. Stat.*, the Commission has conducted a public hearing and considered public comments regarding the Amendments and has voted to transmit the Amendments to the Florida Department of Economic Opportunity, appropriate reviewing agencies, and any other local government or governmental agency that has made a written request of the Town pertaining to the Amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1:** The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

**Section 2:** The Comprehensive Plan is hereby amended by creating a new Chapter 13 "Private Property Rights Element" as follows:

**13.0 PRIVATE PROPERTY RIGHTS ELEMENT**

**13.1 GOAL, OBJECTIVES AND POLICIES**

**13.1.1 TOWN GOAL STATEMENT**

**Private Property Rights in Decision-making - It is the Goal of the Town of Lake Park to ensure that the private property rights of property owners are considered in all local decision making.**

## **OBJECTIVE 1:**

Private property rights shall be considered by the Town Commission based upon the following policies:

**Policy 1.1:** Property owners shall be entitled to physically possess and control the legal interests in their property, to the legal extent of their interests in the property, including easements, leases, or mineral rights.

### **Policy 1.2:**

Property owners shall have the right to use, maintain, develop, and improve their property for personal use or the use of any other person, subject to state laws and any countywide or town land development regulations or ordinances.

### **Policy 1.3:**

Property owners shall have the right to privacy and to exclude others from unlawfully entering their properties to protect their possessions and property.

### **Policy 1.4:**

Property Owners shall have the right to dispose of his or her property through sale or gift.

## **OBJECTIVE 2**

Transparency, Reliability, and Predictability in Decision-making: The Town Commission shall afford property owners the opportunity to participate in public meetings and hearing where it is making decisions involving a property owner's property.

### **Policy 2.1**

Development Applications - All applications affecting the development or use of property in the Town, including amendments to the Town's comprehensive plan, shall be made at duly noticed public meetings and the applications shall be made available for public review at any time before or after the date of any hearing wherein the application is to be considered within the Town's business hours. All residents and businesses of the Town shall be entitled to inspect public records associated with an application and to participate in any hearings regarding the applications.

## **Section 3.**

The Capital Improvements Element of the Comprehensive Plan is hereby amended as set forth in **Appendix A**, attached hereto and made a part of this ordinance.

**Section 4.** The Transportation Element of the Comprehensive Plan is hereby amended as set forth in **Appendix B**, attached hereto and made a part of this ordinance.

**Section 5.** **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6.** **Severability.** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 7.** **Effective Date.** The amendments to the Comprehensive Plan contained within this Ordinance shall become effective in accordance with the provisions of § 163.3184(3)(c)4., Fla. Stat.

## Appendix A

### Proposed Amendments to the Capital Improvements Element

#### **11.2.1.2 Revenue Sources Available To, But Not Being Utilized By, The the Town.**

7. Mobility Fees. These fees are charged in advance of development and are designed to pay for multimodal capital infrastructure needs identified in a mobility plan. These fees are paid by new development and redevelopment that results in an increase in person travel demand above and beyond the existing use of land. Mobility fees are required to meet the dual rational nexus test and rough proportionately test. Mobility fees are an alternative to transportation concurrency, proportionate share, and road impact fees. The Town does not currently utilize mobility fees.

#### 11.3.1 Local Policies and Practices

1. Level of Service Standards. Level of service (LOS) standards are indicators of the extent or degree of service provided by, or proposed to be provided by a facility based upon and related to the operational characteristics of the facility. LOS indicates the capacity per unit of demand of a particular public facility. They are, in short, a summary of existing or desired public facility conditions. Chapter 163, Florida Statutes, ~~and Chapter 9J-5, Florida Administrative Code,~~ now require LOS standards to be included for public facilities addressed by local governments in their comprehensive plans. Specifically, these LOS standards will be established for the purpose of issuing development orders or permits to ensure that adequate facility capacity will be maintained and provided for future development. LOS standards can also effect the timing and location of development by encouraging development in areas where facilities may have excess capacity. On the other hand, development will not be permitted unless needed facilities and services are provided. Such provision and development may occur in a phased sequence over time.

The Town intends to adopt a mobility plan and mobility fee. Florida Statute Section 163.3180 (5)(f) encourages local governments to consider adoption of areawide LOS standards for roads to recognize the benefit of a gridded transportation network.

CURRENT STATUS: The Town had not formally adopted LOS standards for public facilities prior to the completion of this Comprehensive Plan. However, within the other elements of this Comprehensive Plan LOS standards have been proposed. With the adoption of the Comprehensive Plan in 1989 the Town adopted LOS standards for public facilities, including roads. In lieu of the existing LOS, the Town will establish an areawide LOS standard for roads and conduct an areawide LOS analysis in the mobility plan. The Town will also establish street quality of service (QOS) standards based on posted speed that will be used in the design of roads and

multimodal improvements where lower speeds that are safer for all users of the transportation system will have a higher QOS and more auto-oriented roads will have a lower QOS. The street QOS will fully replace segment based road LOS on all roads within the Town.

11. Quality of Service Standards. Quality of Service (QOS) standards are indicators of the quality of a service or facility from a user's perspective. Florida Statute Section 163.3180 (5)(f) encourages local governments to consider adoption of multimodal LOS standards for people walking, bicycling, and riding transit. Several local governments in Florida have also established street QOS standards based on posted speed limits to replace road LOS standards based on road capacity. Multimodal QOS standards for people walking, bicycling, riding transit and driving on streets will be as part of the mobility plan and serve as the basis for establishment of person capacities for use in mobility fee calculations.

CURRENT STATUS: The Town has not formally adopted QOS standards for multimodal facilities. The Town will incorporate multimodal QOS standards into the mobility plan and mobility fee and will incorporate the replacement of road LOS on a segment-by-segment basis with street QOS standards as part of the mobility plan.

12. Mobility Fees. Mobility fees are being developed and implemented by local governments through-out Florida to replace transportation concurrency, proportionate share, and road impact fees to fund multimodal capital improvements adopted as part of a mobility plan. Several municipalities statewide have elected to no longer collect road impact fees for the county in which they reside as the mobility fees are designed to fully mitigate the impact of new development and the mobility plans include capital improvements on city, county, and state roads. Generally, where a municipality has adopted a mobility fee and stopped collecting a county road impact fee, it has made plans to either fund multimodal improvements on county roads or agreed to set aside a pro-rata share of collected mobility fees to contribute to the county, when a county moves forward with the design and construction of a multimodal county facility adopted in the local governments' mobility plan.

CURRENT STATUS: The Town has not formally adopted a mobility plan or mobility fee. The Town intends to adopt a mobility plan and mobility fee that will replace transportation concurrency and proportionate share. The Town, upon adoption of the mobility plan, intends to no longer collect a road impact fee for Palm Beach County within the Town upon the effective date of the mobility fee. The mobility plan and mobility fee address the impact of new development and redevelopment on county facilities, and will, to the extent needed, identify multimodal improvements on county roads. Based on the analysis conducted as part of the mobility plan and mobility fee, the Town will develop a metric that will serve as the basis to set aside, in a separate funding account, a pro-rata share of the mobility fees collected to contribute towards the funding of multimodal improvements identified in the mobility plan. The Town could also request that the County turn over certain roads for maintenance within the Town if the County does not want to construct multimodal improvements on its facilities. The Town Commission, as part of the

annual budget process and update of the Capital Improvements Program (CIP), will identify multimodal improvements to be funded, consistent with the mobility plan. As part of the CIP update, the Town will coordinate with the County to determine if there are multimodal improvements for which the Town should allocate a pro rata share of the mobility fees that it has collected. Further detail of contributing a pro-rata share of mobility fees would be addressed in an interlocal agreement between the Town and the County.

## **Goal, Objectives and Policies**

### **Policy 1.10:**

The Town shall adopt a mobility plan that identifies multimodal capital improvements over the next 10 to 25 years as part of the plan. These improvements will be prioritized for funding as part of the annual Capital Improvements Program update. The Town shall periodically evaluate the mobility plan and update the plan at least once every five years. ~~adopt an update transportation network and implement an improvement schedule in conformance with the Capital Improvements Element.~~

### **Objective 3**

Future development shall bear a proportional cost of facility improvements in order to maintain adopted LOS standards. Upon adoption of a mobility plan and the effective date of a mobility fee, future development shall fully mitigate its impact through payment of a mobility fee to the Town. Future development may also be required to make site related access and multimodal improvements through requirements and standards adopted through a multimodal site access assessment, or its functional equivalent.

### **Policy 3.1:**

The Town shall require local street improvements of any new development necessitated by that development. The Town shall also require payment of a mobility fee upon the effective date of the fee, to fund off-site multimodal improvements identified in a mobility plan.

### **Policy 4.4:**

Efforts shall be made to secure grants, ~~or~~ private funds, and federal and state funds through the TPA and leverage mobility fees, whenever possible to finance the provision of capital improvements. In accordance with Policy 1.6 of this element, a review of grants or private funds shall be conducted to identify funding sources.

## **CONCURRENCY MANAGEMENT SYSTEM**

### **Transportation**

Prior to the issuance of any development order for new development or redevelopment (excepting development and redevelopment determined to have a de minimus impact of transportation facilities in accordance with State requirements), transportation facilities needed to support the development at adopted LOS standards must meet one of the following timing requirements: the necessary facilities are in place, or; the necessary facilities will be in place when the impacts of the development occurs, or; the necessary facilities are under construction, or; the necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or provision of services within three years of the date of the development order. The enforceable development agreement may include, but is not limited to, the development agreements pursuant to Section 163.3220, Florida Statutes (F.S.), or an agreement or development order issued pursuant to Chapter 380, F.S. In addition, transportation concurrency is demonstrated if improvements necessary to achieve the Level of Service Standard are included in the Five-Year Capital Improvements Schedule and are scheduled to commence within three years of the date of the development order.

In addition, a development permit or development order may be issued subject to the satisfaction of transportation concurrency requirements through the payment or contribution of the calculated proportionate fair share for transportation, pursuant to all rules and requirements of Chapter 163.3180, F.S. The adoption of a mobility plan and the implementation of a mobility fee will result in the repeal and replacement of transportation concurrency within the Town, as well as proportionate share and the collection of County road impact fees.

**Policy 5.5:**

The Town shall allow traffic concurrency requirements to be satisfied in accordance with provisions contained in F.S. 163.3180 (5)(h). As an alternative mobility funding system, the Town shall replace transportation concurrency with a mobility fee, based on a plan for multimodal capital improvements, consistent with Florida Statute Section 163.3180 (5)(i).



## Appendix B

### Proposed Amendments to the Transportation Element

#### 4.5.6 Mobility Plan

Pursuant to legislation known as the Growth Management Act, the Florida Legislature required local governments to adopt Transportation Elements that detailed policies for their transportation systems, including the establishment of Level of Service (LOS) standards and concurrency to regulate development in Palm Beach County and the Town of Lake Park (Town). In accordance with the Growth Management Act, Palm Beach County, through an amendment of its Charter established a countywide LOS and concurrency management system for its roads and impact fees, both of which are applicable in the municipalities and have primarily been based on providing road capacity for motor vehicles (cars, SUVs, trucks, etc.) and requiring development to meet transportation concurrency and pay road impact fees. In 2011, the Florida Legislature enacted the Growth Policy Act which substantially amended the Growth Management Act, including among other things, eliminated State-mandated concurrency, and recognized that any local government should have the statutory authority to, among other things, promote and provide for policies to revitalize and sustain their communities through an integrated effort involving various components including transportation.

Therefore, the Transportation Element contains policies and objectives regarding the Town's legislative intent to prepare and adopt a mobility plan and mobility fees to replace transportation concurrency, proportionate share, and the collection of County road impact fees within the Town as authorized by § 163.3180(5)(i), Fla. Stat. This alternative mobility funding and plan which has been encouraged by the Florida Legislature is focused on the movement of people, rather than solely vehicles. The revenue collected as part of the Town's mobility fee shall be used to implement mitigation of the development impacts on the Town, consistent with its adopted mobility plan, and also ensure that a pro-rata share of collected mobility fees from new development or redevelopment shall be used to address impacts to those Palm Beach County multimodal improvements identified in the Town's mobility plan, consistent with § 163.31801, Fla. Stat.

As the Town anticipates that mixed-use infill development and redevelopment will be occurring and the possibility of the extension of commuter rail service in the future, the establishment of a multimodal transportation system is appropriate. Accordingly, the Goals, Objectives and Policies are included to implement a mobility plan, funded by a mobility fee, that will set out improvements to be made to the Town's infrastructure to address all modes of travel and all types of facilities used for the movement of people, whether they elect to bike, walk, ride transit, use shared mobility, or drive a motor vehicle.

Additionally, policies to encourage people to bicycle, walk, ride micromobility devices such as electric bikes (e-bikes) and electric scooters (e-scooters), use microtransit circulators (autonomous transit shuttles, golf carts, neighborhood electric vehicles), and to drive shorter distances for movement about the Town and parking once when reaching a destination by motor vehicle. Policies also recognize the value of a mobility hub at a centralized location, designed to accommodate micromobility devices, bicycle sharing, car-sharing, and provide a safe and convenient location for drop-off and pick-up of people riding transit, microtransit and ride-hailing services.

The term multimodal is intended to address all modes of travel and all types of facilities used for the movement of people, whether they elect to bike, walk, ride transit, use shared mobility, or drive a motor vehicle. Microtransit Vehicle refers to mean low speed vehicles such as autonomous transit shuttles, golf carts neighborhood electric vehicles, or trolleys subject to requirements established by a governmental entity responsible for approval, permitting or regulating said vehicles.

The development of a mobility plan will provide a vision, over the next 10 to 25 years, to transition from the movement of motor vehicles to the safe and efficient movement of people and the provision of alternative mobility choices. The mobility plan shall identify multimodal programs consisting of improvements, programs and services that encourage people to bicycle, walk, use transit and shared mobility technologies, and drive shorter distances. The mobility plan will be developed around increasing multimodal access and mobility to and from the downtown areas and future rail station, from the rest of the town and adjacent municipalities. The plan will also include the adoption of an areawide road level of service (LOS) standard and multimodal quality of service (QOS) standards. The multimodal QOS standards will include street QOS, based on posted speed limits that will replace transportation concurrency and segment-based roadway LOS standards within the Town.

The Town has been identified as a location for a future passenger rail station. Brightline is considering a station in Palm Beach Gardens. Once the tracks are upgraded, there will be a very real opportunity to provide rail service that connects most of the historic downtowns in Broward, Miami-Dade, and Palm Beach Counties. The Town is also seeing redevelopment interest along major arterials and within its historic downtown that will be served by future Tri-Rail Coastal service.

#### **4.5.7 Mobility Fees**

The Florida Legislature eliminated state mandated transportation concurrency in 2011 and provided for the adoption of an alternative mobility funding system. Mobility fees, as established in the 2013 Legislature, based on a plan of needed improvements (aka mobility plan) is a tool available to the Town to replace the existing transportation concurrency and proportionate share systems in the Town and to no longer collect County road impact fees to address the impacts of new development and redevelopment. Mobility fees will be used as a revenue source by the Town to fund multimodal programs, such as bike lanes, complete streets with streetscape and

landscape enhancements, sidewalks, slow streets, and transit circulators, identified in the mobility plan.

Mobility fees are an alternative to transportation concurrency, proportionate share, and County road impact fees. The Town will set aside a pro-rata share of collected mobility fees for County facilities identified in the mobility plan, to mitigate the impact of new development and redevelopment. The Town cannot prevent the County from attempting to implement transportation concurrency or seeking to assess a road impact fee. However, Florida Statute Sections 163.3180 and 163.31801 places the burden of proof on the County that: (1) the transportation concurrency it implements is consistent with Florida Statute Section 163.3180; (2) any exaction meets the dual rational nexus test; (3) the need for identified improvements is attributable and assignable to future development in the Town; (4) future development in the Town is not being assessed for existing backlog or deficiencies; (5) future development in the Town is not assessed twice for the same impact; and (6) future development in the Town is not held to a higher standard than development in the County.

Under the Town's mobility fee system and plan the Commission shall annually determine the distribution of revenues from its adopted mobility fee during the annual budget process and the Capital Improvements Program update.

The Town could coordinate mobility plan projects with the County and set aside a pro-rata share of mobility fees collected to provide to the County, if the County moved forward with funding the design and or construction of improvements identified in the mobility plan.

Florida Statute Section 163.3164(29) very clearly defines a local government as "any county or municipality." If the Legislature had intended for a County or Charter County to be exempt from provisions of the Community Planning Act, or to have authority over a municipality as it relates to transportation concurrency, impact fees, or mobility fees, it would have either included specific references or defined city and county separately, not cohesively as a "local government."

## **4.6 GOAL, OBJECTIVES AND POLICIES**

### **4.6.1 Town Goal Statement**

A safe, connected, convenient, and efficient multimodal ~~motorized and non-motorized~~ transportation system that emphasizes the movement of people and goods in a sustainable manner and minimizes environmental and neighborhood impact shall be available to all residents, business, and visitors to the Town.

## 4.6.2 Objective and Policies

### Objective 1:

The Town shall coordinate as appropriate with, the appropriate agencies, adjacent municipalities, the Florida Department of Transportation (FDOT), Palm Beach County, and the Palm Beach County Transportation Planning Agency (TPA), Palm Tran, the Treasure Coast Regional Planning Council (TCRPC), Tri-Rail, and private transportation mobility entities, such as Brightline, Metropolitan Planning Organization, to implement projects to address roadway deficiencies and address current and projected multi-modal multimodal transportation needs through whatever modes of transportation the Town deems appropriate.

### Policy 1.7:

The Town shall repeal transportation concurrency and proportionate share within its boundaries, and no longer collect road impact fees on behalf of the County, upon adoption and the effective date of a mobility fee, in accordance with the alternative mobility funding system provisions contained in Florida Statute Section 163.3180 (5)(f)and(i).

### Policy 1.8:

In lieu of the segment-based level of service (LOS) The Town shall establish an areawide road LOS based on road capacity provided by multiple corridors in recognition that while one (1) corridor may be near capacity, parallel corridors may be available to accommodate future travel demand. This areawide standard shall be contained within the Town's mobility plan, which shall demonstrate how this standard will be achieved through improvements identified in the mobility plan and the Capital Improvements Plan consistent with § 163.3180 (5)(f), Fla. Stat.

### Policy 1.9:

The Town shall establish multimodal quality of service standards for people walking, bicycling, and riding transit consistent with § 163.3180 (5)(f), Fla. Stat.

### Policy 1.10

The Town shall establish multimodal quality of service standards for its streets, based on posted speed, that will replace segment- based road level of service standards.

### Policy 1.11

The Town shall utilize the areawide road level of service and multimodal quality of service standards as performance measures to evaluate the addition of multimodal facilities and changes

in service standards over time. An existing conditions analysis should be conducted as part of the mobility plan, to establish baseline conditions.

**Objective 2:**

The Town shall develop a mobility plan to transition its current transportation system from one that emphasizes the movement of motor vehicles to one that encourages the movement of people via a multimodal transportation system that provides safe and convenient improvements, services, and programs for people walking, bicycling, riding or using micromobility devices and microtransit vehicles, using shared mobility services and programs, and driving motor vehicles. Ensure the provision of a full range of multimodal transportation options, including pedestrianism, bicycles, automobiles, and transit for existing and future residents, businesses and visitors.

The Town shall continue to coordinate with the Palm Beach County Metropolitan Planning Organization (MPO) to ensure that innovative ideas regarding transportation planning in Lake Park are forwarded.

**Policy 2.1:**

The Town shall adopt a mobility plan that addresses impacts to Town, County, and State transportation facilities within and near the Town. Proposed projects within the plan shall be based on future person travel demand and the need for multimodal projects to meet that demand as required by the needs test of the dual rational nexus test. The horizon year for the mobility plan shall be either consistent with the Town's Comprehensive Plan or the most recently adopted Palm Beach County TPA Long Range Transportation Plan (LRTP). The mobility plan may include projects that will not be used in the calculation of a mobility fee or are only partially attributable to new development, or redevelopment.

**Policy 2.2:**

The mobility plan and the future land use element may include policies related to mixed-use development, mobility districts, multimodal oriented developments, and transit-oriented developments. The mobility plan or updated land development regulations may include provision that include mobility hubs, curbside management and dynamic parking management strategies for mixed-use, multimodal, and transit-oriented development to facilitate creation of park-once environments that support mobility and reduce the need for motor vehicle trips.

~~The Town shall encourage mixed use development and/or Transit Oriented Development in appropriate locations in order to reduce the need for vehicular trips.~~

Policy 2.3:

The types of projects included in the mobility plan shall be consistent with multimodal quality of service standards established in the mobility plan. At a minimum, the mobility plan shall include the identification of improvements for people walking, such as sidewalks and paths, people bicycling, such as bike lanes or trails, people riding micromobility devices, microtransit and transit vehicles, such as multimodal lanes, slow speed (15 MPH) lanes, and dedicated lanes, and people driving, such as upgraded intersections and wider roads, and low speed and shared curbless streets.

Policy 2.4:

The Town shall evaluate opportunities to reimagine the function of right-of-way and repurpose space within existing right-of-way to provide more space for people bicycling, walking, and using micromobility devices, microtransit vehicles, and shared mobility services, while creating safer space for all users by slowing down the speed of motor vehicles and potentially relocating parking to areas that create a park-once environment.

Policy 2.5:

The Town shall evaluate developing complete street policies within the [mobility plan or the Town's land development regulations.

Complete street policies shall require that pedestrian, bicycle, transit, motorist and other anticipated users of a road or street are included in evaluation and design of roadway cross-section based upon anticipated mobility and accessibility needs in a context sensitive manner.

Policy 2.6:

The mobility plan may include provisions related to climate change and include elements that reduce vehicular trips, vehicular miles of travel and greenhouse gas emissions. The mobility plan may also incorporate provisions for reduced heat island effects and improve air quality through trees and landscaping and to reduce stormwater run-off and water quality through the integration of low impact development techniques, bio-swales, rain gardens and other green techniques that can be incorporated into the planning, design and construction of transportation improvements.

### **Objective 3:**

The Town shall adopt a mobility fee, based on the multimodal projects identified in an adopted mobility plan, that fully mitigates the person travel demand impact attributable to future development on Town, County, and State facilities within and adjacent to the Town.

~~The provision of motorized and non-motorized vehicle parking and the provision of bicycle and pedestrian ways will be regulated. (Moved to Policy 8.3, under Objective 8)~~

#### **Policy 3.1:**

The mobility fee shall be a one-time assessment on future development that results in an increase in person travel demand over and above the existing use of land. The mobility fee, consistent with Florida Statute, shall be required to meet the dual rational nexus test, and shall be roughly proportional to the increase in person travel demand impact of future development. Any multimodal project that serves as the basis for the mobility fee would need be attributable to the person travel demand impact of future development. The technical documentation for the mobility fee shall demonstrate that future development is not held to a higher standard than existing development, is not assessed for system wide deficiencies, and is not paying more than the cost of multimodal projects reasonably attributable to future development that results in an increase in person travel.

~~The Town shall seek opportunities to expand multi-modal transportation access to its roadway system and existing and proposed developments and uses. (Moved to Objective 8 and Incorporated into new Policy 8.5)~~

#### **Policy 3.2:**

The mobility fee may include provisions to encourage and incentivize affordable and workforce housing, mixed-use development, multimodal supportive development, targeted employment uses, and development within downtown areas, and around the future rail station.

~~The Town shall review all proposed development for its accommodation of bicycle and pedestrian traffic needs. (Incorporated into new Policy 8.6)~~

#### **Policy 3.3:**

Future development shall not be required to pay a mobility fee and also meet transportation concurrency, proportionate-fair share and pay road impact fees to the extent the mobility plan and mobility fee address the same facilities and travel demand impacts as would be addressed through the application of transportation concurrency, proportionate-fair share and road impact fees.



Policy 3.4:

The mobility fee shall go into effect per the provisions of an adopted mobility fee ordinance. The Town Commission shall repeal and replace transportation concurrency and proportionate share within the Town concurrently with the adoption of a mobility fee implementing ordinance.

Policy 3.5:

The Town shall encourage the County to enter into an Interlocal agreement related to mobility, with the Town electing to no long collect road impact fees on behalf of the County. The Town shall set aside a pro-rata share of mobility fee revenues collected to mitigate transportation impacts to County facilities, to the extent needed improvements on those facilities are attributable to future development or redevelopment. This share will be per the metric established in the technical report that will be undertaken for the mobility plan and mobility fee.

Absent a new interlocal agreement between the Town and County related to mobility fees, the Town shall consult with the County on the contribution of a pro rata share of mobility fees to the County to fund the design and or construction of multimodal improvements on County facilities identified in the mobility plan. Mobility fee revenues shall only be contributed to the County, unless otherwise provided for in an interlocal agreement, when the County has secured the full funding necessary to move forward and has commenced with the design and or construction of a multimodal improvement identified in the mobility plan.

Policy 3.6:

Once the Town Commission has adopted a mobility plan and fee, it shall update the Transportation and Capital Improvement Elements of its Comprehensive Plan to integrate the adopted mobility plan and mobility fee and reflect the repeal and replacement of transportation concurrency, proportionate share, and actions taken related to collection of the County's road impact fees. The amendment shall occur concurrent with the next evaluation and appraisal report (EAR) process or within one year from the date of adoption of the implementing mobility fee ordinance, whichever occurs first.

**Objective 4:**

The Town multimodal transportation system shall-emphasize and prioritize making streets safer and aesthetically pleasing for all users of the transportation system. ~~safety and aesthetics.~~

Policy 4.1:

The Palm Beach County Sheriff's Department shall be responsible for the preparation of annual accident frequency reports for all collector and arterial roads.



Policy 4.2:

The Town shall coordinate with the appropriate agencies to implement improvements at the dangerous points as identified in the accident analysis of this element.

Policy 4.3:

The Town shall develop and implement measures to insure safer streets for all users through the adoption of a mobility plan or other such plans and regulations.

**Objective 5:**

Traffic circulation planning shall ~~will~~ be coordinated with the future land uses shown on the Future Land Map of this plan, and the roadway and transportation improvement plans of the State, County, Palm Beach County TPA MPO, adjacent ~~neighboring~~ municipalities, Palm Tran, Tri-Rail, Brightline, and other transportation mobility providers. ~~and jurisdictions.~~

Policy 5.1:

As part of the annual budgeting and Capital Improvements Element update the Town shall review the compatibility of this Element with the roadway and transportation improvement plans of the State, County and TPA MPO.

Policy 5.2:

The Town shall review the transportation plans and programs of other jurisdictions that operate transportation facilities within or proximate to its boundaries, including neighboring municipalities ~~jurisdictions~~, to ensure consistency with this Element.

**Objective 8:**

Continue to insure adequate multimodal ~~traffic~~ circulation and multimodal access to new developments and redevelopment.

Policy 8.1:

The Town shall strictly enforce land development regulations during the plan review and implementation process.

Policy 8.2:

At the time of redevelopment and through cross-access and shared access agreements, the Town shall discourage excessive curb cuts including the control of connections and access points of driveways and roads to roadways on arterial and major collector streets within the confines of the Town's roadway network.

Policy 8.3:

The Town shall adopt land development regulations that provide for parking of motorized and non-motorized vehicles, and for bicycle and pedestrian access and ways, and access to transit. (Moved, and amended, from Objective 3)

Policy 8.4:

The Town shall consider development of park-once environments through policies, requirements, and standards within its downtown areas and at and around its future rail station, and within large scale mixed-use developments through either a mobility plan, parking plan, or amendments to land development regulations. The Town should consider amendments to land development regulations that decouple parking from development or offer parking reductions through the private provision of mobility hubs and curb management.

Policy 8.5

The Town shall seek opportunities to expand multimodal transportation access connections to its multimodal transportation system and cross-access between existing and proposed developments and uses. The Town shall amend its land development regulations to require multimodal access and cross-access connections. (Moved, and amended, from Policy 3.1)

Policy 8.6

When a mobility fee is adopted, the Town shall establish regulations for mobility assessment reports, site impact analysis, or site access assessments as a replacement of traffic impact analysis. The regulations at a minimum would address multimodal site access and cross-access for all modes multimodal access connections, the need for site related multimodal improvements, safety enhancements and upgrades, including mid-block crossings, along with an evaluation of gaps and needed upgrades to the adjacent multimodal transportation system, with emphasis on adjacent civic, education, employment, entertainment, and recreation uses. The provision of off-site improvements may be eligible for mobility fee credit. (Moved, and amended, from Policy 3.2)

Policy 8.7

When a mobility fee is adopted, the Town shall establish regulations for mobility performance standards as part of the replacement of transportation concurrency addressing multimodal facilities internal and adjacent to a development, multimodal intersection improvements, including those that add road capacity such as turn lanes, multimodal safety, multimodal access and cross-access, multimodal parking, multimodal pick-up and drop-off areas, easements or right-of-way requirements for multimodal facilities, and high-visibility crossings at intersections and mid-block crossings. The provision of off-site improvements may be eligible for mobility fee credit.

**Objective 9:**

The Town shall encourage private and public microtransit and transit systems to provide mobility options to residents, businesses, and visitors. ~~adequate public transportation systems.~~

Policy 9.1:

The Town continues to support an improved intra-county ~~public transit transportation~~ public transit transportation system.

Policy 9.2:

The Town supports the concept for the development of a regional ~~transit public transportation~~ transit public transportation system.

Policy 9.3:

The Town shall evaluate opportunities to partner with private mobility entities for the provision of individual microtransit systems and shared mobility services to enhance multimodal access and mobility and to provide first and last miles connectivity to transit systems.

Policy 9.4:

The Town shall evaluate allowing the use of microtransit vehicles, such as golf carts and neighborhood electric vehicles, by residents, businesses, visitors, and private operators.

Policy 9.5:

The Town shall actively pursue a train station adjacent to downtown for future passenger rail service.

## **Objective 10:**

To coordinate transportation planning and implementation with the Cities of Riviera Beach, Palm Beach Gardens, and the Village of North Palm Beach to avoid conflicting regulations of commonly shared streets, and with the City of Palm Beach Gardens for enhanced multimodal connectivity.

### **Policy 10.1:**

Coordinate the Town's efforts to implement any roadway maintenance, signage, stripping or any other activity affecting Silver Beach Road, Northlake Boulevard and Old Dixie Highway with the City of Riviera Beach and/or Village of North Palm Beach.

### **Policy 10.2:**

Coordinate the Town's mobility planning initiatives with the County and the municipalities of Palm Beach Gardens, Riviera Beach and the Village of North Palm Beach pertaining to the development of joint mobility planning initiatives.

Initiatives may also consider the annexation of enclaves to enhance mobility between the municipalities and the potential consideration of a multi-jurisdictional mobility fee or establishing criteria for identifying funding for cross-jurisdictional multimodal improvements, services and programs

### **Policy 10.3:**

Coordinate with the County and adjacent municipalities on transit circulator systems that provide access to a future rail station in Palm Beach Gardens for regional rail transit and a future rail station in Lake Park for local commuter rail service.

## **Objective 11:**

To assure participation in the transportation planning process of the West Palm Beach Metropolitan area such that Lake Park will continue to be well integrated with the larger transportation network.

### **Policy 11.1:**

To continue the Town's transportation planning and implementation with the Palm Beach County Transportation Planning Agency (TPA) Metropolitan Planning Organization, the Staff of the West Palm Beach Urban Area Transportation Study, the Florida Department of Transportation (FDOT) District Four (Southeast District) in Ft. Lauderdale, Tri-Rail, and Brightline.

### **Policy 11.2:**

To consider the most recently adopted Long Range Transportation Plan latest Long urban transportation plan prepared by the TPA West Palm Beach Urban Area Metropolitan Planning Organization and the five year Transportation Improvement Program prepared by FDOT and the TPA, Florida Department of Transportation in the planning of the Town's traffic circulation system.

Upon First Reading this 29 day of September, 2021, the foregoing Ordinance was offered by Commissioner Linden, who moved its approval. The motion was seconded by Commissioner Michaud and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>Absent</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>Absent</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____


**PUBLISHED IN THE PALM BEACH POST THIS 21 DAY OF November, 2021**

Upon Second Reading this 1 day of December, 2021, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Commissioner Michaud and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>✓</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>✓</u>	_____
COMMISSIONER JOHN LINDEN	<u>✓</u>	_____
COMMISSIONER ROGER MICHAUD	<u>✓</u>	_____

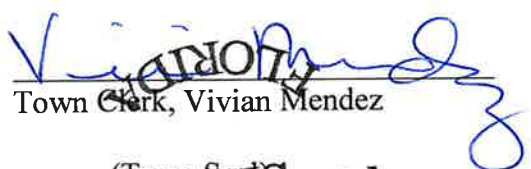
The Mayor thereupon declared **Ordinance No.** 10-2021 duly passed and adopted this 1 day of December, 2021.

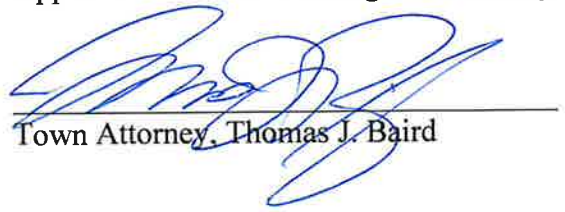
TOWN OF LAKE PARK, FLORIDA

BY:   
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

  
Town Clerk, Vivian Mendez

  
Town Attorney, Thomas J. Baird



**TOWN OF LAKE PARK**  
**NOTICE OF ADOPTION OF AMENDMENTS TO THE**  
**COMPREHENSIVE PLAN**

Notice is hereby given that the Town of Lake Park, in accordance with the requirements of Chapter 163, Part II, Florida Statutes and other authority, intends to adopt Ordinance 10-2021 on second reading, amending the Town's adopted Comprehensive Plan. Amendments include:

- Adoption of Private Property Rights Element, as mandated by the State.
- Text Amendments to the Transportation Element, requiring the preparation of a Mobility Plan for the Town of Lake Park.
- Text amendments to the Capital Improvements Element necessary to adopt a Mobility Plan and fee.

**ORDINANCE NO. 10-2021**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN; PROVIDING FOR A NEW ELEMENT OF THE COMPREHENSIVE PLAN ENTITLED PRIVATE PROPERTY RIGHTS ELEMENT; PROVIDING FOR AMENDMENTS TO GENERAL TEXT AND CERTAIN OBJECTIVES AND POLICIES WITHIN THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AMENDMENTS TO GENERAL TEXT, A NEW POLICY 3.0, AND AMENDMENTS TO CERTAIN OBJECTIVES AND POLICIES WITHIN THE TRANSPORTATION ELEMENT; AND PROVIDING FOR THE TRANSMITTAL OF THE AMENDMENTS TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**LAKE PARK TOWN COMMISSION ADOPTION HEARING**

Meeting: Wednesday, December 1, 2021 at 6:30 pm or as soon thereafter as the matter can be heard.

Adoption Hearing will be held in the Town Hall Commission Chambers, located in Town Hall, 535 Park Avenue, Lake Park, FL, 33403.

To receive a copy of the ordinance or request information on the Comprehensive Plan amendments please call the Community Development Department at 561-881-3320, ext. 325.

If a person decides to appeal any decision made by the Local Planning Agency or Town Commission with respect to any hearing, they will need a record of the proceedings and

for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, Town Clerk

**PUB:** November 21, The Palm Beach Post