



**Town of Lake Park, Florida  
Local Planning Agency  
Meeting Minutes  
Tuesday, September 14, 2021 at 6:30 p.m.  
Commission Chamber, Town Hall  
535 Park Avenue, Lake Park, Florida 33403**

**CALL TO ORDER**

The meeting was called to order at 6:31 p.m.

**PLEDGE OF ALLEGIANCE**

Vice-Chair Rice led the Pledge of Allegiance.

**ROLL CALL**

Vacant, Chair	
Joseph Rice, Vice-Chair	Present
Jon Buechele	Present
Lauren Paxton	Present
Richard Ahrens	Present

Also in attendance were Community Development Director Nadia DiTommaso, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

**APPROVAL OF AGENDA**

**Motion: Agency Member Buechele moved to approve the agenda; Agency Member Paxton seconded the motion.**

Vote on Motion:

Agency Member	Aye	Nay	Other
Richard Ahrens	X		
Jon Buechele	X		
Lauren Paxton	X		
Joseph Rice, Vice-Chair	X		

Motion passed 4-0.

**APPROVAL OF MINUTES**

- Local Planning Agency Meeting minutes of May 3, 2021.

**Motion: Agency Member Ahrens moved to approve the Local Planning Agency Meeting minutes of May 3, 2021; Agency Member Buechele seconded the motion.**

Vote on Motion:

Agency Member	Aye	Nay	Other
Richard Ahrens	X		
Jon Buechele	X		
Lauren Paxton	X		
Joseph Rice, Vice-Chair	X		

Motion passed 4-0.

### **Public Comment**

Vice-Chair Rice explained the Public Comment procedure.

### **ORDER OF BUSINESS**

The normal order of business for Hearings on agenda items are as follows:

- Staff presentation
- Applicant presentation (when applicable)
- Agency Member questions of staff and applicant
- Public Comments – limited to 3 minutes per speaker
- Motion on floor
- Vote of Agency

### **NEW BUSINESS:**

**1. LPA-21-002: A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE ADOPTING TOWN-INITIATED AMENDMENTS TO THE TOWN OF LAKE PARK COMPREHENSIVE PLAN, INCLUDING A NEW ELEMENT OF THE COMPREHENSIVE PLAN ENTITLED PRIVATE PROPERTY RIGHTS ELEMENT, AMENDMENTS TO THE GENERAL TEXT AND CERTAIN OBJECTIVES AND POLICIES WITHIN THE CAPITAL IMPROVEMENTS ELEMENTS, AND AMENDMENTS TO THE GENERAL TEXT AND CERTAIN OBJECTIVES AND POLICIES WITHIN THE TRANSPORTATION ELEMENT.**

Town Planner Karen Golonka explained the item (see Exhibit “A”). Town Manager John D’Agostino explained the Town’s need for a Mobility Plan and Impact Fee. Town Planner Golonka introduced the Town’s consultant assisting with this effort.

Louis Rotundo representing New Urban Concepts explained the impacts the Mobility Plan and Impact Fees would have to the Town. He provided the history of how the Legislation for the State of Florida has changed over the years relating to mobility. He explained how the law reads and what it means to the Town. He stated that the Town has the right to move forward with its own Mobility Plan.

Agency Member Ahrens explained his impact fee experience with Palm Beach County. He asked if the intent was to keep most of the funds generated in the Town versus giving them to Palm Beach County, which would then be utilized around the County and not

necessarily in Lake Park. Mr. Rotundo agreed and explained that it provides each local government the option and opportunity to mitigate the trip generated by their development. He explained that the goal was to create capacity improvements that mitigate the trips wherever they may occur.

Public Comment open:

Mr. Khurshid Mohyuddin, representing Palm Beach County Planning, Zoning & Building Department Planning Division, referenced the “Palm Beach County Objection – Proposed Comprehensive Plan Amendments related to Mobility Plan and Fees” letter submitted to the Town on September 10, 2021 (see Exhibit “B”). The Agency acknowledged receipt of the letter. He announced that another municipality was under litigation with Palm Beach County for the same reason. He stated that Palm Beach County request denial of the Amendments. He stated that Palm Beach County would work with Staff to develop a mobility plan and fee that would serve the Town and Palm Beach County.

Public Comment closed:

Vice-Chair Rice thanked Mr. Mohyuddin.

**Motion: Agency Member Ahrens moved to accept the Ordinance as presented; Agency Member Paxton seconded the motion.**

Vote on Motion:

Agency Member	Aye	Nay	Other
Richard Ahrens	X		
Jon Buechele	X		
Lauren Paxton	X		
Joseph Rice, Vice-Chair	X		

Motion passed 4-0.

The Agency verified their intent to accept all Amendments to the Ordinance. Town Attorney Baird explained that the Property Rights Element and Mobility Fee would move forward to the Town Commission with a recommendation of approval.

**Local Planning Agency Member Comments:**

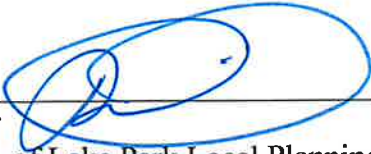
None

**Community Development Director Comments:**

Town Planner Golonka explained that the Twin-City Mixed Use and Land Use was approved by the Town Commission and sent to the State for review. She explained that after the State’s review the changes are now effective.

**ADJOURNMENT**

There being no further business to come before the Local Planning Agency and after a motion to adjourn by Board Member Ahrens and seconded by Board Member Buechele, and by unanimous vote, the meeting adjourned at 7:20 p.m.

  
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Chair  
Town of Lake Park Local Planning Agency Board

  
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Recording Secretary



Approved on this 6 of December, 2021



**TOWN OF LAKE PARK  
Local Planning Agency Meeting  
Meeting Date: September 14, 2021  
Agenda Item # LPA-21-002**

**DESCRIPTION**

**PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE ADOPTING TOWN-INITIATED AMENDMENTS TO THE TOWN OF LAKE PARK COMPREHENSIVE PLAN, INCLUDING A NEW ELEMENT OF THE COMPREHENSIVE PLAN ENTITLED PRIVATE PROPERTY RIGHTS ELEMENT, AMENDMENTS TO THE GENERAL TEXT AND CERTAIN OBJECTIVES AND POLICIES WITHIN THE CAPITAL IMPROVEMENTS ELEMENT, AND AMENDMENTS TO THE GENERAL TEXT AND CERTAIN OBJECTIVES AND POLICIES WITHIN THE TRANSPORTATION ELEMENT**

**Summary of Request**

The Planning and Zoning Board is sitting as the Local Planning Agency (LPA) to conduct a Public Hearing to consider Town-initiated amendments to the Comprehensive Plan, which are contained in the above-referenced proposed ordinance. **The Ordinance immediately follows this staff report.**

- Addition of a Private Property Rights Element, as required by new State legislation.
- Text amendments to the Transportation Element, setting forth policies for the establishment 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.

Each proposed amendment is explained in detail in the report that follows.

**RECOMMENDATION: STAFF RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE PARK, INCLUDING A NEW PROPERTY RIGHTS ELEMENT AND CHANGES TO THE CAPITAL IMPROVEMENTS ELEMENT AND TRANSPORTATION ELEMENT.**

## 1. Private Property Rights Element Amendment

The State Legislature, in this past 2021 Legislative Session, adopted HB 59 (codified as 163.3177 (6)(i) Florida Statutes, which amended Florida's Community Planning Act to **require each local government "to include in its comprehensive plan a property rights element."** Each local government must adopt this new element "by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan."

As the Town is proposing various amendments to the Comprehensive Plan at this time, the Private Property Rights Element must also be brought forward as well. Community Development staff has prepared the following Private Property Rights Element which will meets the requirements of the Florida statutes.

The intent of the Element is to acknowledge the Town's respect for judicially recognized and constitutionally protected private property rights, and commit that these rights will be considered in local decision-making. The element also emphasizes the importance of a transparent process for decision-making and public participation.

The Town currently has procedures in place to insure public participation and transparency, and thus we do not anticipate any substantial changes to address the Element.

### Text of the proposed element:

## 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 the Commission's consideration of Comprehensive Plan goals, objectives and policies, and land development regulations that affect properties in the Town by affording them with the opportunity to participate in decisions that affect their lives and property.

## **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.

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## 2. Amendments to the Transportation Element and Capital Improvements Element

The proposed amendments are needed as the first step in the preparation and adoption of a Mobility Plan. The Town intends to adopt a **Mobility Plan**, along with a mobility fee for development that would replace the current County traffic concurrency and traffic impact fee.

Currently, the County collects impact fees from development in the Town. These funds are utilized for transportation improvements as determined by the County within a broad north county zone. The funds are not required to be used for improvements within Lake Park. Thus there is no guarantee that the traffic impacts of development or redevelopment projects in Lake Park will be mitigated. The adoption of a Mobility plan and fees will insure that funds from development or redevelopment will remain substantially with the Town, to address impacts. The funds will be available for a wide range of multimodal purposes.

As the Town is experiencing new development and redevelopment such as mixed-use infill, high-rise condominiums, and industrial buildings there is a need to plan for a multimodal transportation system that encourages people to use alternative forms of transportation. This can include walking, bicycling or riding micromobility devices such as electric bikes and electric scooters. The use of shared transit and microtransit can reduce driver trips by promoting a “park once” approach, with the driver then using alternative transportation to reach various locations. Transportation infrastructure must be improved or enhanced to accommodate these uses; the mobility fee will provide this source for funding.

**The first step in this process is to amend the Comprehensive Plan.** The proposed Capital Improvement and Transportation Element amendments establish the legislative intent that the Town will pursue adoption of a mobility plan and mobility fees.

The Town has retained NUE Urban Concepts to prepare the Comprehensive Plan amendments related to mobility. **These proposed amendments are contained in the proposed Ordinance that follows this report.** Proposed new text will be shown underlined, existing Comprehensive Plan text being deleted will have ~~strike-thrus~~, and exiting text that is remaining will show as it is.

**The narrative provided by NUE Urban Concepts follows:**



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## Town of Lake Park Proposed Comprehensive Plan Amendments- Narrative Prepared by NUE Concepts LLC

The proposed amendments to the Transportation Element (TE) and the Capital Improvements Element (CIE) of the Comprehensive Plan seek to implement changes related to transportation concurrency, proportionate share, road impact fees, and goals, objectives, policies, and narratives that largely emphasize the movement of motor vehicles, rather than the movement of people by multiple modes of transportation. The proposed amendments establish objectives and policies to develop and implementation an alternative mobility funding system, specifically a mobility fee based on an adopted mobility plan, per Florida Statute Section 163.3180(5)(i), which states:

*“If a **local government** elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development’s identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with s. 163.31801 governing impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h)”. **(emphasis added)***

Florida Statute Section 163.3164(29) defines a local government as: “any county or municipality”. This is an important distinction, as Palm Beach County is a Charter County that currently implements transportation concurrency and proportionate share in the Town and requires the Town to collect road impact fees on its behalf. 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, proportionate share, impact fees, or mobility fees, it would have either included specific references in Florida Statute Section 163.3180 or defined county and municipality separately, not cohesively as a “local government.”

Prior to the passage of the Florida Community Planning Act by the Legislature on June 2, 2011, transportation concurrency was mandatory for local governments statewide, except those with approved TCEAs or MMTDs. After adoption of the Community Planning Act, transportation concurrency became optional for any local government and the Legislature encouraged local governments to adopt alternative mobility funding systems and specifically references mobility fees, based on a plan for mobility improvements. It should be noted that the Palm Beach County Charter was last amended in early 2011, before the Florida Legislature eliminated transportation concurrency and encouraged local governments to adopt alternative mobility funding systems.

Accordingly, the Florida Department of Economic Opportunity (DEO), which replaced the Department of Community Affairs, provides the following direction related to elimination of transportation concurrency and adoption of a mobility fee-based plan, in accordance with Florida Statute 163.3180:

#### ***“Transportation Concurrency***

*In accordance with the Community Planning Act, local governments may establish a system that assesses landowners the costs of maintaining specified levels of service for components of the local government's transportation system when the projected impacts of their development would adversely impact the system. This system, known as a concurrency management system, must be based on the local government's comprehensive plan. Specifically, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide the application of its transportation concurrency management system.*

*Prior to June 2, 2011, transportation concurrency was mandatory for local governments. Now that transportation concurrency is optional, if a local government chooses, it may eliminate the transportation concurrency provisions from its comprehensive plan and is encouraged to adopt a mobility fee-based plan in its place (see below). Adoption of a mobility fee-based plan must be accomplished by a plan amendment that follows the Expedited State Review Process. A plan amendment to eliminate transportation concurrency is not subject to state review.*

*It is important to point out that whether or not a local government chooses to use a transportation concurrency system, it is required to retain level of service standards for its roadways for purposes of capital improvement planning. The standards must be appropriate and based on professionally accepted studies, and the capital improvements that are necessary to meet the adopted levels of service standards must be included in the five-year schedule of capital improvements. Additionally, all local governments, whether implementing transportation concurrency or not, must adhere to the transportation planning requirements of section 163.3177(6)(b), Florida Statutes.*

#### ***Mobility Fee Based Plans***

*If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in section 163.3180(5)(f), Florida Statutes **(bullets added)**:*

- *Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, appropriate land use mixes, intensity and density.*
- *Adoption of an area wide level of service not dependent on any single road segment function.*
- *Exempting or discounting impacts of locally desired development*

- *Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment with convenient interconnection to transit.*
- *Establishing multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate a level of mobility.*
- *Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.”*

(<http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/transportation-planning>)

The development of a mobility plan and mobility fee within the Town shall replace transportation concurrency and proportionate share. In addition, the Town intends to no longer collect the County’s road impact fee. The mobility plan will identify the multimodal improvements necessary to fully mitigate the impact of future development within the Town on County, State, and Town right-of-way within and adjacent to the Town. To the extent there are multimodal improvements to County right-of-way that are attributable to the impact of future development in the Town, the technical report for the mobility plan and mobility fee will include metrics to determine the pro-rata share of mobility fees to be set aside to fund improvements to County right-of-way. Ideally an interlocal agreement between the Town and County related to mobility fees to contribution of a pro-rata share of mobility fees to the County to fund improvements to County right-of-way identified in the mobility plan. Absent an interlocal agreement, the Town will consult with the County, during the annual budget and CIP update process, any Town contribution of pro-rate mobility fees to the County to assist with the funding of multimodal improvements for which the County has secured full funding and commenced with design and or construction of a multimodal improvement that is identified in the mobility plan.

The consultation could also include the Town constructing multimodal improvements on County right-of-way or agreeing to take over maintenance and ownership of County right-of-way. Any mobility fees set aside to fund multimodal improvements on County right-of-way would require that there is a dual rational nexus between the impact of future development, the need for multimodal improvements on County facilities, and that the improvement is attributable to the impact of future development. Any pro-rata contribution would be tied to the County having commenced design or construction of a multimodal improvement identified in the mobility plan, unless otherwise provided for in an interlocal agreement. There are legally required time frames for the expenditure of mobility fees, so any set-aside would need to be for a multimodal improvement that is going to be constructed within the time frames established in the mobility fee ordinance for expenditure of mobility fees.

Brightline is completing rail upgrades between West Palm Beach and Orlando that run right through Lake Park. There is ongoing discussion regarding the location of a train station in the City of Palm Beach Gardens just to the north of the Town. The completion of the rail upgrades would

open the possibility for the long-planned Tri-Rail Coastal commuter rail service linking the majority of historic downtowns in Broward, Miami Dade, and Palm Beach Counties. The mobility plan would emphasize multimodal circulation within the Town, first and last mile connectivity to the future train station and multimodal connectivity to a regional train station in Palm Beach Gardens. The intent of the mobility plan and mobility fee is to support Town land use and economic development initiatives to continue to make the Town a destination that people come to, not cut-through on the way to somewhere else: which is what current transportation concurrency and road impact fee systems promote.

### **Proposed amendments to the Capital Improvements Element (CIE)**

The proposed amendments to the Capital Improvements Element (CIE) establish the basis for development of areawide road level of service (LOS) and multimodal quality of service (QOS) standards. These standards will be developed as part of a mobility plan. The standards will be used to establish multimodal capacities for the mobility fee calculation. The standards will be used to evaluate existing conditions and to develop performance measures to evaluate the effect, over time, of multimodal improvements constructed within the Town. Most of the amendments proposed are to the supplemental information included in the Capital Improvements Element. The following is a summary of the proposed amendments to the CIE that established the legislative intent indicating the Town will move forward with adoption of a mobility plan and mobility fee:

The amendment to **Objective 3 of the CIE** added QOS standards.

The amendment to **Policy 3.1** requires that new development pay a mobility fee to the Town, to fund the improvements identified in an adopted mobility plan.

The amendment to **Policy 4.4** identifies mobility fees as a funding source available to the Town to fund multimodal improvements.

The amendment to **Policy 5.5** indicates that the Town will replace transportation concurrency with an alternative mobility funding system, specifically mobility fees, consistent with Florida Statute Section 163.3180 (5)(i).

### **Proposed amendments to the Transportation Element (TIE)**

The proposed amendments to the Transportation Element (TIE) establish the basis for development of areawide road level of service (LOS), multimodal quality of service (QOS) standards and the adoption of a mobility plan and mobility fee. The LOS and QOS standards will be developed as part of a mobility plan. The mobility plan will identify multimodal projects within and adjacent to the Town. The mobility fee will replace transportation concurrency and proportionate share and will result in road impact fees no longer being collected on behalf of the County. The TE amendment includes the provision of supplemental information addressing the development of a mobility plan and fee.

The amendment to **Goal 4.6.1** is an update to more current accepted terminology related to the provision of a multimodal transportation system.

The amendment to **Objective 4.6.2** updates and expands on coordination with governmental partners and private entities.

**Policy 1.7** indicates the Town will repeal transportation concurrency through the adoption of an alternative mobility funding system consistent with Florida Statute Section 163.3180 (5)(i). This process is extensively described in the supplement information provided for both the CIE and TE amendments.

**Policy 1.8** states that the Town will adopt areawide level of service (LOS) standards consistent with Florida Statute Section 163.3180 (5)(f) as an alternative replacement to segment-based LOS of, which is the Town's current LOS approach. An areawide LOS considers the road capacity provided by multiple corridors within a transportation network in recognition that while one (1) corridor maybe near capacity, parallel corridors may be available to accommodate future travel demand.

**Policy 1.9 and Policy 1.10** state that the Town will adopt multimodal quality of service (QOS) standards consistent with Florida Statute Section 163.3180 (5)(f). QOS standards are based on user's perception of conditions for people walking, bicycling or riding transit, versus LOS which is focused on the availability of road capacity. The policy also establishes that street QOS standards based on posted speed will replace segment-based LOS. The lower the posted speed, the safer the transportation system is for all users. Higher posted speed limits primarily benefit motor vehicles and make it more dangerous for people bicycling, walking and accessing transit. There is an inverse relationship between road LOS and street QOS. Higher speeds result in a higher LOS and a lower QOS. Slower speeds result in a lower LOS and a higher QOS. Road LOS is a key component of transportation concurrency. The elimination of transportation concurrency necessitates the replacement of road LOS focused on road capacity with a street QOS that emphasizes making the multimodal transportation system safer and more accessible to all users.

**Policy 1.11** indicates that the Town will use areawide LOS and multimodal QOS standards as performance measures. Since the current transportation system and the policy and funding mechanism in place emphasize the movement of motor vehicles, it is going to take time to transition to a multimodal transportation system the encourages more people to bike, walk, use transit, and drive shorter distances. Using areawide LOS and multimodal QOS standards as performance measures allows the Town to measure, over time, the effectiveness of changes to the multimodal transportation system.

The amendment to **Objective 2** establishes the legislative intent of a mobility plan and expands on the existing language to encourage development of a multimodal transportation system.

The amendment to **Policy 2.1** relocates the existing policy related to coordination to Policy 5.3 and establishes criteria for development of a mobility plan, including meeting the needs test of the dual rational nexus test.

The amendment to **Policy 2.2** expands on the existing policy and indicates that either the mobility plan or amendments to the future land use element could establish policies for mixed-use and multimodal supportive developments, such as transit-oriented developments. The policy amendment also introduces the concept of park once environments, mobility hubs, curbside management, and dynamic parking management strategies which have all been found to reduce vehicle trips and increase travel my means other than motor vehicles.

**Policy 2.3** establishes the types of multimodal projects that should be included in a mobility plan.

**Policy 2.4** establishes the framework for the Town to consider reimagine the purpose of existing transportation corridors and to consider reallocating space to encourage people bicycling, walking, and riding micromobility devices, microtransit vehicles, and transit service.

**Policy 2.5** encourages the Town to consider development of complete street policies to increase mobility choices.

**Policy 2.6** indicates the mobility plan is an avenue for the Town to consider climate change in development of a multimodal transportation system.

The amendment to **Objective 3** relocates the existing Objective to Policy 8.3.

The new objective establishes the legislative intent to develop a mobility fee, based on the multimodal projects identified in an adopted mobility plan. The adoption of a mobility fee will provide the Town with a revenue source, paid by new development to mitigate its person travel demand impact, to fund the multimodal projects in the mobility plan. The intent of a mobility fee is to replace transportation concurrency and proportionate share, and to no longer collect road impact fees on behalf of the County.

The objective establishes that the mobility fee will mitigate the impact to Town, County, and State right-of-way through the identification of multimodal facilities attributable to the person travel demand impact of future development. Upon adoption of a mobility fee, new development would no longer be subject to Town mandated transportation concurrency or proportionate share and the Town would no longer collect road impact fees on behalf of the County.

The Town Commission could elect to construct improvements on County facilities or set aside a pro-rata share of mobility fee revenues for County facilities and contribute those funds to the County per the terms of a mobility fee interlocal agreement. The Town, if approved by the County, could also take over maintenance and ownership of County right-of-way. Absent an interlocal agreement, the town Commission would consult with the County during the annual budget process to consider contributing a pro-rata share of mobility fee revenues collected to the County once the County has fully funded and commenced with design and or construction of multimodal improvements identified in the mobility plan. The important distinction over the existing road impact fee system is that the Town Commission would be the entity making the final determination on the prioritization and expenditure of mobility fees, consistent with the dual rational nexus test, in the Capital Improvements Program.

The Town's need is not to add road capacity to facilitate cut-through traffic, it's to enhance multimodal mobility within the Town and multimodal connectivity with adjacent municipalities. US Hwy 1, Interstate 95 and Northlake Blvd, all of which are multilane State Roads, are intended to carry regional traffic. There are multimodal improvements that are needed to US Hwy 1 and Northlake Blvd that will be coordinated with FDOT and the TPA and potentially included in the mobility plan. The LRTP has identified improvements on Alternate A1A and an extension of Park Avenue to the west. To the extent both projects are consistent with the Town's multimodal needs, they could be included in the mobility plan and factor into the mobility fee.

This policy is in recognition that the Legislature established that "any' local government could develop an alternative mobility funding system. There are no provisions in the Community Planning Act that exempt

charter counties or any local government from replacing transportation concurrency and developing an alternative mobility funding system, such as a mobility fee. In the 80's and 90's there were some legal rulings related to County road impact fees collected by municipalities. Those rulings occurred long before the adoption of the "Impact Fee Act" in Florida Statute Section 163.31801 and the Community Planning Act providing for the development of alternative mobility funding systems per Florida Statute Section 163.3180 (5)(i). It is up to the Town to demonstrate that its plan and fee meet the dual rational nexus impact and mitigate the impact of new development. While the Town cannot restrict the County from seeking to implement and collect its road impact fee after adoption of a plan and fee, the County would have the burden of proof that the fee it is seeking to collect meets the dual rational nexus test.

**Policy 3.1** establishes that a mobility fee is intended to mitigate the person travel demand impact of new development and redevelopment and establishes criteria, consistent with legal and statutory requirements, for the development of a mobility fee.

**Policy 3.2** establishes that a mobility fee may have multiple assessment areas where the fee could vary based on type of development, such as mixed-use, or location of the development, such as downtown. The policy also recognizes that certain uses are encouraged and could feature specific fees related to those uses, consistent with statutory allowances.

**Policy 3.3** establishes that if future development fully mitigates its impact through payment of a mobility fee, they cannot be charged twice for the same impact and for the same type of improvement.

**Policy 3.4** provides detail related to adoption of the mobility fee and replacement of transportation concurrency and proportionate share. See narrative above for Policy 3.1 related to replacement.

**Policy 3.5** provides detail related to the collection of County road impact fees. See narrative above for Policy 3.1 related to replacement.

**Policy 3.6** provides detail on amendments to the Comprehensive Plan (CPA) upon adoption of the mobility plan and fee. The timing for the related CPA would be part of an EAR update or within one year from the date of adoption.

The amendment to **Objective 4** is an expansion of the existing policy to incorporate "multimodal" into the transportation systems and expand the objective to "all users" of the transportation system.

**Policy 4.3** indicates the Town will develop a plan or program focused on increased safety for all users of the multimodal transportation system.

The amendment to **Objective 5** expands on the entities the Town will coordinate future multimodal improvements.

**Policy 5.1** amendment reflects the name change of the MPO to the Transportation Planning Agency (TPA).

**Policy 5.2** amendment changes jurisdiction to municipality consistent with the Community Planning Act definition for local government.

The amendment to **Objective 8** incorporates “multimodal” and expands applicability to redevelopment.

**Policy 8.3** is a relocation and expansion of existing Objective 3 and expands on access requirements and integration into the land development regulations.

**Policy 8.4** addresses creation of innovative parking management strategies such as park once environments, mobility hubs and curbside management. Both parking and safety are becoming larger component of overall mobility planning.

**Policy 8.5** is a relocation and expansion of existing policy 3.1 and expands access and cross-access connections to multimodal users.

**Policy 8.6** is a relocation and expansion of existing policy 3.2 and provides a basis for the Town to develop a replacement for traffic impact analysis which focus on concurrency. Site or mobility impact analysis are focused on multimodal access, cross-access, mid-block crossings, and gaps in the multimodal system, items historically not addressed in transportation concurrency focused analysis.

**Policy 8.7** recognizes that the Town will establish mobility performance measures as a replacement of transportation concurrency and traffic impact analysis requirements. The performance measures would be established in the land development regulations and would be tied to findings in the site or mobility impact analysis established as part of Policy 8.6.

The amendment to **Objective 9** encourages the provision of private and public microtransit and transit systems in the Town to provide mobility options. The current objective just recognizes public systems.

**Policy 9.1** recognizes that intra-county transit systems should not just be limited to public providers.

**Policy 9.2** recognizes that regional transit systems should not just be limited to public providers.

**Policy 9.3** indicates the Town will consider private microtransit providers for a transit circulator within the Town. This is a potential solution to addressing first and last mile connectivity and would work in conjunction with development of park once environments.

**Policy 9.4** indicates the Town will explore allowing golf carts and neighborhood electric vehicles on streets within the Town. Any allowance on State or County roads would require approval by the maintaining entity.

**Policy 9.5** indicates the Town will pursue a train station in downtown to be served by future rail service.

The amendment to **Objective 10** includes the City of Palm Beach Gardens in coordination efforts for enhanced multimodal connectivity. The City is potentially inline for a Brightline Station and has identified multimodal improvements on roads adjacent to the Town as part of its mobility plan.

**Policy 10.2** encourages the Town to actively engage adjacent municipalities for joint mobility planning initiatives, including multi-jurisdictional mobility fees or identifying funding opportunities for multi-jurisdictional mobility improvements. Given the proximity of the four municipalities, there are opportunities to enhance multimodal connectivity.



**Policy 10.3** encourages the Town to actively engage adjacent municipalities to consider a multi-jurisdictional transit circulator to provide access to future commuter rail in the Town and future commuter and regional rail in Palm Beach Gardens.

**Policy 11.1** updates MPO to TPA and adds Tri-Rail and Brightline as entities to coordinate planning efforts.

**Policy 11.2** updates references to the Long-Range Transportation Plan and the Transportation Improvement Program.

The proposed Capital Improvement and Transportation Element amendments establish the legislative intent that the Town shall pursue adoption of a mobility plan and mobility fees. The amendments provide notice to the County, adjacent municipalities, the Florida Department of Transportation (FDOT), the Palm Beach County Transportation Planning Agency (TPA), the Treasure Coast Regional Planning Council (TCRPC), Palm Tran, and Tri-Rail that the Town is actively moving forward with development of a mobility plan and mobility fee and that the intent of doing so is to replace transportation concurrency and proportionate share. In addition, the Town could no longer collect road impact fees on behalf of the County. The Town will set aside a pro-rata share of mobility fee revenues collected to assist with funding multimodal improvements to County right-of-way identified in the mobility plan that are attributable to the person travel demand of future development in the Town. The proposed amendments also require the Town, as either part of the EAR process or within one year of the date of adoption of the mobility plan and mobility fee, to amend its Comprehensive Plan to ensure internal consistency and integrate the mobility plan and mobility fee.

The next steps for the Town to undertake is to proceed with development of a mobility plan and mobility fee. The mobility plan and mobility fee will require a technical report that documents how the fee was developed and the adoption of an implementing ordinance.

*This narrative has been prepared by NUE Urban Concepts, LLC on behalf of the Town of Lake Park and any use of this narrative should be noted as such as NUE urban Concepts, LLC is not under contract with any third-party consultant and any third-party consultant shall acknowledge that the CIE and TE policies and narrative related to mobility and mobility fees was prepared by NUE Urban Concepts, LLC.*

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### **Interlocal Notice and Legal Notice Requirements**

Legal notice requirements have been met, as the Town published a display ad in the September 5 edition of the Palm Beach Post. The ad also included the Wednesday, May 29 date for the transmittal hearing by the Town Commission.

A summary of the proposed amendments was sent to IPARC, which is an Interlocal clearinghouse that distributes the amendments to adjacent jurisdictions, the School

District and the Treasure Coast Regional Planning Council. Jurisdictions are asked to send comments no later than 7 days prior to the transmittal hearing before the Town Commission.

**RECOMMENDATION: STAFF RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE PARK, INCLUDING A NEW PROPERTY RIGHTS ELEMENT AND CHANGES TO THE CAPITAL IMPROVEMENTS ELEMENT AND TRANSPORTATION ELEMENT.**

ORDINANCE NO. \_\_\_\_

**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 the Commission's consideration of Comprehensive Plan goals, objectives and policies, and land development regulations that affect properties in

the Town by affording them with the opportunity to participate in decisions that affect their lives and property.

### **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 governments 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 develop 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 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 that can accommodate passenger trains. 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 would place 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.

**Policy 2.1:**

The Town shall adopt a mobility plan that addresses impacts to Town, County, and State transportation facilities within and directly adjacent to 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.

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 2.2:**

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 to 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 intersections, new, upgraded, wider roads, and low speed and shared curbsless 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-ounce 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 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.~~ neighboring municipalities, Palm Tran, Tri-Rail, Brightline, and other transportation mobility providers.

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 though 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

The Town shall consider, when a mobility fee is adopted, development of land development 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

The Town shall consider, when a mobility fee is adopted, establishment of land development 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 system.

**Policy 9.2:**

The Town supports the concept for the development of a regional 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 and 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.

**TOWN OF LAKE PARK**  
**NOTICE OF PROPOSED 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 consider the adoption of the following ordinance to amend its adopted Comprehensive Plan. Proposed 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. \_\_\_\_

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.

**TWO PUBLIC HEARINGS WILL BE HELD AS FOLLOWS:**

**LAKE PARK PLANNING AND ZONING BOARD, SITTING AS THE LOCAL PLANNING AGENCY (LPA)**

Tuesday, September 14, 2021, at 6:30 pm or as soon thereafter as the matter can be heard.

**LAKE PARK TOWN COMMISSION TRANSMITTAL HEARING**

Wednesday, September 29, 2021, at 6:30 pm or as soon thereafter as the matter can be heard.

**All Hearings will be held in the Town Commission Chambers, located in Town Hall, 535 Park Ave., 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:** Sunday, September 5, The Palm Beach Post