



**PLANNING AND ZONING ADVISORY BOARD AGENDA
ADVISORY/ COMMITTEE BOARD MEETING
Village Hall Council Chambers
226 Cypress Lane
Palm Springs, FL 33461
Tuesday, October 13, 2020
6:30 PM**

Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least three (3) business days prior to the meeting in order to request such assistance.

1. CALL TO ORDER

2. ROLL CALL

BOARD MEMBERS

Chairman Johnnie Tieche, Vice Chairman Richard Hughes, Ralph Lashells, James Mandigo, Peter Braun, Kim Gehrman and Larry Saingilus

STAFF

Planning, Zoning and Building Director, Kimberly Glas-Castro, Planning, Zoning and Building Planner, Iramis Cabrera, Village Attorney Brian Shutt and Deputy Village Clerk Jane R. Worth

3. PLEDGE OF ALLEGIANCE

4. ADDITIONS, DELETIONS, OR MODIFICATIONS, AND APPROVAL OF AGENDA

5. MINUTES

6. PUBLIC HEARING NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY EX PARTE COMMUNICATIONS TO BE DISCLOSED DURING QUASI JUDICIAL DISCUSSIONS. CLERK TO SWEAR IN WITNESSES FOR TESTIMONY

- 6.1 Ordinance No. 2020-16 - Village Code Amendment - Chapter 34 - Gulfstream Road Overlay
 - 1. [Proposed Ord. No. 2020-16 - Land Development Regulations - Gulfstream Road Overlay](#)

- 6.2 Ordinance No. 2020-17 - Comprehensive Plan Amendment - Gulfstream Road Overlay
 - 1. [Proposed Ord. No. 2020-17 - Text Amendment - Comprehensive Plan](#)
 - 2. [Exhibit "A" - Gulfstream Road Overlay - comprehensive plan provisions](#)

- 6.3 Ordinance No. 2020-18 - Village Code Amendment - Chapter 34 - Traffic Calming Measures
 - 1. [Proposed Ordinance No. 2020-18 - Traffic Calming](#)
 - 2. [Palm Beach County TRAFFIC CALMING POLICY \(1997\)](#)
 - 3. [PROPOSED Village Traffic Calming Policy \(summary\)](#)

- 6.4 Ordinance No. 2020-19 - Village Code Amendment - Chapter 34 - Special Assessments
 - 1. [Proposed Ordinance No. 2020-19 - Special Assessments.doc](#)

7. ACTIONS AND REPORTS

8. ADJOURNMENT

9. NEXT MEETING - Tuesday, November 10, 2020 @ 6:30 PM

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Village of Palm Springs

Executive Brief

AGENDA DATE: October 13, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 6.1: Ordinance No. 2020-16 - Village Code Amendment - Chapter 34 - Gulfstream Road Overlay

SUMMARY:

The Planning, Zoning & Building Department is proposing amendments to the Land Development Regulations to establish a Gulfstream Road Overlay in Subdivision XXV. The intent of the Gulfstream Road Overlay ("GRO") is to encourage residential redevelopment, to optimize utilization of residential property, and to create a neighborhood identity.

Property owners along Gulfstream Road are interested in redeveloping their residential properties. The area is characterized by large lots (0.5 – 1.15 acres in size) that are currently underutilized and are either vacant or developed with only a single-family residence. There is interest in additional density, however, the entire area between Davis Road (on the east) and Kirk Road (on the west), is designated with the Low Density Residential land use category.

Rather than consider land use changes on a parcel-by-parcel basis, which might lead to concerns about compatibility and "spot zoning", an overlay may be utilized to permit additional density in exchange for design considerations.

The proposed GRO (land development regulations and design requirements) was initially drafted by Gulfstream Road property owners, and was workshopped with the Planning & Zoning Board on July 9, 2019.

Village staff has proposed various revisions to the property owners' suggested land development regulations and is moving forward as a staff-initiated effort.

The Gulfstream Road Overlay provides the following:

- Use of Key West architectural style to establish a distinct neighborhood identity and

- create a sense of place,
- Clustering of multi-family dwelling units to allow aggregation of open space for common amenity area,
- Flexibility (no minimum) in lot area so long as maximum density not exceeded,
- Density bonus in consideration of high-quality design features (up to a maximum of ten (10) units per acre), and
- Standard parking, open space and landscape requirements are maintained.

The proposed GRO encompasses 20 parcels and a total of 13.94 acres. The area is designated with the Low Density Residential Land Use category, which allows up to 5.8 units per acre (or a maximum of 80 residential units for the area). If every property were to be redeveloped pursuant to the GRO allowances, and approved for the maximum eligible density (10 du/ac), the neighborhood would be comprised of 139 residential units (an increase of 59 units). The provisions do not require that parcels be aggregated (there would be no minimum lot size). The smallest lots of record are ¼ acre in size and have potential for a maximum of two (2) units (i.e., duplexes, stand-alone units, garage apartments, etc.) if the GRO is utilized.

The potential impacts of an additional 59 residential units are summarized below:

Maximum Potential Demand on Public Services/Facilities			
	Existing Land Use	Proposed Density Bonus	Increase
Public Facility/Service	(5.8 du/ac)	(max. of 10 du/ac)	in Demand
	80 dwelling units	139 dwelling units	
Roads (traffic)	81 pht	92 pht	+11 pht
Schools (students)	17 students	17 students	n/a
Potable Water	16,925 gpd	29,407 gpd	+12,482 gpd
Sanitary Sewer	28,000 gpd	34,750 gpd	+6,750 gpd
Solid Waste	1,377 lbs/day	2,392 lbs/day	+1,015 lbs/day
			+3,316 s.f.
Parks	4,494 s.f.	7,811 s.f.	(0.08 acres)

The objective of the GRO is to promote redevelopment of the Gulfstream Road neighborhood, creating a distinct character and identify. The potential density bonus (an additional 4.2 units per acre) would service as the mechanism to incentivize property owners and/or developers to assemble parcels and build new residences in Key West style. It is envisioned that this effort may result in additional neighborhood overlays being requested in the future.

The proposed overlay was discussed with the Village Council on September 10, 2020 and staff received direction to proceed.

The proposed ordinance was prepared by the Planning, Zoning & Building Director and reviewed by the Village Attorney.

FISCAL IMPACT:

Amending the Land Development Regulations to create a new overlay does not have a fiscal impact; however, redevelopment utilizing the allowances of the GRO are expected to increase the Village's property tax revenue.

ATTACHMENTS:

Proposed Ord. No. 2020-16 - Land Development Regulations - Gulfstream Road Overlay

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 34 “LAND DEVELOPMENT”, ARTICLE VI “LAND USE”, DIVISION 7 “SUPPLEMENTAL DISTRICT REGULATIONS”, TO ESTABLISH PROVISIONS OF SUBDIVISION XXV, “GULFSTREAM ROAD OVERLAY”, SPECIFICALLY SECTIONS 34-1323 – 34-1324.1; TO PROVIDE INCENTIVES FOR REDEVELOPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village currently has regulations in place at Chapter 34 of the Village Code of Ordinances regarding development or improvements of land; and

WHEREAS, the Village desires to amend the existing regulations to provide incentives for redevelopment along Gulfstream Road; and

WHEREAS, the Village finds that providing a developer with incentives through area-specific development allowances will assist in the implementation of stated objectives of the Village, thereby enhancing quality of life of its residents; and

WHEREAS, the Village finds making amendments to existing land development regulations to establish standards to encourage redevelopment in the Gulfstream Road residential neighborhood serves a valid public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council, and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision XXV “Gulfstream Road Overlay” with Sections 34-1323 – 34-1324.1 is hereby enacted to read as follows:

SUBDIVISION XXV. GULFSTREAM ROAD OVERLAY

Sec. 34-1323 Gulfstream Road Overlay

This subdivision establishes an overlay to be known as the Gulfstream Road Overlay (“GRO”) which is applicable to RM Zoned properties on Gulfstream Road between Lake Worth Road and Lakewood Road, as shown on Map R-1 in the Future Land Use Element of the comprehensive plan.

Sec. 34-1323.1 Purpose and intent.

The intent of the GRO is to provide special development regulations for the development and redevelopment of high-quality multifamily residences at a density, scale and mass complementary to the existing neighborhood character and incorporating the Key West architectural style to establish a neighborhood identity. Illustrations of the Key West architectural style are shown below:



Sec. 34-1323.2 Applicability.

These regulations are applicable to all development and redevelopment, except construction of new single-family homes and the renovation or expansion of existing single-family homes, consistent with Sec. 34-766, are exempt from this section.

In addition to the regulations specified herein for the GRO, all lot and building requirements of the underlying RM zoning district and all other applicable standards in these Land Development Regulations shall apply. Where there is a conflict between the GRO standards and other Land Development Regulations, the GRO standards shall apply.

Sec. 34-1323.3 Permitted Uses.

Permitted uses within the GRO shall be limited to the following:

- (1) Single-family detached dwellings.
- (2) Duplex dwellings, subject to compliance with the development standards below.
- (3) Multiple family dwellings, subject to compliance with the development standards below.
- (4) Residential Planned Developments, subject to compliance with the development standards below.
- (5) Minor community residential homes, subject to the provisions of subdivision XI of this division, and subject to compliance with the development standards below.
- (6) Home occupations, subject to the provisions set forth in section 34-890 of this Code.

Sec. 34-1323.4 Accessory uses.

Accessory uses permitted in the GRO shall only include any accessory use customarily incidental and subordinate to the permitted uses, including private garages, swimming pools, cabanas, saunas, spas, gazebos, utility sheds and other similar uses.

Sec. 34-1323.5 Special exceptions.

The following shall be permitted as special exception uses in the GRO, subject to compliance with the development standards specified in Sec. 34-1324 and any applicable supplemental regulations specified in Division 7:

- (1) Churches and places of worship.
- (2) Public uses and facilities.
- (3) Public utilities.
- (4) Recreation uses and facilities.
- (5) Child-care facilities.
- (8) Family day care homes.
- (9) Satellite dish antennas.
- (10) Schools.

Sec. 34-1323.6 Prohibited uses.

The following uses shall be specifically prohibited in the GRO:

- (1) Any use not specifically, provisionally or by reasonable implication permitted, or permitted by special exception.

Sec. 34-1324 Development standards.

The following property development regulations shall be in effect for the GRO:

- (1) Architectural style. All new construction (and renovations utilizing the allowances of the GRO) shall incorporate the following design elements indicative of the Key West architectural style:
 - a. Roofing shall incorporate the following:
 - i. Minimum pitched of 4:12 (rise to run).
 - ii. Gable-ends.
 - iii. Raised seam metal roofing material or dimensional shingles.
 - iv. Minimum 2' overhang with exposed or decorative truss-tails.
 - v. Design to distinguish each unit. This may be accomplished by each unit having its own ridge, gable-ends, and truss ends resting on the exterior wall of that unit. Alternatively, the roof may be designed to encompass the entire multi-unit building with each unit being distinguished using dormers and or other similar features.
 - b. Windows shall incorporate the following:
 - i. Single-hung or double-hung windows with mullions in at least one of the window frames.
 - ii. Decorative or functional shutters mounted on the side of each window or utilizing a "Bahama" type shutter.
 - c. Exterior doors shall incorporate the following:
 - i. The main exterior entry door shall be facing and be visible from the adjacent driveway or street frontage.
 - ii. The main exterior entry door shall be a panel door with minimum of 2-panels and may be a solid or partial-light. If partial-light doors are used, there shall be mullions in a pattern consistent with the windows.
 - d. Exterior wall finish shall be comprised of the following:
 - i. Clapboard appearance utilizing wood, vinyl or hardi-plank type of siding, or a stucco finish.
 - e. Front porch shall incorporate the following:
 - i. Minimum 5' of usable depth not including walls, roof support structures or railings.

- ii. Porch roof sloped in a manner consistent with the main roof or incorporated into the main roof, with roof coverings to match the main roof.
 - iii. Roof support posts and railings with a wood appearance.
 - f. Building color shall be as follows:
 - i. The building base shall be a tropical light-color pastel, and all units shall include a complementary accent color and all trim shall be white.
 - g. Site improvements shall be as follows:
 - i. Gulfstream Road frontage. Any fencing, walls or entry features, signage and or other site improvements along the Gulfstream roadway frontage shall be designed and constructed to be consistent with the color and materials used in the main buildings, with tropical landscaping. Fencing or perimeter walls on other parts of the site is exempt from this requirement.
 - ii. Any community buildings and site amenities shall be consistent with the Key West style to the extent applicable.
- (2) Building height maximum 35' to the top of beam of the third floor. Three-stories maximum.
- (3) Building articulation. There shall be variation in the building façade of multi-unit buildings which may be accomplished by articulating individual units, using a different paint color for each unit, or other similar architectural treatment.
- (4) Maximum building width shall be 150'.
- (5) The site shall be designed utilizing the principals of Crime Prevention Through Environmental Design (CPTED) including:
 - a. Design site to increase pedestrian and bicycle traffic;
 - b. Windows overlooking walkways, driveways and parking areas;
 - c. Design landscapes which enable site surveillance from adjacent rights-of-way;
 - d. Design perimeter fencing and walls to enable site surveillance from adjacent rights-of-way;
 - e. Design site lighting to ensure that potential problem areas well-lit such as pathways, entrances/exits, parking areas, public spaces, mailboxes, play areas, dumpsters, etc. Ensure that light levels are appropriate and are not too bright thus creating glare or deep shadows.
- (6) Sidewalks and concrete pathways shall connect all units to each other, and to community spaces as well as the public right-of-way for pedestrian safety.
- (7) A minimum of 20% of the project site shall be designed for active or passive recreation activities.
- (8) Minimum lot size is based on design and overall density of the project.
- (9) Property development regulations of the RM district contained in Section 34-766 remain applicable except as provided herein.
- (10) Landscaping shall be in accordance with Article III.
- (11) Supplemental regulations shall be as set forth in Division 7 of this article.
- (12) Off-street parking and loading shall comply with Division 8 of this article.

Sec. 34-1324.1 Maximum Residential Density.

Residential projects in compliance with the Development Standards specified herein are eligible for and may be granted a density bonus by the Village Council, pursuant to the GRO provisions of the comprehensive plan. The maximum density of a GRO project shall not exceed ten (10) dwelling units per gross acre.

Section 3. Codification. The ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the ____ day of _____, 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, CMC, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY



Village of Palm Springs

Executive Brief

AGENDA DATE: October 13, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 6.2: Ordinance No. 2020-17 - Comprehensive Plan Amendment - Gulfstream Road Overlay

SUMMARY:

The Planning, Zoning & Building Department is proposing text amendments to the Future Land Use Element to establish a Gulfstream Road Overlay. The intent of the Gulfstream Road Overlay ("GRO") is to encourage residential redevelopment, to optimize utilization of residential property, and to create a neighborhood identity.

Property owners along Gulfstream Road are interested in redeveloping their residential properties. The area is characterized by large lots (0.5 – 1.15 acres in size) that are currently underutilized and are either vacant or developed with only a single-family residence. There is interest in additional density, however, the entire area between Davis Road (on the east) and Kirk Road (on the west), is designated with the Low Density Residential land use category.

Rather than consider land use changes on a parcel-by-parcel basis, which might lead to concerns about compatibility and "spot zoning", an overlay approach may be utilized to permit additional density in exchange for design considerations.

The proposed GRO (land development regulations and design requirements) was initially drafted by Gulfstream Road property owners, and was workshopped with the Planning & Zoning Board on July 9, 2019.

Village staff has proposed various revisions to the property owners' suggested land development regulations and is moving forward as a staff-initiated effort.

The Gulfstream Road Overlay provides the following:

Use of Key West architectural style to establish a distinct neighborhood identity and

- create a sense of place,
- Clustering of multi-family dwelling units to allow aggregation of open space for common amenity area,
- Flexibility (no minimum) in lot area so long as maximum density not exceeded,
- Density bonus in consideration of high-quality design features (up to a maximum of ten (10) units per acre), and
- Standard parking, open space and landscape requirements are maintained.

The proposed GRO encompasses 20 parcels and a total of 13.94 acres. The area is designated with the Low Density Residential Land Use category, which allows up to 5.8 units per acre (or a maximum of 80 residential units for the area). If every property were to be redeveloped pursuant to the GRO allowances, and approved for the maximum eligible density (10 du/ac), the neighborhood would be comprised of 139 residential units (an increase of 59 units). The proposed provisions do not require that parcels be aggregated (there would be no minimum lot size). The smallest lots of record are ¼ acre in size and have the potential for a maximum of two (2) units per lot (i.e., duplexes, stand-alone units, garage apartments, etc.) if the GRO is utilized.

The potential impacts of an additional 59 residential units are summarized below:

Maximum Potential Demand on Public Services/Facilities			
	Existing Land Use	Proposed Density Bonus	Increase
Public Facility/Service	(5.8 du/ac)	(max. of 10 du/ac)	in Demand
	80 dwelling units	139 dwelling units	
Roads (traffic)	81 pht	92 pht	+11 pht
Schools (students)	17 students	17 students	n/a
Potable Water	16,925 gpd	29,407 gpd	+12,482 gpd
Sanitary Sewer	28,000 gpd	34,750 gpd	+6,750 gpd
Solid Waste	1,377 lbs/day	2,392 lbs/day	+1,015 lbs/day
			+3,316 s.f.
Parks	4,494 s.f.	7,811 s.f.	(0.08 acres)

The objective of the GRO is to promote redevelopment of the Gulfstream Road neighborhood by creating a distinct character and identify. The potential density bonus (an additional 4.2 units per acre) would serve as the mechanism to incentivize property owners and/or developers to assemble parcels and build new residences in Key West style. It is envisioned that this effort may result in additional neighborhood overlays being requested in the future.

The proposed comprehensive plan amendments were submitted through the PBC Intergovernmental Plan Amendment Review Committee (IPARC) for intergovernmental review and no comments were received.

The proposed overlay was discussed with the Village Council on September 10, 2020 and staff received direction to proceed.

The proposed ordinance was prepared by the Planning, Zoning & Building Director and reviewed by the Village Attorney.

FISCAL IMPACT:

Amending the Comprehensive Plan to create a new overlay does not have a fiscal impact; however, redevelopment utilizing the allowances of the GRO are expected to increase the Village's property tax revenue.

ATTACHMENTS:

Proposed Ord. No. 2020-17 - Text Amendment - Comprehensive Plan
Exhibit "A" - Gulfstream Road Overlay - comprehensive plan provisions

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF PALM SPRINGS, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, PROVIDING FOR THE AMENDMENT TO THE TEXT OF THE VILLAGE'S FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO CREATE THE "GULFSTREAM ROAD OVERLAY", WHICH AMENDMENT IS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR OTHER PURPOSES.

WHEREAS, the Village Council ("Council") of the Village of Palm Springs, Florida ("Village") has adopted a Comprehensive Plan ("Plan") pursuant to the "Local Government Comprehensive Planning and Land Development Regulation Act"; and

WHEREAS, The Village's Plan has been determined to be "in compliance" with the provisions of the Act and Rule 9J-5 of the Florida Administrative Code; and

WHEREAS, the Council wishes to create a "Gulfstream Road Overlay" in the Future Land Use Element of the Comprehensive Plan in order to promote redevelopment of residential properties along a portion of Gulfstream Road; and

WHEREAS, Pursuant to Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, all subsequent amendments to the Plan must be adopted in accordance with detailed statutory procedures; and

WHEREAS, the Village's LPA has considered the proposed amendments at a duly advertised meeting and has recommended that the Council adopt the Plan Amendments as set forth in the attached Exhibit "A"; and

WHEREAS, the Village Council of the Village of Palm Springs has held all required public hearings; both prior to transmittal and submission of the proposed amendments to the Plan to the Florida Department of Economic Opportunity, and after the proposed amendments to the Plan were returned to the Village of Palm Springs, in accordance with Chapter 163, Florida Statutes; and

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The Village Council of the Village of Palm Springs, Florida hereby amends the current Comprehensive Plan dated November 9, 1989, as amended, to create the “Gulfstream Road Overlay” in the Future Land Use Element, which amendment consists of the pages attached hereto as Exhibit “A” and made a part hereof, and which will be incorporated into the current Comprehensive Plan. A copy of the Comprehensive Plan, as amended, is on file in the office of the Village Clerk.

Section 2. This Ordinance shall be effective within the corporate limits of the Village of Palm Springs, Florida.

Section 3. The Village Clerk is hereby directed to transmit the comprehensive plan amendment documents to the Department of Economic Opportunity and other agencies within ten (10) working days, in accordance with Section 163.3184, Florida Statutes.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 6. Effective Date. The effective date of this Plan Amendment shall be in accordance with Section 163.3184, Florida Statutes; however, no later than thirty-one (31) days after the State Land Planning Agency has received the completed Amendment package. No development order, development permits, or land uses dependent on this Amendment may be issued or commence before the Amendment has become effective.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the _____ day of _____, 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, CMC, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

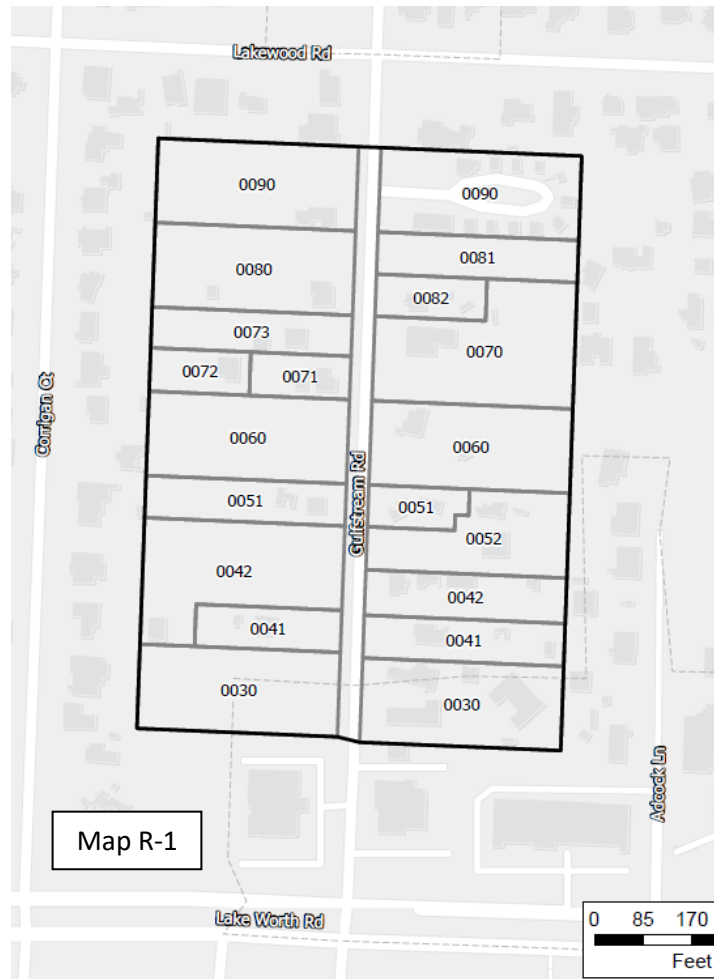
BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

Gulfstream Road Overlay

Future Land Use Element

Objective R: A Gulfstream Road Overlay (“GRO”) shall be maintained in the Village’s Land Development Regulations in order to encourage residential redevelopment, optimize utilization of residential property, create a neighborhood identity and fulfill objectives of the Palm Springs Community Redevelopment Agency.

The allowances of the GRO shall only be applicable to Residential Multi-Family (RM) zoned residential properties fronting Gulfstream Road, generally located south of Lakewood Road and north of Lake Worth Road, as depicted on Map R.1:



Policy R.1: Redevelopment in the GRO shall utilize a Key West architectural style to establish a neighborhood identity. Clustering of residential units is permissible in consideration of

the design elements and development standards outlined in the Village Land Development Regulations for the GRO.

Policy R.2: Infill multi-family residential projects that comply with the development standards of the GRO shall be eligible for and may be granted a density bonus by the Village Council, without the need for a future land use map amendment. The maximum density for a GRO development project shall be 10 dwelling units per gross acre (consistent with the maximum intensity of the Medium Density Residential land use category).



Village of Palm Springs

Executive Brief

AGENDA DATE: October 13, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 6.3: Ordinance No. 2020-18 - Village Code Amendment - Chapter 34 - Traffic Calming Measures

SUMMARY:

The Planning, Zoning & Building department is requesting an amendment to the Village Code - Chapter 34 to create a new Article VIII "Traffic Calming" to establish procedures for residents to request installation of traffic calming devices along Village roadways.

The proposed amendment includes:

1. Process for a HOA or neighborhood with 67% of the current lot owners signatures to request installation of a calming device (i.e., speed hump, speed table, roundabout, traffic island, chicane, etc.)
2. Adoption of Palm Beach County traffic calming policies by reference (adopted by BCC March 4, 1997)
3. Requirement for HOA/neighborhood to retain a traffic consultant to perform a study to demonstrate technical criteria is met
4. Requirement HOA/neighborhood to bear all costs
5. Allowance for HOA/neighborhood to request that a special assessment be levied to pay for the calming measure(s)

The proposed ordinance was prepared by the Village Attorney and reviewed by the Planning, Zoning & Building Director, Public Service Director and Police Chief.

FISCAL IMPACT:

The proposed ordinance does not have a direct fiscal impact to the Village.

ATTACHMENTS:

Proposed Ordinance No. 2020-18 - Traffic Calming

Palm Beach County TRAFFIC CALMING POLICY (1997)

PROPOSED Village Traffic Calming Policy (summary)

ORDINANCE NO. 2020-18

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 34 “LAND DEVELOPMENT”, BY CREATING ARTICLE VIII “TRAFFIC CALMING”, TO PROVIDE FOR PROCEDURES TO IMPLEMENT TRAFFIC CALMING MEASURES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council recognizes the need to provide procedures to implement traffic calming measures throughout the Village when requests are received by adjacent property owners; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to create regulations to provide for procedures to implement traffic calming.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council, and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 “Land Development”, is hereby amended by creating Article VIII “Traffic Calming” as follows:

ARTICLE VIII - TRAFFIC CALMING

Sec. 34-1620. - Procedure for implementation of traffic calming devices in residential neighborhoods.

(1) *Use of traffic calming devices.* Potentially acceptable traffic calming devices to be used in the village include, but are not limited to, speed tables, speed humps, traffic circles/roundabouts, traffic islands and traffic chokers. The design and appearance of permanent speed tables/humps/bumps shall be standardized throughout the village and shall meet applicable FDOT and Palm Beach County standards.

(2) *New subdivisions.* The village may require that traffic calming devices/measures which do not have a significant impact on emergency vehicle response such as but not limited to the use of curvilinear street alignments; entry islands; roundabouts; chokers; and center island narrowing; be built into the design of all new subdivisions as feasible and appropriate.

C. *Existing subdivisions/neighborhoods.* The village shall use the following standards in order to determine whether to install traffic calming devices in streets in existing residential neighborhoods.

D. *Eligible streets.* A street will be considered for installation of traffic calming devices based on a review of the request in accordance with the Palm Beach County traffic calming guidelines.

E. *Application/petition to request installation of traffic calming devices.*

1. An application must be submitted to the planning zoning and building department by the duly authorized representative of a neighborhood's homeowners' association (HOA) bearing the signatures of at least sixty-seven (67) percent of the current lot owners within the impact area where the proposed calming device is to be located. The delineation of the boundaries of the impact area shall be determined by whomever the HOA hires to perform the required traffic study described below subject to ultimate verification/modification by the village engineer.
2. In the event the neighborhood does not have an active HOA, a petition must be submitted bearing the signatures of at least sixty-seven (67) percent of the current lot owners located within the impact area (to be determined as noted above) where the proposed traffic calming device is to be located).
3. The application shall include the following:
 - a. A drawing showing the street and the specific locations in the street where installation is requested.
 - b. A statement of the reasons for the traffic calming device.
 - c. A traffic study indicating that the criteria set forth in subsection D. above has been met. The applicant may contract with a private traffic engineering firm approved by the village to perform the requisite study signed and sealed by registered professional engineer in the State of Florida or the applicant may request that the village perform the study and shall be responsible for reimbursing the village for all such costs associated with conducting the study.
 - d. Signatures from lot owners located at sixty-seven (67) percent of the addresses within the impact area followed by the signer's printed name, address, and the telephone number. Only one (1) person per address will be counted toward meeting this criteria.
 - e. An application fee, and cost recovery deposit for the required traffic study and engineering analysis.

F. *Procedure to process application/petition.*

1. The application/petition shall initially be submitted to the Planning Zoning and Building director, who shall determine whether it contains all of the required information set forth under subsection E. (above). If not, the Planning Zoning and Building director shall not accept the application/petition.

2. The Public Service Director and/or Village Engineer shall determine whether the application meets the required technical criteria for the installation of traffic calming device.
3. If the Public Service Director and/or Village Engineer determines that the application meets the technical criteria, he/she shall determine, after having reviewed the request with the fire department and police department regarding whether the installation of traffic calming devices in the street, at the locations selected by the applicant/petitioners or elsewhere, is appropriate.
4. If the Public Service Director and/or Village Engineer determines that the installation of traffic calming devices in the street is appropriate, he/she may propose feasible alternative traffic calming approaches.

G. *Procedure to install traffic calming devices.*

1. The village public service director and village engineer shall determine whether to approve the installation of traffic calming devices, and if so, the type and location thereof. The village public service director and village engineer may approve, modify, condition or deny any recommendation or proposal for traffic calming devices, regardless of the extent of public support for the recommendation or proposal.
2. If the village public service director and village engineer approves the installation of traffic calming devices, and the applicant/petitioners wish to install the devices as so approved, the applicant/petitioners or their contractor shall obtain a permit from the village for the work. The applicant/petitioner shall prepare standard plans signed and sealed by a registered professional engineer in the State of Florida to be incorporated into the permit.
3. The applicant/petitioners shall bear all costs of the issuance of permits, construction, inspection and maintenance of traffic calming devices. Such costs are not included in the permit fee set. The petitioners shall be responsible for arranging for payment of such costs.
4. The applicant/petitioners may also request that the village use a special assessment process in order to obtain the funds for the traffic calming work.

Section 3. Codification. The sections of the ordinance shall be made a part of the Village Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTIE WALLER, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the _____ day of _____, 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEVERLY SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

MAR 13 1997

6-A-3

Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 4, 1997 [] Consent [X] Regular [] Workshop [] Public Hearing

Department: Submitted By: Engineering & Public Works Submitted For: Traffic Division

I. EXECUTIVE BRIEF

A. Motion and Title: Staff recommends motion to approve:

- 1) The installation of roundabouts on Hagen Ranch Road and: Charleston Shores Blvd.(South Intersection), Le Chalet Blvd., Gateway Blvd., Entrance to Ciba - Geigy Property

2) A policy concerning traffic calming.

B. Summary:

At the January 14 meeting the Board directed that staff return with recommendations concerning traffic calming and roundabouts in the Aberdeen and Lake Charleston area as well as a policy concerning roundabouts. At the January 21st meeting the Board directed that staff return with an overall policy concerning traffic calming. The proposed roundabouts will cost approximately \$250,000 - \$280,000 which would be funded from the Intersection Improvement Program.

District: (M.E.)

C. Background and Policy Issues:

In response to Board direction a meeting was held on February 5 with the Traffic Division, the County Engineer and representatives of the Aberdeen and Lake Charleston Homeowners Association . The results of the meeting follows:

(continued on page 3)

D. Attachments:

- 1. Location Sketch 2. Proposed Policy Concerning The Installation Of Traffic Calming Measures.

Recommended by: n/a Division Director Date

Approved By: Sewy T. Wahl County Engineer 3/2/97 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	1997	1998	1999	2000	2001
Capital Expenditures	\$30,000	\$280,000	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$30,000	\$280,000	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included In Current Budget? Yes No
 Budget Account No.: Not Assigned
 Fund 360 Agency 361 Org. 003 Object 6551 Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 Road Program Intersection Reserves

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

If this agenda item is approved by the BCC, a \$30,000 administrative transfer will be initiated to fund the traffic calming costs from Road Program Intersection Reserves.

Additional OFMB fiscal comments on Page 2A

Anthony Roberts _____ N/A
 OFMB Contract Dev. and Control

B. Legal Sufficiency:

Malcolm P. [Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

**OFMB Fiscal Comments for Agenda Item 6-A-3 for March 4, 1997
Regarding installation of roundabouts on Hagen Ranch Road**

The Engineering Department estimates the cost of constructing a roundabout as \$50,000 to \$70,000. The estimated total cost for the four roundabouts proposed in this agenda item is \$200,000 to \$280,000.

Funding for the proposed traffic calming measures for the remainder of FY 96/97 is \$30,000.

The total fiscal impact of this agenda item is \$230,000 to \$310,000. Funding is available from the Intersection Improvement Program in the Road Program.

One of the four proposed roundabouts, at the Ciba-Geigy Property Entrance, was the subject of a January 14, 1997 Board item (6B1) regarding construction of Hagen Ranch Road. The County agreed to construct turn lanes as part of the road construction in exchange for right-of-way required for the project. The estimated cost for these turn lanes was \$40,000. This cost would have been absorbed by the Road Program project (Hagen Ranch Road from Boynton Canal to the L-22 Canal).

If the funding required for the Hagen Ranch Road construction exceeds the amount programmed in the Road Program, OFMB recommends that funding to make up the difference come from the Intersection Improvement Program to the extent of the cost of the roundabout which was added in place of the turn lanes approved above.

C. Background And Policy Issues: (Continued)

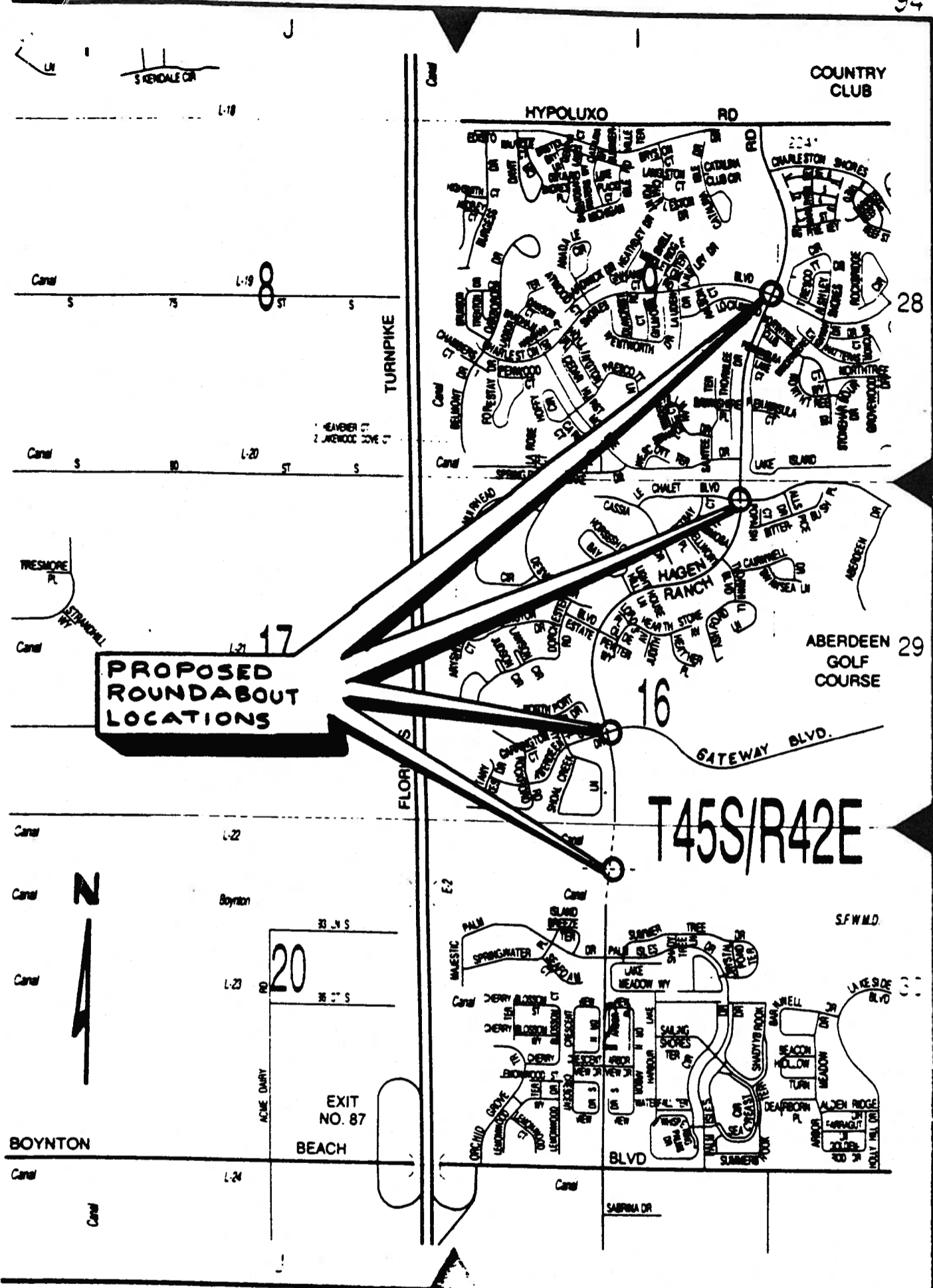
- 1) The homeowners associations requested that the above listed roundabouts be installed as soon as possible.
- 2) After the roundabouts were installed the necessity of further traffic calming measures would be addressed.
- 3) The County was requested to fund the roundabouts and each homeowner's association agreed to maintain any associated landscaping.

The Board has also discussed the overall concept of traffic calming. Staff has evaluated many approaches used by communities around the country. We believe that we should adopt a policy that would allow us to use a wide variety of tools in an effort to control speeding and address potential accident problems on our road network. These tools would range from additional enforcement to physical changes (speed humps, roundabouts, etc.).

A proposed policy concerning traffic calming is attached for Board consideration.

It is proposed that the funding for roundabouts be through the intersection improvement program which is adopted as part of the five year road program.

It is proposed that funding in the amount of \$30,000 be established for a one year trial basis in the 5-year road construction program to fund other traffic calming measures such as speed humps, traffic dots and chicanes.



**PROPOSED
ROUNDAABOUT
LOCATIONS**

T45S/R42E

LOCATION SKETCH

POLICY CONCERNING THE INSTALLATION OF TRAFFIC CALMING MEASURES

The appropriate traffic calming measure depends on the class of roadway being addressed. In each class a demonstrated problem needs to be established through an appropriate study prior to counter-measures being implemented.

CLASS I: TWO LANE RESIDENTIAL STREETS & RESIDENTIAL COLLECTORS

CHARACTERISTICS: NON-THOROUGHFARE PLAN ROAD WITH FRONTING HOMES AND DRIVES.

To receive traffic calming the location must have a demonstrated problem that requires addressing such as:

- A) High Volumes for a residential street (greater than 1500 vehicles per day on a residential street, 3000 per day on a residential collector).
- B) High speeds (50% in excess of posted speed limit).
- C) A cut thru traffic problem (greater than 10%).
- D) A pattern of accidents that would be addressed by traffic calming.

Where a problem is determined to exist the following counter measures would be appropriate:

- 1) Selective enforcement
- 2) 4-way stop where there is an intersection with similar volumes on each street and where intersection accidents have occurred
- 3) Traffic dots
- 4) Speed humps

Prior to the installation of traffic dots or speed humps, a petition demonstrating neighborhood consensus must be received.

Example Streets where criteria may be met:

- 1) Seminole Drive
- 2) Wallis Road
- 3) Kentucky Avenue

CLASS II: TWO LANE RESIDENTIAL COLLECTOR

CHARACTERISTICS: NON-THOROUGHFARE PLAN ROAD WITH NO FRONTING DRIVES.

To receive traffic calming must have a demonstrated problem that requires addressing such as:

- A) High speeds (50% in excess of posted speed limit).
- B) A pattern of accidents that would be addressed by traffic calming.
- C) Roads in proximity to schools, parks, or recreation areas with above average pedestrian activity.

Where a problem is determined to exist the following countermeasures would be appropriate:

- 1) Selective enforcement
- 2) 4-way stop where there is an intersection with similar volumes on each street and where intersection accidents have occurred
- 3) Speed humps
- 4) Chicanes

Prior to the installation of speed humps or chicanes, a petition demonstrating neighborhood consensus must be received.

Example Roads where criteria may be met.

- 1. Edgecliffe Ave.
- 2. Brentwood Blvd.
- 3. Shorewind Drive

Let Sessa talk about his new program.

CLASS III: TWO LANE THOROUGHFARE PLAN COLLECTOR

CHARACTERISTICS: TWO LANE THOROUGHFARE PLAN COLLECTOR WITH & WITHOUT FRONTING HOMES AND DRIVES IN RESIDENTIAL AREAS.

To receive traffic calming must have a demonstrated problem which requires addressing such as:

- A) High speeds (50% in excess of posted speed limit).
- B) A pattern of accidents that would be addressed by traffic calming.
- C) Roads in proximity to schools, parks, or recreation areas with above average pedestrian activity.

Where a problem is determined to exist the following countermeasures would be appropriate:

- 1) Selective enforcement.
- 2) Electronic activated flashing beacons over signs which read "Speed Limit Exceeded when flashing."
- 3) 4-way stop where there is an intersection with similar volumes on each street and where intersection accidents have occurred
- 4) Roundabouts at the intersection of other collector roads, where volumes approach those which would warrant a traffic signal.

Example Roads where criteria may be met:

- 1) Skees Road
- 2) Loxahatchee River Road
- 3) Ellison Wilson Road
- 4) Prosperity Farms Road
- 5) Hagen Ranch Road
- 6) El Clair Ranch Road

ROUNDABOUTS

Roundabouts should be installed at the discretion of the County Engineer on Class III roads when the following conditions are met:

- 1) The intersection of a two lane Thoroughfare Plan Collector road and another two lane collector road.
- 2) Both roadways should have a minimum of 80' right-of-way or require a minimum amount of new right-of-way be acquired.
- 3) The traffic volumes and accident history should be such that the warrants for a traffic signal are approached or exceeded or are anticipated to be approached or exceeded.
- 4) The Thoroughfare Plan roadway should be in a residential area where traffic calming would be appropriate.

A listing of potential locations for roundabouts is attached.

POTENTIAL LOCATIONS FOR ROUNDABOUTS

Thoroughfare Plan Collector

Kirk Road
Central Blvd.
Loxahatchee River Road
RCA Blvd.
Piper's Glen Blvd.
Lake Ida Road
Lake Ida Road
Lake Ida Road
Ellison Wilson Road
Cain Blvd.
Donald Ross Road
Hagen Ranch Road
Hagen Ranch Road
Hagen Ranch Road
Hagen Ranch Road
Miner Road

2ND Collector

Park Lane
Longshore Drive
Roebuck Road
Campus Drive
El Clair Ranch Road
El Clair Ranch Road
Sims Road
Via Flora Road
Universe Blvd.
181st Street
A-1-A
Charleston Shores Blvd.
Le Chalet Blvd.
Gateway Blvd.
Collector to Ciba-Geigy Prop.
High Ridge Road

SPEED HUMPS

Speed humps are appropriate only on Class I or II . The humps are designed to be transversed at 30 mph. On roadways where the posted speed is in excess of 30 mph, the humps should be used when no other measures are effective in controlling the speeds.

Speed humps are not typically appropriate on Class III thoroughfare plan collector roads since the speed required to comfortably transverse humps is 30 mph+/- . The intent and purpose of a two lane thoroughfare plan collector is to carry relatively high volumes (10,000+/-veh per day) several miles at relatively high speeds (40-45 mph.).

H:\traffic\board\hagenrou.agd



VILLAGE OF PALM SPRINGS

Traffic Calming (Speed Hump) Policy¹

I. VILLAGE FUNDED AND CONSTRUCTED SPEED HUMPS

Speed humps are one of the most frequently requested traffic calming roadway feature on residential streets. The Traffic Calming Program has established criteria to uniformly evaluate requests from citizens and associations for speed humps. Speed humps are installed on two-types of non-thoroughfare roadways under the Village's jurisdiction consisting of residential streets and residential collectors. The evaluation criteria includes:

- High daily traffic volumes (+1,500 for residential streets and +3,000 for residential collectors)
- High speed (+50% of vehicles in excess of posted speed limit)
- Traffic cut-through problem greater than 10%
- A pattern of accidents that would be addressed by traffic calming
- Road in proximity to schools, parks or recreational areas
- Neighborhood consensus (written support from the Homeowners Association (HOA), or if no HOA, petitions from 60% of homeowners on the road which driveway is within 300 feet from a proposed speed hump.)

Palm Beach County Traffic Division has developed standards for designing and constructing speed humps and associated striping and signing, which the Village has adopted by reference. The 22 feet wide and 3.5 inches high Seminole-Type is the most frequently used. It provides the proper balance between traffic calming, level of discomfort, and accommodation of emergency vehicles. It is constructed using asphalt and has the same service life as the road. Wide stripes and posted reflective signs ensure good daytime and nighttime visibility.

Speed humps shall not be installed within 400 feet of a traffic signal or a stop sign in the same direction. Speed humps are typically spaced between 400 feet and 800 feet.

The traffic volume, percent speeding and neighborhood consensus are the most important criteria. Cut-through traffic, crash history, and location are secondary consideration.

II. VILLAGE CONSTRUCTED AND RESIDENT FUNDED SPEED HUMPS

For residential streets under the Village's jurisdiction that do not meet the volume and speeding thresholds for installing speed humps, the Public Service Director and/or Village Engineer can still approve and construct the Seminole speed humps under two conditions:

1. HOA payment of the cost of construction that includes construction, striping and reflective signs. The cost per speed hump can be obtained by contacting the Public Service Department at 561.965.5770.
2. HOA resolution by its board in support of the speed humps and payment is required. The payment is via a cashier check payable to the Village of Palm Springs.

The Public Service Director and/or Village Engineer will work with the HOA or residents to identify the number and optimal location of speed humps and to coordinate the construction work.

¹ Palm Beach County Traffic Calming Policy adopted March 4, 1997



Village of Palm Springs

Executive Brief

AGENDA DATE: October 13, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 6.4: Ordinance No. 2020-19 - Village Code Amendment - Chapter 34 - Special Assessments

SUMMARY:

The Planning, Zoning & Building department is requesting an amendment to the Village Code - Chapter 34 to create a new Article VII "Special Assessments" to establish procedures for residents to request that public infrastructure improvements (i.e., traffic calming measures, street lighting, streetscape, etc.) be paid through levy and collection of special assessments.

The proposed amendment includes:

1. A process for Village Council to levy and collect special assessments for capital improvements
2. Ability for residents/property owners to request levy of special assessment to pay for desired infrastructure improvements that benefit the HOA or neighborhood
3. Legal proceedings, including a requirement for a "Resolution of Necessity" and publication/notice to affected property owners

The proposed ordinance was prepared by the Village Attorney and reviewed by the Planning, Zoning & Building Director, Finance Director, Public Service Director and Police Chief.

FISCAL IMPACT:

The proposed ordinance does not have a direct fiscal impact to the Village.

ATTACHMENTS:

Proposed Ordinance No. 2020-19 - Special Assessments.doc

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 34 “LAND DEVELOPMENT”, BY CREATING ARTICLE VII “SPECIAL ASSESSMENTS”, TO ALLOW PROPERTY TO BE ASSESSED FOR IMPROVEMENTS MADE THAT SPECIALLY BENEFIT THE PROPERTY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council recognizes the need to improve property throughout the Village; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to create regulations to allow for the assessment of property in order to pay for improvements that specially benefit the property.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 “Land Development”, is hereby amended by creating Article VII “Special assessments” as follows:

ARTICLE VI- SPECIAL ASSESSMENTS

Sec. 34-1600. - Authority to Make Special Assessments.

(1) The Village Council is authorized, in the manner herein provided, to cause the village or its designated agent to construct, install, repair, or otherwise improve any and all of the following:

(a) streets, highways, boulevards, avenues, lanes, alleys, or any part thereof,
and

(b) curbs, medians, gutters, or other such amenities, and

(c) any and all sidewalks, paths, trails, foot bridges or other related travel ways,
and

(d) associated street lighting, landscaping, signage, street furniture or other related amenities, and

(e) on- or off- street parking facilities or related amenities, and

(f) sanitary sewers, storm sewers, sewers, drains, swales or related amenities,
and

(g) walls as a barrier from public roadways, alleys and other public areas, and

(h) seawalls, and
(i) canals or other waterways, and
(j) mass transportation systems, and
(k) water mains, water laterals, alternative water systems and other related amenities, and
(l) parks and related amenities, and
(m) traffic calming measures, and
(n) any other public improvements not heretofore enumerated that the Village Council deems appropriate.

(2) The Village Council is further authorized and empowered to provide for the payment of the whole or any part of the cost thereof by levying and collecting special assessments upon abutting, adjoining and contiguous or other specially benefited property. The amount assessed against the property benefited by improvements authorized by this subsection shall not exceed the estimated benefits accruing to that property by reason of the public improvements.

(3) In addition to other lawful authority to levy and collect special assessments, the Village Council may levy and collect special assessments to fund capital improvements and municipal services, including, but not limited to, garbage disposal, sewer improvement, street improvement, and parking facilities. The Village Council may apportion costs of such special assessments in accordance with Section 34-1601.

(4) If the Village is ever in the situation where it is legally obligated for providing capital improvements for water or sewer facilities within an unincorporated area of the county, it may recover the costs of the capital improvements by levying and collecting special assessments for the purposes authorized in this section on the specially benefited property; however, collections of the special assessment shall not take place until the specially benefited property connects to the capital improvement or is required to connect to the capital improvement by state, county, municipal or other law, rule or regulation.

(5) Resident/property owner initiated special assessment projects must have a minimum of 80% of the affected property owners approval to be specially assessed.

Sec. 34-1601. - Method of Making Special Assessments.

Special assessments upon the property benefited by any public improvement herein authorized shall be by any one of the following methods:

(1) By foot frontage of the property bounding or abutting upon the improvement.

(2) By any other method, including but not limited to each lot, so long as each property shall receive a special benefit from the improvements.

Sec. 34-1602. - Resolution of Necessity Required.

When the Council decides to make a public improvement and use the special assessment process, then it shall so declare by resolution, stating the necessity for and the nature of the proposed improvements, the location of the proposed improvements, and what part or portion of the expenses thereof shall be paid by special assessments. The resolution shall also state the total estimated cost of the proposed improvements; the method of payment of assessments; the number of annual installments; the lands upon which the special assessments shall be levied; and the anticipated benefits which shall accrue to such lands from the special assessments.

(1) Scope and Conditions of Resolution:

(a) The resolution required under this section may embrace improvements of like character, or part of the same plan, upon/above/below a public right-of-way, which improvements need not be continuous. The resolution shall designate the boundaries of the district comprising the property which the Council deems will be specially benefited by the improvement.

(b) The estimated cost stated in the resolution required under this section shall include an estimate of the cost of preliminary and other surveys, inspection, and superintendence of the work, the preparation of the plans, specifications, and an estimate of the printing and publishing of notices and proceedings, the preparation of certificates, bonds, and any other expenses necessary or proper, which expenses, except the cost of the work itself, are hereinafter referred to as incidental expenses.

(2) Publication of Resolution: The resolution title to be adopted shall be published in a newspaper published in the County, once each week for two consecutive weeks, together with a notice setting forth that the Council will consider the necessity for the improvements to be made, setting forth the method of assessment to be utilized and setting forth the anticipated benefits that the assessed properties will gain from the proposed improvements, according to the plans and specifications of the proposed improvements on file with the Village Clerk.

(3) Plans and Specifications: At the time of the adoption of the resolution an assessment map showing the area to be assessed, with plans and specifications, and an estimate of the cost of the proposed improvement shall be on file with the Village Clerk and available for inspection by the public.

Sec. 34-1603. - Preliminary Assessment Roll.

Upon the adoption of the resolution, the Village shall develop a preliminary assessment roll in accordance with the method of assessment provided for in the resolution. The assessment roll shall show the lots and lands assessed, the amount of the assessment against each lot or parcel, and if the assessment may be paid in installments and over what period of time.

Sec. 34-1604. - Publication of Preliminary Assessment Roll.

Upon the completion of the preliminary assessment roll, the Village Council shall by resolution fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before the Council regarding any matter in the assessment roll. Thirty days' notice in writing of the meeting shall be mailed to the property owners, at the address listed in the in the records of the Property Appraiser or from such other sources as the Village Clerk deems appropriate, proof of such mailing to be made by the affidavit of the Village Clerk, said proof to be filed in the Village Clerk's Office, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of the meeting shall also be given by two publications a week apart in a newspaper of general circulation published in the County; provided that the last publication shall be at least 1 week prior to the date of the meeting. The published notice shall describe the areas to be improved and provide that the description of each property to be assessed and the amount to be assessed to each property is located in the office of the Village Clerk. The published notice shall be verified by affidavit of the publisher and filed with the Village Clerk.

Sec. 34-1605. - Adoption of Final Assessment Roll.

Upon completion of all work the Village Council shall meet and hear testimony from affected property owners regarding the adoption of the final assessment roll. Following the testimony, the Village Council shall decide on whether to, and in what amount, levy the special assessment. The Village Council may adjust the special assessments on property on the basis of the benefit received by the property. Notice of the Village Council meeting concerning the adoption of the final assessment roll shall be as provided in Section 13-1604.

Sec. 34-1606. - Priority of Lien; Interest; and Method of Payment.

The special assessments shall be payable at the time and in the manner stipulated in the resolution providing for the improvement; shall remain liens coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid; shall bear interest, at a rate of eight percent (8%) per year.

Sec. 34-1607. - Legal Proceedings.

Each annual installment provided for in Section 34-1606 shall be paid upon the dates specified in the resolution, with interest upon all deferred payments, until the entire amount of the assessment has been paid. Upon the failure of any property owner to pay the full amount of the annual installment due, or any annual interest upon deferred payments, the Village may initiate any legal proceedings to enforce payment, including all accrued interest, penalties and legal costs. In the event of default in any payment, the whole assessment, including interest, penalties and costs, shall immediately become due and payable and subject to foreclosure, or by any other legal action available to the Village. In the foreclosure of any special assessment service of process against unknown or nonresident defendants may be had by publication, as

provided by law.

Sec. 34-1608. - Provisions Declared Supplementary.

The Village shall have all the powers, privileges and authorities provided by Florida Statute Chapter 170, as the same for making local improvements, and the same shall be an additional and alternative method for making local improvements in the Village.

Section 3. Codification. The sections of the ordinance shall be made a part of the Village Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTIE WALLER, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the ____ day of _____, 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEVERLY SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY