

1st Reading: September 13, 2021  
2nd Reading: September 27, 2021

**ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MOBILITY PLANS WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING UTILIZATION OF PALM BEACH COUNTY'S TRAFFIC PERFORMANCE STANDARDS FOR MOTORIZED VEHICLES; PROVIDE FOR VEHICULAR LEVEL OF SERVICE STANDARDS; PROVIDES FOR TRAFFIC IMPACT STUDIES AND STATEMENTS; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'MOBILITY', PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

**WHEREAS**, the City's adopted comprehensive plan contains a transportation element which provides for multi-modal transportation facilities and strategic transportation planning to ensure safe and accessible transportation network; and

**WHEREAS**, adoption of this chapter, entitled "Mobility" will assist the City in carrying out the goals, objectives and policies of the adopted comprehensive plan; and

**WHEREAS**, the purpose of this ordinance is to promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development while minimizing transportation-related fuel consumption and air pollution within the corporate limits of the City of Westlake, and

**WHEREAS**, pursuant to Section 316.006(2)(a) F.S., chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic; and

**WHEREAS**, pursuant to Section 339.175(1) F.S., such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate to ensure that the process is integrated with the statewide planning process, and

**WHEREAS**, pursuant to Section 334.046(1) F.S., the prevailing principles to be considered in planning and developing an integrated transportation system are to preserve the existing transportation infrastructure; enhance Florida's economic competitiveness; and improve travel choices to ensure mobility, and

**WHEREAS**, the City seeks to promote mobility in the short and long term to promote greater connectivity, access, and quality of life and recognizes shared mobility is essential to improve air quality, reduce motor vehicle traffic, and promote equitable and accessible systems of transportation; and

**WHEREAS**, the City Council finds it is in the public's interest to establish policies and procedures to improve mobility options while protecting health, safety, and general welfare of individuals and the community at large.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA**, as follows:

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**Section 1. Incorporation.** The above recitals are confirmed, adopted and are incorporated herein by reference.

**Section 2. Mobility.** The code of ordinances for the City of Westlake shall contain a chapter entitled “Mobility” which code shall contain the provisions as specifically set forth herein.

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### Chapter 7      Mobility

**ARTICLE 7.1      PURPOSE AND INTENT.** The purpose and intent of this chapter is to implement the goals, objectives, and policies of the Comprehensive Plan to ensure mobility is maintained within the City. This Article will include procedures for the City to administer the County-wide Traffic Performance Standards (TPS) for motorized vehicles, as they apply.

#### **ARTICLE 7.2      APPLICABILITY**

**Section 1:**      *General.* This Chapter shall apply to all development orders or any other official action of the City having the effect of permitting the development of land, unless otherwise exempt in accordance with this Chapter. Traffic Mobility Standards in this Chapter only apply to the roads and intersections that are located within the City and identified on Comprehensive Plan TE Map 3.5.

**Section 2:**      *Exemptions, Existing Development Orders.*

- (A) This Chapter shall not apply to City-initiated changes to the Future Land Use Map or Official Zoning Map.
- (B) This Chapter shall not apply to City-sponsored or co-sponsored special/community events.
- (C) This Chapter shall not apply, or impair rights established pursuant to Florida law, to the extent any project or portion thereof is exempt from the requirements of this Chapter.
- (D) Development orders and/or traffic concurrency approvals issued prior to incorporation are deemed to be consistent with the provisions of this Chapter. A Traffic Statement pursuant to the following methodology shall be submitted for all applications related to development pursuant to or amendment of such development orders:
  - (a) Project traffic credits shall be calculated by using trip generation rates, internalization rates, and pass-by rates to the land use or uses previously-approved by a development order per the originally approved Traffic Study.
  - (b) The statement shall demonstrate that the Net PM Peak Hour Two-Way trips are less than or equivalent to the previously-approved project.
  - (c) A cumulative tracking of the daily, AM and PM peak hour trips generated by the development and monitoring of respective conditions shall also be submitted.
  - (d) Project driveways providing ingress and egress shall also be evaluated.

#### **ARTICLE 7.3      TRAFFIC STUDIES**

**Section 1:**      *General.* A Traffic Study shall be required as part of any development application. The Traffic Study shall address the requirements and standards of this Chapter and the County-wide

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TPS as they apply, using maps whenever practicable, and shall state all assumptions and sources of information used.

- (A) Projects that demonstrate that they will generate fewer than twenty (20) Gross Peak Hour Trips based on current trip generation rates shall not be required to submit a traffic study. The Net Peak Hour Directional Trips shall be distributed over the City Road system by the City Engineer, in accordance with generally accepted traffic engineering principles.
- (B) All other development, including development that does not meet the requirements of subsection 7.2(2)(D)(b) above, shall submit a Traffic Study meeting the requirements of this Article.
- (C) The City Engineer, or designee, shall review the information submitted and determine whether the proposed project complies with this Chapter and the County-wide TPS, as applicable.

**Section 2:** *Submittal Requirement.* The Traffic Study shall be prepared, signed and sealed by a qualified professional Florida Registered Engineer, practicing traffic engineering. The analysis is required to demonstrate compliance with this Chapter. The following shall be addressed:

- (A) **County TPS.** Applicable County-wide TPS requirements.
- (B) **Vested project traffic.** Any application for a development order on property on which there is an existing use shall receive a vested project traffic determination subject to the provisions of this section. The vesting shall be calculated by applying current trip generation rates and pass-by rates generated by the most recent use at the time of application. A proposed project shall not be eligible for an existing use vesting determination if the structure or land on the property has been discontinued or abandoned for more than five (5) years prior to the time of application.
- (C) **Applicable standards.** The applicant shall use the adopted LOS for all City roads and intersections identified on Comprehensive Plan TE Map 3.5. The submittal shall analyze City roads within the Radius of Development Influence as shown on Table 7-1 for the specific volume of the proposed project's net new external trips where the level of significance is one percent of LOS D or greater. Intersections at each terminus of significantly impacted directly accessed link shall be analyzed.

**Table 7-1: Radius of Development Influence**

Net New External Two-Way Peak Hour Trip Generation	Radius of Development Influence
21 thru 50	0.5 Miles
51 thru 100	1 Mile
101 thru 500	2 Miles
501 thru 1,000	3 Miles
1,001 thru 2,000	4 Miles
2,001 and up	5 Miles

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- (D) **Peak Hour Traffic.** The Traffic Study shall analyze Peak Hour traffic (both weekday AM and PM Peak Hours), unless traffic characteristics dictate only one of the peak hours be analyzed. The total peak hours analyzed are as follows:
- (a) Generally, the morning peak hours between 6:00 AM and 9:00 AM and afternoon peak hours between 4:00 PM and 7:00 PM during the peak season shall be studied in all cases; unless higher volumes are observed outside of this window time period, then other peak hours shall be used.
  - (b) Each AM and PM peak hour shall be the highest sum of the volume on the approaches to an intersection and shall be the highest sum of four (4) continuous 15-minute periods.
- (E) **Season Factors.** Off-peak to peak season factors shall be approved by the City Engineer, based upon the best available data and generally accepted traffic engineering principles. Other factors, based on accepted traffic engineering principles, shall be used to update data where newer data is not available.
- (F) **Peak Hour Turning Movements.** In addition to link and intersection standards, studies for all peak hour(s) turning movements, including pass-by trips, shall be shown and analyzed for all points where the project's traffic meets the directly accessed links and other roads where traffic control or geometric changes may be needed, as determined by the City Engineer. Signalization, turn lanes, and/or other site related improvements may be required for mitigation.
- (G) **Total Traffic at the Buildout Period.** The Total Traffic at the Buildout Period of the project as follows:
- (a) Existing two-way and directional peak season peak hour traffic counts, counted by FDOT, Palm Beach County and/or City, may be used. The most recent of the Palm Beach County or the City peak season peak hour traffic counts must be used. If the traffic counts collected by the County and/or the City are more than thirty (30) months old, prior to the submittal of the Traffic Study, the applicant shall conduct counts in accordance with accepted traffic engineering principles and as follows:
    - (i) Peak hour counts shall be made during weekdays between 6:00 AM and 9:00 AM and 4:00 PM and 7:00 PM. There shall be no counts on Mondays, Fridays, or legal holidays for the analysis, unless otherwise authorized or required by the City Engineer.
    - (ii) Where Peak Season traffic counts are not readily available, the counts that are unavailable may be generated using factors established by the City Engineer for various areas of the County based on the best available data.
    - (iii) All data is subject to review and acceptance by the City Engineer.
  - (b) Traffic generated by the project shall be computed in the following manner:
    - (i) For project trip generation, the rates or equations published by the County shall be used. If the proposed land use is not listed in the PBC Traffic Engineering website Trip Generation tables, then the latest available Trip Generation Manual published by the Institute of Transportation Engineers (ITE) shall be used. Alternative rates may be approved by the City Engineer based on acceptable standards to provide a more accurate means to evaluate the rates of generation

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or if documentation is supplied by the applicant which affirmatively demonstrates more accurate generation rates.

- (ii) The City Engineer may publish and update, from time to time, trip generation rates for local conditions. If applicable, these rates shall be used instead of the ITE rates.
- (iii) Actual traffic counts that establish a generation rate at three (3) similar developments, and located in similar areas, as the one proposed may be approved for use by the City Engineer in accordance with accepted traffic engineering principles. These counts shall be made for the peak hour weekdays as necessary (excluding legal holidays) for each site and averaged.
- (iv) It is acknowledged some trips generated by mixed use projects do not exit the project or enter the City road system and are internal to the project. Internalization rates shall be approved by the City Engineer based on acceptable standards.
- (v) It is acknowledged some trips generated by a proposed non-residential project are from existing traffic passing the proposed project (pass-by trips) and are not newly generated trips. Credit against the trip generation of the proposed project may be taken for these trips up to the percentage shown in Palm Beach County's trip generation rates table or the ITE manual, when approved by the City Engineer. The Traffic Study must detail:
  - 1. All traffic generated from the project.
  - 2. The number of pass-by trips subtracted from the traffic generated by the project during the Buildout Period of the project.
  - 3. Uses other than those listed in Palm Beach County's trip generation rates table, and any percentage credit proposed, shall be justified based upon the peculiar characteristics and location of the proposed project and accepted by the City Engineer.
  - 4. Factors which should be considered in determining a different pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding City road system and the existing and projected traffic volumes. In no case shall the number of pass-by trips exceed twenty-five (25) percent of existing traffic plus Background Traffic on the link, unless demonstrated and approved by the City Engineer.
- (c) Traffic volumes will likely change during the Buildout Period of the proposed project. The traffic study must account for this change based on Background Traffic. The projection of Total Traffic shall include existing traffic volumes, traffic from approved development and proposed project traffic.

### ARTICLE 7.4 PROJECT BUILDOUT STANDARD

**Section 1:** *Level of Service.* The City shall use Traffic Studies and Statements or other acceptable empirical data to monitor LOS on roads within the City. LOS D is the City's adopted LOS for

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transportation facilities. This LOS standard is not regulatory or part of any concurrency review. The standards shall provide a basis for the City to monitor congestion and coordinate needed improvements. This LOS analysis provides information which allows the City to evaluate the impact of a development and establish mitigation measures as needed.

### **Section 2:** *Analysis Requirements.*

- (A) For signalized City intersections, the intersection analysis shall be conducted using the most recently adopted version of the Highway Capacity Manual (HCM) Operational Analysis. The HCM Operational Analysis shall comply with the default input values published by the County Engineer. Revisions to the input values may be made, subject to approval by the City Engineer, to reflect actual or projected field conditions where substantial differences from the published values can be demonstrated.
- (B) The intersection average total delay will be compared to the thresholds identified in Table 7-2 (LOS D Intersection Thresholds) for monitoring purposes.
- (C) For unsignalized City Intersections, the intersections shall be analyzed using the most recent version of the HCM Unsignalized Intersection Analysis and all minor movements of Rank 2 or higher shall be monitored to determine if they operate at LOS D or better. In addition, roundabout evaluation or a signal warrant analysis with Total Traffic for the intersection may be required by the City Engineer.
- (D) For City road links, the Total Traffic in the peak hour peak direction on the link shall be compared to applicable thresholds in Table 7-3 (LOS D link service volumes) for monitoring purposes. The applicable facility class for each link shall be determined on the basis of the posted speed limit.

**Section 3:** *Level of Service Standards.* The LOS D thresholds relative to intersections are set forth in Table 7-2 (LOS D Intersection Thresholds). The LOS D standard service volumes peak season, peak hour directional for links are set forth in Table 7-3 (LOS D link service volumes).

**Table 7-2: LOS D Intersection Thresholds**

LOS	Intersection Type	HCM Operational Analysis
D	Signalized	35.0 to 55.0 Seconds of Delay
D	Unsignalized	25.0 to 35.0 Seconds of Delay (all minor movements of Rank 2 or higher)

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**Table 7-3: LOS D Peak Hour Directional Volumes**

Facility Type (by direction)		Peak Hour Directional	
		Class I	Class II
2-lane undivided	(1-lane)	792	675
4-lane divided	(2-lane)	1,800	1,467
6-lane divided	(3-lane)	2,718	2,268

**Notes:**

Based on the 2020 FDOT Quality/Level of Service Handbook

Class I: Non-state arterials with posted speeds of 40 mph or higher

Class II: Non-state arterials with posted speed of 35 mph or lower

See instructions below for Median, Turn Lane, and One-way Facility Adjustments

**Median & Turn Lane Adjustments**

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
–	–	–	Yes	+ 5%

**One-Way Facility Adjustment**

Multiply the corresponding directional volumes in this table by 1.2

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### ARTICLE 7.5 SITE-RELATED IMPROVEMENTS

**Section 1:** *Peak Hour Volumes.* All peak hour turning movements (including pass-by trips) shall be shown and analyzed for all points where the Project's traffic meets the public roads.

**Section 2:** *Required Site-Related Improvements.* The City Engineer may require applicant to provide required site-related improvements, pursuant to the standards below:

- (A) Signalization. Signalization may be required when warranted per Manual on Uniform Traffic Control Devices standards;
- (B) Exclusive Turn Lanes.
  - (1) Exclusive left turn lane may be required so that the impacted lane group would maintain the adopted level-of-service D and/or the safety issue may be mitigated by said left-turn lane.
  - (2) Exclusive right turn lane may be required under the following traffic conditions:
    - (a) 2-lane roadways with posted speed of 45 mph or less with 80 or more right-turning vehicles per hour
    - (b) multi-lane roadways with posted speed of 45 mph or less carrying more than 600 vehicles per lane per hour with 80 or more right-turning vehicles per hour
    - (c) multi-lane roadways with posted speed of 45 mph or less with 125 or more right-turning vehicles per hour
    - (d) 2-lane roadways with posted speed more than 45 mph with 35 or more right-turning vehicles per hour
    - (e) multi-lane roadways with posted speed more than 45 mph with 55 or more right-turning vehicles per hour
    - (f) where safety issues may be mitigated by said right-turn lane
- (C) Other improvements, including roundabouts, all-way stops, or other measures. The City Engineer may require other site-related improvements to ensure the safe and orderly flow of traffic.

**Section 3:** *Construction.* Required site-related improvements shall be provided at the sole expense of the applicant.

### ARTICLE 7.6 MOBILITY FEE

Within eighteen (18) months of the adoption of this ordinance, the City shall undertake a mobility fee study consistent with the requirements of Florida Statutes for the purpose of considering establishing a mobility fee to be applied to new development to ensure that the City's level of service standards are maintained by addressing impacts to the City's local roads and mobility infrastructure, including parking, shared use paths, public transportation, bicycle lanes, and sidewalks.

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**Section 3 Severability.** Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

**Section 4. Codification.** It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word 'ordinance' shall be changed to "section" or other appropriate word.

**Section 5. Effective Date:** This ordinance shall be effective upon adoption on second reading.

**PASSED** this \_\_\_ day of \_\_\_\_\_ 2021, on first reading.

**PUBLISHED** this \_\_\_ day of \_\_\_\_\_ 2021, in the Palm Beach Post.

**PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_ 2021, on second reading.

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City of Westlake  
Roger Manning, Mayor

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Zoie P. Burgess, City Clerk

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Approved as to Form and Sufficiency  
Donald J. Doody, Interim City Attorney