

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 5N

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Review  
Draft Amendments to the Village of Tequesta Comprehensive Plan  
DCA Reference No. 09-1ER

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, *Florida Statutes*, requires that Council review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then Council must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The Village of Tequesta has proposed text amendments to all elements of the Village Comprehensive Plan. The amendments are pursuant to an Evaluation and Appraisal Report (EAR) that was adopted by the Village on May 10, 2008 and found sufficient by the DCA on July 23, 2007. The Village has requested that a formal review of the amendments be carried out by the DCA.

*Community Profile*

The Village of Tequesta is a municipality of 5,898 residents located in northeast Palm Beach County. Incorporated in 1957, the Village occupies 2.28 square miles (1,459.25 acres) bounded by: Martin County to the north; the Town of Jupiter, Town of Jupiter Inlet Colony, unincorporated Palm Beach County, and the Loxahatchee River to the south; the

Atlantic Ocean, unincorporated Palm Beach County, and the intracoastal waterway to the east, and; the northwest fork of the Loxahatchee River to the west.

Residential development is the primary land use in the Village, comprising approximately 548 acres, thirty-eight percent (38%) of the total land area. Residential canals and water bodies comprise approximately 299 acres (21%), recreation and open space uses comprise approximately 254 acres (17%), and conservation areas comprise approximately seven (7) acres (.5%). Commercial uses comprise approximately 82 acres (5%), and are primarily concentrated along US-1, Cypress Drive South, and the Village center area. Public buildings and lands comprise approximately 21 acres (1.5%), while other public facilities comprise approximately 39 acres and transportation facilities, including public rights of ways, streets and roadways, comprise approximately 214 acres (14.9%). Only approximately 14 acres (1%) in the Village are vacant and available for future development. These areas include ten vacant single family lots, a 4.2 acre site in the Mixed Use District that could be development at up to 18 units per acre, and discontinued commercial uses along US-1.

## Evaluation

### A. EAR Amendments

The Village projects no significant development, redevelopment or population growth for the future. The Village identified no major issues for evaluation during the EAR process. According to the Village, most of the proposed amendments are to update data and references, delete obsolete policies, and address new statutory requirements or changing conditions. Some of the highlights of the EAR amendments are as follows:

#### 1. Future Land Use Element

- Table FLU-1 under Policy 1.1.2 is revised to provide a listing of FLUM classifications, allowable uses, and maximum density and intensity standards.
- Policy 1.4.2 is revised to require the identification, designation, and protection of archeological and cultural resources.
- Policy 1.4.5 is revised to support the preservation of Eco-Site #61.
- Policy 1.8.2 now discourages development in flood zones and the Coastal High Hazard Area (CHHA).
- Policy 1.12.2 is revised to redefine the uses permitted under the Mixed Use FLUM designation.
- Objective 1.13.0 is revised to address hurricane evacuation and emergency management planning.

## 2. Transportation Element

- Goal 1.0.0 is rewritten to focus on multi-modal transportation rather than traffic circulation.
- Policies 1.1.2 and 1.1.5 are revised to encourage the provision of multi-modal transportation facilities as part of new development, redevelopment, and transportation improvements.
- Policy 1.1.6 is revised to coordinate with the Metropolitan Planning Organization (MPO) on implementation strategies to reduce vehicle miles traveled, traffic congestion and consumption of fuel.
- New Policy 1.3.2 indicates the Village will participate in MPO planning activities and processes and revised Policy 1.8.4 indicates the Village will assist in the implementation of key recommendations made by the MPO in the Long-Range Transportation Plan and the Unified Planning Work Program.
- New Policy 1.3.3 indicates the Village will identify projects in the Capital Improvements Schedule to support and fund mobility, enhance alternate modes of transportation, and assure connectivity.
- Policy 1.5.9 is revised to indicate Village support for the Florida Department of Transportation efforts to develop and implement the South Florida East Coast Corridor Study.
- Policy 1.8.2 is revised to indicate the Village shall encourage development of compact, pedestrian scale development.

## 3. Housing Element

- New Policy 1.2.3 indicates the Village shall encourage the provision of a diversity of housing units and types that are affordable to residents of all income and special needs groups at levels that are reflective of existing and projected demand.
- Objective 1.4.0 indicates that the private sector will be relied upon to provide the limited infill housing the Village can accommodate; and to include similar language to Policy 1.2.3 regarding affordable housing.

## 4. Utilities Element

### a. Sanitary Sewer

- Policy 1.1.7 is revised to indicate septic tank systems are acceptable only in areas where sanitary sewer facilities are not available.
- Policy 1.1.8 is revised to indicate that hook up to the central system is required when a central sanitary sewer system becomes available.

b. Solid Waste

- New Policy 1.1.5 commits to including Palm Beach County Solid Waste Authority capital projects that address level of service standards into the Village Capital Improvements Element.

c. Potable Water

- Several policies are revised to reference the Lower East Coast Water Supply Plan.

5. Conservation Element

- Objective 1.3.1 is revised to reference support for the joint management of the Jupiter Inlet Natural Area and preservation of native plants and animal species on Eco Site #61.
- Policy 2.6.2 is revised to indicate that the provision of public access to coastal areas should include opportunities for appreciation of and education about coastal and wildlife resources.

6. Intergovernmental Element

- Additional language and focus is added to Objective 1.4.0 and it's implementing policies on the need to coordinate on planning and review activities that have extrajurisdictional impacts.
- Policies 1.4.5 and 1.1.6 are revised to indicate continued participation in the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) process and the Multi-Jurisdictional Issues Coordination Forum.
- Policy 1.2.5 is revised to commit to coordination between the Village Comprehensive Plan and the Strategic Regional Policy Plan for the Treasure Coast Region.

7. Coastal Management Element

- Policy 1.3.1 is revised to commit to the continued maintenance of beach and beach areas as a component of the adopted level of service for recreation and open space.
- Policies 1.3.3 and 1.3.4 are revised to commit the Village to compliance with the Palm Beach County Boat Facilities Siting Plan.
- Revised Objective 1.5.0 and Policy 1.5.2 indicate the Village will not provide an increase in infrastructure or allowable densities and intensities of land use within the CHHA.

- Policy 2.2.7 is revised to indicate the Village will continue to participate in the Palm Beach County Manatee Protection Program; and Policy 2.2.8 commits to participation in the County Sea Turtle Protection Program.
- New Objective 5.4.0 indicates the Village will identify, designate, and protect historic, archaeological and cultural resources, including those in the CHHA.

#### 8. Capital Improvements Element

- Policy 1.1.2 is revised to indicate that the Capital Improvements Schedule will include projects funded and implemented by other agencies when they impact Village level of service standards.
- Policy 1.2.3 is revised to indicate the Village shall coordinate with other agencies that provide infrastructure and services that impact the achievement of Village level of service standards.

#### Extrajurisdictional Impacts

Although the Village did not provide notification of the proposed amendments to IPARC prior to transmittal, the Village did provide copies of the proposed amendments to surrounding local governments. On November 6, 2008, Council staff sent a memorandum to these surrounding local governments seeking comments on the proposed amendments. As of the date of preparation of this report, no comments were received. There should be no detrimental significant extrajurisdictional impacts as a result of these amendments.

#### Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

#### Analysis of Consistency with Strategic Regional Policy Plan

#### **Comments/Recommendations**

1. Although the availability of affordable housing was not identified as a major issue during the EAR process, the Village carried out a fairly thorough analysis of housing conditions and availability in the EAR. The Village has a very small amount of vacant land (14 acres) available for development. Still, as the housing analysis indicated, 25 percent of the Village population can be considered “cost burdened”.

The Village permits higher density housing (up to 18 dwelling units per acre) in some areas east of U.S.1. In addition, proposed policy revisions include encouraging the provision of a diversity of housing units and types that are affordable to residents of all income groups. However, the Village should do more

to address the shortage of affordable housing to meet the needs of the workforce in Palm Beach County.

Recommendation for Modification: The Village should clearly indicate, in policy, what programs will be implemented, what incentives will be offered and what tools will be utilized to ensure that at least a proportion of all new housing will be affordable to the workforce, and how existing affordable housing shortages will be addressed. An entire tool box of programs and strategies (accessory dwelling units, reduction of regulatory barriers, inclusionary zoning, density bonuses, community land trusts, impact fee assistance, trust funds, etc) is available. The Village needs to select those tools that are appropriate, include them as implementing policies in the comprehensive plan, and move forward to address the workforce housing problem.

2. In Policy 1.4.6 of the Utilities Element, the Village proposes to change the potable water level of service from 180 gallons per capita per day, to a “system-wide” level of service of 3.9 million gallons per day. Even if the Village can afford to provide the potable water and the customers of the Village can afford to pay for it, the Village should only commit to deliver a level of service to customers that reflects reasonable needs and takes into account the need to conserve and protect potable water supplies consistent with Regional Strategy 6.2.1 of the Natural Resources Element of the SRPP.

#### Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP. However, the Village is encouraged to adopt modifications to the EAR amendments consistent with the comments made by Council.

#### Recommendation

Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments

## **List of Exhibits**

### **Exhibit**

1 General Location Map

