

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 5E

From: Staff

Date: October 17, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the Town of Hypoluxo Comprehensive Plan
DCA Reference No. 08-1ER

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 Town of Hypoluxo has proposed text amendments to all elements of the Town Comprehensive Plan. Some of the amendments are pursuant to an Evaluation and Appraisal Report that was adopted by the Town on August 16, 2006 and found sufficient by the DCA on November 3, 2006. In addition, the Town has proposed amendments to provide coordination of the Town's Water Supply Facilities Work Plan with the South Florida Water Management District's (SFWMD) Lower East Coast Water Supply Plan as required in 373.0361(7) and Chapter 163.3177(6)(c), *Florida Statutes*. Finally, the Town has included the annual update to the 5-Year Schedule of Capital Improvements and related amendments to the Capital Improvements Element. The Town has requested a formal review of the amendments by the DCA.

Evaluation

The Town of Hypoluxo is a small community, approximately 347 acres in size, which was incorporated in 1955. At the present time, the Town is approaching buildout, as there are approximately 5 acres of land remaining to be developed. The Town is located in the central portion of Palm Beach County along the west shore of the Intracoastal Waterway. It is bounded on the north by the Town of Lantana, and the south by the City of Boynton Beach. Unincorporated Palm Beach County lies to the west.

After minimal growth in the eighties and nineties, extensive growth during the 2000 – 2006 period has resulted in the Town approaching buildout. The largest parcel of previously vacant land, the Hypoluxo Scrub Natural Area, was purchased by Palm Beach County in 2003 and assigned a Conservation future land use designation by the Town. The Town estimates it will reach its “buildout” population by the year 2010. The current year round population is approximately 2,500. The Town estimates it has 200 seasonal residents.

- A. The proposed EAR-related amendments include a total reorganization of the plan. The current plan is very difficult to use, as it has goals, objectives, and policies mixed with data and analysis. These have now been separated. A new community vision statement is contained in the Community Overview. The plan elements have been reformatted and renumbered.

Following are some of the highlights of the EAR-related Elements:

1. Future Land Use Element

- New policies define and set both maximum densities and intensities for residential and non-residential Future Land Use Map (FLUM) categories.
- New Objective 8 and its implementing policies authorize mixed use development in the Mixed Use Overlay Area.
- New Policy 9.3 is to phase out the use of septic tanks.
- New Objective 11 provides for the incorporation of special land use policies to address site specific issues of local concern. The two proposed policies address the Palm Beach Yacht Center and the wellfield protection area.

2. Transportation Element

- New Objective 1 sets forth the functional classification of Town roadways.
- New Objective 2 adopts a level of service for all arterial and collector roadways in the Town.
- New Objective 5 and implementing policies are to maintain an adequate public transportation system for Town residents.

- New Objective 6 and implementing policies encourage the use and provision of mass transit services.
- New Objective 9 and implementing policies support walking and the increased use of bicycles as viable alternative means of transportation.
- New Objective 10 indicates the Town will coordinate land use and transportation planning with adjacent jurisdictions.

3. Housing Element

- New Objective 2 is the provision of a variety of housing types to meet the needs of Town residents.
- New Policy 2.6 allows for alternative living accommodations such as second story units, lofts and live-work arrangements within mixed use developments.
- New Objective 3 is to determine the appropriateness and feasibility of permitting accessory dwelling units in single-family areas.

4. Infrastructure Element

- New Policy 1D.4 is to coordinate with Manalapan and Boynton Beach in preparation of a Ten Year Water Supply Work Plan.
- New Objective 1E is to actively participate in potable water protection and conservation programs. New policies under this objective address implementation and enforcement of water shortage provisions, xeriscape landscaping priorities, and stormwater regulations.

5. Coastal Management Element

- New Objective 1 establishes a priority for water-dependent uses such as public use marinas and public parks along the Lake Worth shoreline.
- New Objective 2 is to retain water-dependent recreational land uses that are accessible to the public.
- New Objective 3 addresses the preparation of post disaster redevelopment plans in cooperation with Palm Beach County and the Treasure Coast Regional Planning Council.
- New Objective 4 is to maintain or improve the environmental integrity of existing wetlands, marine habitats, coastal resources, and historical sites.

6. Intergovernmental Coordination Element

- New Policies 2.1 and 2.2 commit the Town to participate in the Palm Beach County Intergovernmental Plan Amendment Review Committee process.
- New Policy 2.3 is to utilize the Treasure Coast Regional Planning Council for informal mediation of conflicts that cannot be resolved with other local governments.

- New Policy 2.4 is to discuss and coordinate annexation issues with adjacent cities and Palm Beach County prior to any action.

B. Amendments pursuant to Potable Water Supply Work Plan

Potable water is supplied to Hypoluxo by the Town of Manalapan and the City of Boynton Beach (see Exhibit 3). At the time these amendments were prepared, neither had submitted their Water Supply Facilities Work Plan (WSFWP). The Town of Hypoluxo has coordinated with each jurisdiction to the extent possible in preparing the WSFWP. Some highlights of the specific amendments are:

1. Future Land Use Element

- Addition of Map 3-5, Wellfield Protection Zones.
- New special Policy 11.2 is to regulate activities within wellfield protection areas.

2. Infrastructure Element

- New policies are proposed to: 1) coordinate with Manalapan and Boynton Beach in the preparation of WSFWPs; 2) incorporate new directives from municipal and SFWMD plans at the time of Town EAR preparation; and 3) to consider revising level of service standards to include both residential and non-residential categories.

3. Conservation Element

- New Objective 5 and implementing policies are to participate in the formation and implementation of water conservation programs.

4. Intergovernmental Coordination Element

- New Policy 1.3 is to require confirmation of available water supply service prior to issuance of a building permit.
- New Policy 1.4 is to confirm the availability of potable water service consistent with the Lower East Coast Water Supply Plan and municipal WSFWPs at the time of EAR preparation.

C. Amendments to Update the Five-Year Schedule of Improvements in the Capital Improvements Element

1. A revised Five-Year Schedule of Improvements is included.
2. New policies are added to:
 - Commit to an annual update to the Five-Year Schedule of Improvements.

- Set forth conditions under which capital improvements can be funded by a developer.
- Incorporate transportation improvements from the Metropolitan Planning Organization Transportation Improvement program.
- Specify alternative revenue sources for projects that require a referendum.

Extrajurisdictional Impacts

The Town provided a copy of the proposed amendments to the Palm Beach County Intergovernmental Plan Amendment Review Committee. The amendments were distributed for review on July 30, 2008. Based on the information available to the Treasure Coast Regional Planning Council, no objections have been made to the proposed 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

The amendments are considered to be consistent with the SRPP. Council has the following comments for consideration by the Town:

1. New Policy 3.3 in the Future Land Use Element allows density increases in certain FLUM categories if the developer can demonstrate “enhanced public benefit”. That term is vague and may be interpreted very broadly. Those improvements that result in an enhanced public benefit should be listed, at least in general terms.
2. Objective 1 of the Housing Element would be better worded as “To meet the needs of current and anticipated future residents”, without reference to issuing building permits under undefined market conditions.

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.

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
- 2 Future Land Use Map
- 3 Potable Water Service Areas Map

**Exhibit 1
General Location Map
Town of Hypoluxo**

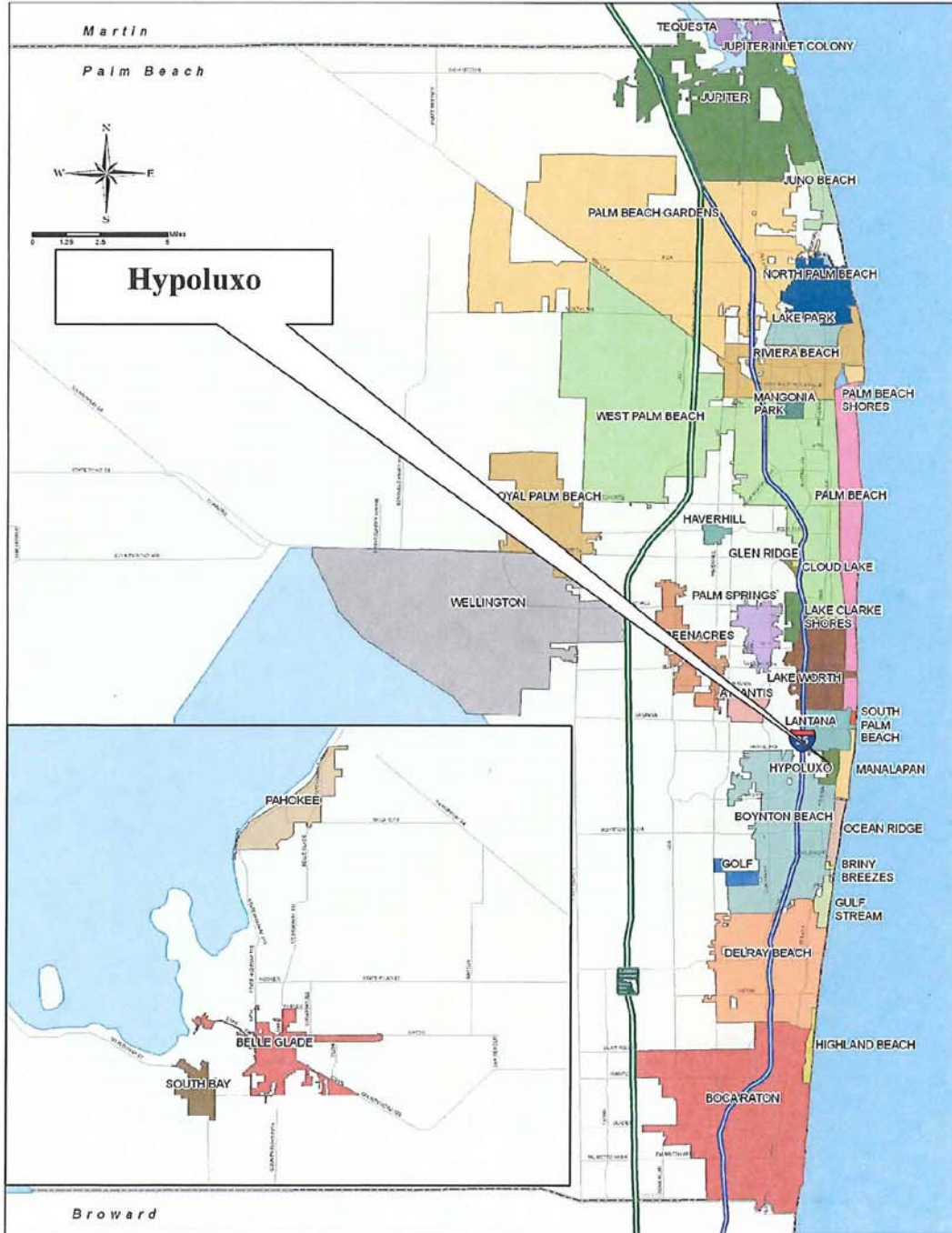
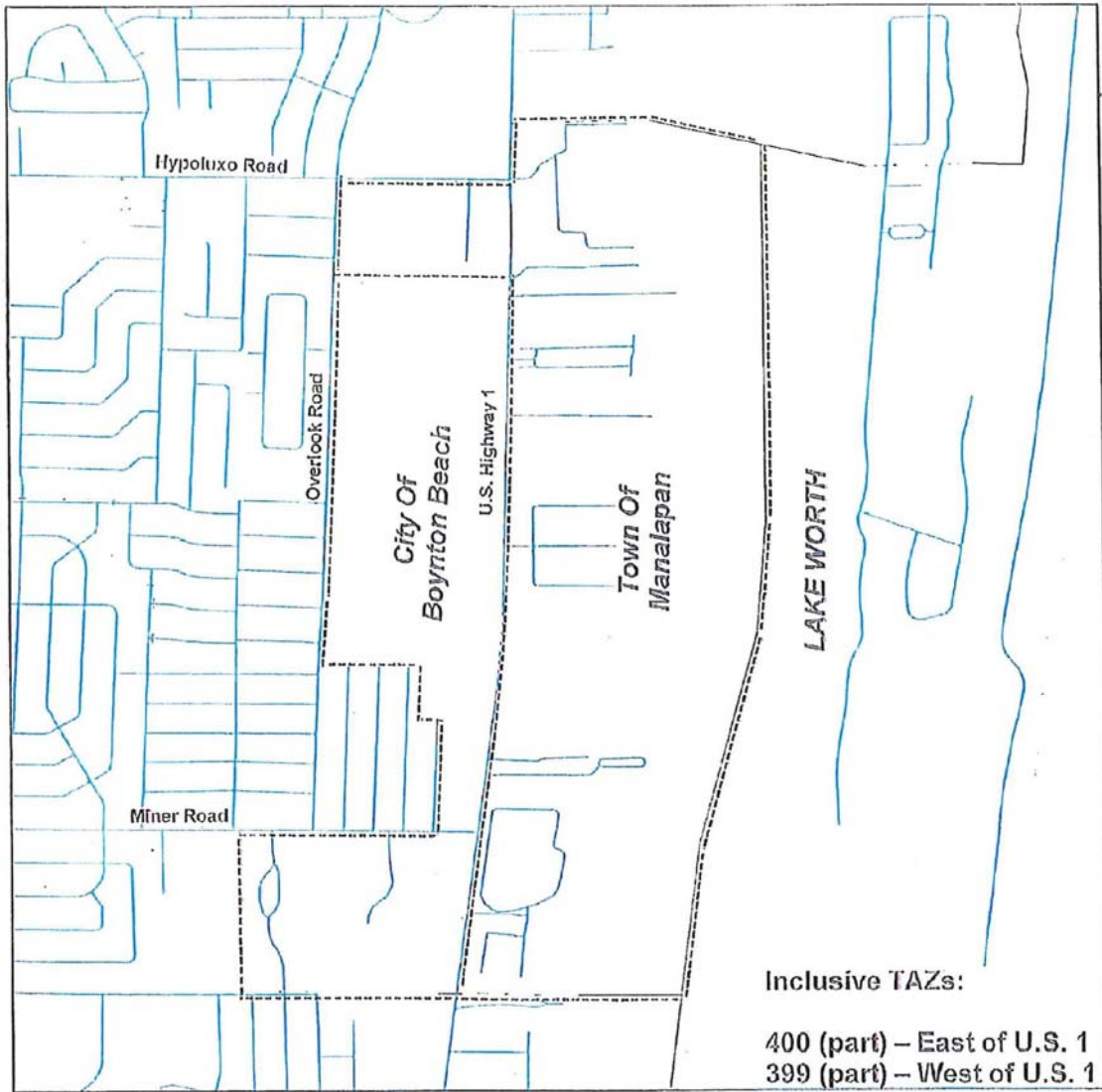


Exhibit 3
Potable Water Service Areas Map



----- Service Area Boundary



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