To: Council Members

From: Staff

Date: December 11, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Indian River County Comprehensive Plan
DCA Reference No. 09-2

Background

On October 20, 2009, Indian River County adopted two amendments to the Future Land Use Map (FLUM) of the County Comprehensive Plan. Both FLUM amendments were to assign a Conservation FLUM designation to property acquired under the County Environmental Lands Program.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 18, 2009. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on September 8, 2009.

Evaluation

A. TCRPC Report

The TCRPC Report contained no comments/recommendations for modification to the proposed amendments. The amendments were considered consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The letter of September 8, 2009 indicated the DCA had no objections to the proposed amendments.

Conclusion

For information only.
To: Council Members

From: Staff

Date: December 11, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Lake Worth Comprehensive Plan
DCA Reference No. 09-1ER

Background

On October 20, 2009, the City of Lake Worth adopted text amendments to all elements of the City Comprehensive Plan. The amendments are pursuant to an Evaluation and Appraisal (EAR) Report adopted by the City on January 16, 2007 and found sufficient by the Florida Department of Community Affairs (DCA) on March 23, 2007.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on December 12, 2008. The DCA issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on January 12, 2009.

Evaluation

A. TCRPC Report

The report approved by Council had five comments/recommendations for modification. These are shown in Section C below.

B. DCA ORC Report

The ORC Report contained six objections. The objections are shown in Attachment A.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

   • **TCRPC Comment #1:** The need to number the goals, objectives and policies in the Future Land Use Element.

     **City Response:** The City has numbered all the goals, objectives and policies in the Future Land Use Element as recommended.
• **TCRPC Comment #2:** The requirement that a school board representative review plan amendments and re-zonings (Policy 8.1.2.2 in the Intergovernmental Coordination Element).

  **City Response:** This policy was adopted as proposed. However, in an email dated November 19, 2009, the City staff indicated that the TCRPC comment was not addressed due to an oversight. The comment will be considered during the next EAR process.

• **TCRPC Comment #3:** The establishment of a fund to ensure the construction of affordable and workforce housing (Policy 3.1.2.3 in the Housing Element).

  **City Response:** See response to DCA Objection #5 in Attachment A.

• **TCRPC Comment #4:** The need to clarify Policy 3.1.2.4 of the Housing Element regarding contributions in lieu of providing affordable and workforce housing on site.

  **City Response:** See response to DCA Objection #5 in Attachment A.

• **TCRPC Comment #5:** The need to revise or delete Policy 3.2.2.3 of the Housing Element so that entire portions of the City are not precluded from having new affordable housing units.

  **City Response:** See response to DCA Objection #5 in Attachment A.

2. **To the DCA ORC Report**

   The City response to the DCA ORC Report is shown in Attachment A.

**Conclusion**

For information only.

**Attachment**
INTRODUCTION

The following Objections, Recommendations and Comments (ORC) Report is based upon the Department's review of the City of Lake Worth 09-1 ER proposed amendment to their comprehensive plan as summarized below pursuant to s. 163.3184, Florida Statutes (F.S.).

This report reviews these proposed amendments against the provisions and requirements of Florida's growth management laws and rules.

Any objections discussed relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The City of Lake Worth should address each of these objections and make corrections prior to the amendment being resubmitted for the Department's compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the City considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations section are advisory in nature. Comments will not form the bases of a determination of non-compliance. They are included to call attention to items raised by the Department's reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

This report is divided into two parts: Consistency with Chapter 163, Florida Statutes (F.S.), and Consistency with the State Comprehensive Plan, Chapter 187, F.S. In the first part we have listed our objections to the proposed amendments, the statutory and rule authority under which we raise these objections, and suggested remedies to these objections for the City to consider.

The second section of the report outlines the areas in which the proposed amendments are inconsistent with the State Comprehensive Plan.
Appended to the back of the Department’s report are the comment letters from the other state
review agencies and other agencies, organizations, and individuals. These comments are
advisory to the Department and may not form the bases of Departmental objections unless they
appear under the "Objections" heading in this report.

The City has proposed numerous Evaluation and Appraisal Report (EAR)-based text changes to
its adopted Comprehensive Plan. The Department has identified six regarding text amendments
to the Future Land Use, Transportation, Infrastructure, Conservation, Housing,
Intergovernmental Coordination, and Capital Improvements Elements as follows:

I. CONSISTENCY WITH RULE CHAPTER 9J-5, F.A.C., AND CHAPTER 163, F.S.

OBJECTIONS

Text Amendments

Objection 1: State Intermodal System (SIS) and TRIP LOS--- the Transportation Element does
not contain a policy in the Comprehensive Plan that adopts the Florida Department of
Transportation level of service standards for SIS facilities, including I-95 and the SIS connectors,
or the Southeast Florida Transportation Council’s (SEFTC) Transportation Regional Incentives
Program (TRIP) facilities standards. There are several TRIP facilities in the vicinity of Lake
Worth, such as US 1 and Atlantic Avenue. This is not consistent with Section 163.3180(10),
F.S., that requires roadway facilities on the SIS be designated in accordance with Sections
339.61, 339.62, 339.63, and 339.64, F.S., where the Florida Intrastate Highway System as
defined in s. 338.001, and roadway facilities funded in accordance with Section 339.2819, F.S.,
which requires local governments to adopt the level-of-service standard established by the
Department of Transportation by rule under Chapter 14-94, F.A.C. For all other roads on the
State Highway System, local governments shall establish an adequate LOS.

Authority: Sections 163.3177(1), 163.3177(6)(a) and (j), and 163.3180(10), Florida Statutes, and
Rules 9J-5.003(62), 9J-5.005(3), 9J-5.0055(2)(c), 9J-5.006(3)(c)3, 9J-5.016(3)(c)4, and 9J-
5.019(3)(g) and (4)(c)1, F.A.C.

Recommendation: The City should coordinate with FDOT and with the SEFTC regarding the
SIS system and SIS-connector facilities and adopt a policy that incorporates the FDOT STS level
of service standard "E" for I-95 and the TRIP LOS standards for TRIP projects.

Response: Amend Policy 2.1.1.2 of the Transportation Element as follows - The City adopts as
part of this Comprehensive Plan the following Level of Service Standards; for all roads on
the Florida Intrastate Highway System, Level of Service “C” is adopted; 
except that in-line
with the State Intermodal System the level of service for I-95 shall be LOS E and for all other
roads, Level of Service “D” for peak hour operation is established. Constrained facilities as
noted in Policy 02.01.01.03 are determined to be exceptions to these levels of service. The
City also adopts any and all levels of service established by the FDOT in-line with the SIS
Program as well as the LOS for all facilities identified by the Southeast Florida
Transportation Council's Transportation Regional Incentives Program (TRIP). For transit facilities, the adopted level of service shall be 1 hour headways for travel on established transit routes. Further as a part of the Transportation Element the City proposes to amend Policy 2.1.5.5 as follows - The City shall continue to support regional multimodal transportation systems through coordinating routes and schedules for Lolly the Trolley, with PalmTran and TriRail, and with participation on the Metropolitan Planning Organization, directly supporting the FDOT in developing identifying and protecting the State Intermodal System including identified connectors. Further the City shall support the SEFTC’s TRIP program.

Objection 2: Ten Year Water Supply Facilities Plan-Although the City states in Intergovernmental Coordination Element Policy 8.1.1.5 and Public Infrastructure Element Policies 4.1.5.3 and 4.1.5.4 that it will update and maintain a Water Supply Facilities Work Plan (WSFWP) for a ten year period, the City has not adopted such a plan by the due date of August 15, 2008. Policy 4.1.5.3 does not indicate the City will adopt future revisions to the WSFWP and related comprehensive plan amendments within 18 months of the future updates to the South Florida Water Management District’s Lower East Coast Water Supply Plan Update.

Authority: Sections 163.3167(13), 163.3177(4)(a), 163.3177(6)(c), (d), and (h)1, 163.3177(8), T.S., and Rules 9J-5.005(2), 9J-5.006(1), (2), (3)(b)1 and (3)(c)1, and 9J-5.011(2)(b)4, 9J-5.013(1)(c) and (2)(b)2, 9J-5.016(1), (2), (3)(b)1, 3, 4, 5, (3)(c)6, 8, and (4), F.A.C.

Recommendation: Prepare and submit a Ten-Year Water Supply Facilities Work Plan as a proposed comprehensive plan amendment and corresponding text changes needed that may pertain to the Future Land Use, Public Facilities, Conservation, Intergovernmental Coordination, and Capital Improvements Elements and which includes the City’s 1) data showing the existing and projected water supply needs; 2) address water facilities that are planned necessary for the City to serve existing and future needs as the water service provider; and 3) identifies conservation, reuse or reclaimed water programs that are or will be implemented to reduce the demand on potable water. Revisions to the Ten-Year Water Supply Facilities Work Plan should be done in close coordination with the City and South Florida Water Management District. Revise, as necessary, the Five-Year Capital Improvements Schedule (CIS) to include any water facility improvements or reuse programs that will be implemented by the City. Projects listed in the first three years of the CIS must be funded by committed revenue sources, and projects listed in years four and five can be funded from committed or planned funding sources. The Department's "A Guide for Local Governments in Preparing Water Supply Comprehensive Plan Amendments and Water Supply Facilities Work Plan" is a valuable resource and is available on the Department's website below. Also, revise Policy 4.1.5.3 to indicate the City will adopt a revised WSFWP and related comprehensive plan amendments within 18 months of future updates to the South Florida Water Management District’s adoption of the Lower East Coast Water Supply Plan Update.

Response: The City has transmitted a draft Water Supply Plan to the Department for review and comment. In addition, the City proposes to adopt a new Policy 4,1.5.5 in the Infrastructure Element which would read as follows- The City shall within eighteen months of any
amendment developed as an update to the Lower East Coast Water Supply Plan by the SFWMD prepare and adopt changes in its plan in order to incorporate the modifications.

Objection 3. Water Supply Concurrency - The City has not adequately addressed concurrency for water supply as required by Section 163.3180(2)(a), F.S.

Authority: Section 163.3180(2)(a), F.S., and Rules 9J-5.013(2)(c)1, F.A.C.

Recommendation: The City should address water supply concurrency to ensure an adequate water supply is available to serve development no later than the issuance of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the City shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. This is in addition to a potable water level of service pertaining to the adequacy of potable water facilities and treatment plants.

Response: The proposed amendments submitted to the Department already includes a proposed Policy 4.1.1.7 in the Infrastructure Element which reads as follows - Consultation with water supplier is required prior to the issuance of building permit to ensure adequate water supply is available to serve new development by the date of issuance of a certificate of occupancy. It is believed that this policy addresses the identified concern.

Objection 4. Mixed Use-The City has not adequately established its mixed use districts: Mixed Use, Downtown Mixed Use and Transit Oriented Development districts because the mixed use categories do not establish the types of non-residential uses or the appropriate percentage distribution among the mix of uses, or other objective measurement. In addition, the General Commercial, Industrial, Public, Public Recreation and Open Space Future Land Use categories do not include densities and intensities of use for these categories.

Authority: Section 163.3177(6)(a), F.S., and Rules 9J-5.006(4)(c) and 9J-5.006(3)(c)7, F.A.C.

Recommendation: The City should specify of densities and intensities of use for all categories and specify the percentage distribution among the mix of uses. The percentages should total to 100%, and the types of uses must at least contain two uses.

Response: The City agrees that there may be merit in listing uses by maximum percentages but does not agree that the total should total 100%. Maximum percentages by use are provided for with the understanding that as one use approaches its maximum other uses will have to face reductions in percentages. Therefore the City proposes to add the following language to Policy 1.2.2.4 Land Use Element - The Mixed Use Office-Residential land use category is intended for mapping along arterials where the existing land use pattern is characterized by a high proportion of office and multiple-family uses and/or a high proportion of land (either vacant or with marginally useful structures) that has a good potential for new office and low-density multiple-family development. These areas are also 1) located adjacent to the City's central commercial core, and 2) have reasonable development potential. Immediately to the north, east and south, the central area is flanked by approximately 35.2
acres designated Downtown-Edges zoning district “DT-ED PO-MF-30.” Mixed use
development within this land use designation overall shall not exceed 75% residential, 50 %
office or 20% neighborhood commercial within the area designated mixed use.

Further the City proposes to amend Policy 1.2.2.6 of the Land Use Element as follows - The
“Central Area Commercial Downtown Mixed Use” land use category is intended for
mapping over the largest area with a reasonably good potential for intensive use by office
and retail establishments with limited residential development. Retail commercial uses shall
not exceed 75% of the total area under this designation but may occupy 100% of the total
ground floor area. Professional offices shall not exceed 75% of the total development but
shall not exceed 25% of the total ground floor area. Residential area shall not exceed 25% of
the total development area but shall not be located on the ground floor of any development.
Office commercial is differentiated from retail to provide for greater delineation of the uses
intended within the downtown. The emphasis is to concentrate retail on the ground floor and
office on the upper floors. Also residential is not intended to be located on the ground floor in
the downtown area.

Objection 5. Vague and Non-specific. New Housing Policies 312.3, 3.1.2.4 and 3.2.2.3 are
vague and non-specific because they do not indicate how the City will establish and utilize its
new affordable and workforce housing fund, do not specify the programs or strategies as to how
and when the City will allow payment in lieu of providing affordable housing, and do not show
that the new requirement for new affordable housing units to
be compatible with the surrounding area would not preclude the provision of affordable
housing units in many parts of the City, respectively.

Authority. Sections 163.3177(1) and 163.3177(6)(a) and (6)(f), F.S., and Rules 9J-5.003(1) and
(90), 9J-5.005(2) and (6), 9J-5.006(3)(c)5, (3)(c)7, and (4)(c), 9J-5.010(3)(b)1, 3, and 7, (3)(c)1,
5, 7 and 8, F.A.C.

Recommendation. Revise these policies to include specific guidelines, strategies and programs
that clearly indicate how the City will apply and implement the policies for affordable and
workforce housing. Establish how and when the fund would be utilized. Indicate under what
circumstances the City would allow a cash payment in lieu of providing affordable housing as a
part of the development and that the affordable housing needs will be achieved through the
policies. Show that the City will not preclude affordable housing solely based on neighborhood
compatibility and that it would utilize to mitigate compatibility issues.

Response. The City proposes the following changes to Policy 3.1.2.2 of the Housing Element as
follows - The City shall permit increased densities and/or a decrease of living area
requirements for innovating designs of up to 15 percent in order to promote affordable
housing projects. The increased densities and/or decreased living area requirements shall
only be awarded to developments where the housing costs do not exceed 140% of the
County’s median income for a family of four, times 2.5 for each single family dwelling, plus
meeting one or more of the following general affordability guidelines:

1. The project shall provide permanent mortgage financing of 90% or greater.
2. The project is a public/private partnership sponsored development.

3. Mortgagee income qualifications shall not exceed 140% of the most current Palm Beach County median family income for a family of four, with this condition being mandatory.

4. In order to maintain affordability an anti-speculation clause shall be inserted in the deed for the first 2, but preferably 5 years, which provides for appreciation participation and the subsequent purchaser meeting condition 3 above.

5. In order to ensure that such projects are not located within any specific area of the City the Land Development Regulations shall provide criteria, such as that would encourage the locations of such developments throughout the City and not be centralized to any one specific neighborhood. However, to provide for proper integration within all neighborhoods it is incumbent upon each such to submit credible analysis that demonstrates to the satisfaction of the City Commission how the use of the proposed location will be utilized in such a way that it is visually, structurally and use wise compatible with the intended location.

The City also proposes the following addition to Policy 3.1.2.3 of the Housing Element - The City may as a part of its efforts to establish programs to ensure the construction of affordable and work force housing establish a fund for such purposes. These funds will be developed through the use of a formula developed as a part of the Land Developments Regulations and utilized for the purposes of enhancing the physical condition and appearance of surrounding infrastructure such as streets, sidewalks, alley-ways, and landscaping of public right of ways.

Objection 6: Strategies for Greenhouse Gases and Energy Efficiency. This objection pertains to the Future Land Use, Transportation, Housing, and Conservation Elements. Since the last Evaluation and Appraisal Report was adopted the legislature passed House Bill 697 (incorporated into Section 163, Part II, F.S.) regarding greenhouse gas emissions and energy efficiency. These four elements do not adequately contain objectives or specific policies that contain strategies addressing the requirements of this act. The City has proposed no objectives or specific policies with strategies guiding energy-efficient land use patterns and that reduce greenhouse gas emissions in the Future Land Use Element. The Transportation Element does not include strategies that address the reduction of greenhouse gas emissions for the transportation sector. The Conservation Element does not include objectives and policies to address energy conservation. Further, the Housing Element does not include objectives and policies with strategies containing standards, plans, and principles that address energy efficiency in the design and construction of new housing.

Authority. Sections 163.3177(6)(a), (6)(b), (6)(d), (6)(f), (6)(j) and (9), and 163.3208(1), F.S. and Rules 9J-5.003(82), (90), 9J-5.005(1)(c) and (6), 9J-5.006(5), 9J-5.019(4)(b)1, 2, 4, (4)(c)5, 6, 9, 10, and 12, F.A.C.
**Recommendation:** Revise the Future Land Use Element to include objectives and specific policies with strategies to guide energy efficient land use patterns accounting for existing and future electric power generation and transmission systems and that reduce greenhouse gas emissions. Revise the Transportation Element to include objectives and policies with strategies that address the reduction of greenhouse gas emissions from the transportation sector by incorporating transportation strategies which address the reduction of greenhouse gas emissions from the transportation sector. For example, the Transportation Element could include objectives and policies with strategies that promote the use of alternative modes of transportation that will reduce vehicle miles traveled and greenhouse gas emissions. The City should require the use of transit and alternative modes of transportation such as increased bicycle and pedestrian usage, and efficient land use concepts such as mixed use development. Include in the Housing Element, objectives and policies with strategies that promote energy efficiency and the use of renewable energy resources in the construction of new homes as well as during redevelopment activities. Similarly, the City should include objectives and policies in the Conservation Element that establish specific programs, activities, and strategies to address energy conservation.

For further information please visit the Department’s website:
http://www.dca.state.fl.us/HB697Message.cfm

**Response.** The City proposes to add to the Land Use Element the following supportive policies:

New policy in the Land Use Element 1.3.2.4 – *The City shall utilize within its Land Development Regulations urban design standards to encourage mixed-use development and limit automobile trips with the ultimate objective of improving air quality.*

New policy in the Transportation Element 1.3.2.5 – *The City shall include within its Land Development Regulations urban design standards to promote energy and resource conservation, employ Florida-friendly landscaping, low impact developments and green building techniques to protect minerals, soils and vegetation.*

New policy in the Transportation Element 1.3.2.6 – *The City shall utilize its Land Development Regulations to foster coordination of new roadway network facilities, transit corridors, rail corridors and pedestrian facilities. Special attention will be given to protect the safety of pedestrians through site design that reduces hazardous and/or conflicting site conditions.*

Amend Policy 2.1.1.8 as follows - *The City shall encourage local businesses and encourage transit friendly development in the Land Development Regulations for all land uses to maximize the use the public transit system.*

Amend objective 2.1.4 of the Transportation Element as follows - *To eliminate or reduce conflicts between rail, vehicular and pedestrian traffic in any new development or redevelopment, coordinate the transportation system with existing and future or existing land uses, and ensure that planned development is consistent with planned transportation services as a means to insure improvement of air quality and overall mass transit performance.*
New Policy 6.1.1.5 in the Conservation Element as follows - *The City shall utilize the Unified Land Development Regulations to coordinate the location and design of new roadway network facilities, transit corridors, and pedestrian facilities. Special attention will be given to protect the safety of pedestrians by site designs that reduce hazardous and/or conflicting site conditions.*

New Policy 6.1.1.6 in the Conservation Element as follows - *The City shall continue to require land use density and site plan layout/phasing which supports reduced travel demand, shortened trip lengths, higher internal capture, and balanced trip demand.*

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

Because the proposed text amendments to the Future Land Use Element (FLUE), Transportation Element (TE), Housing Element (HE), Infrastructure Element (IE), Conservation Element (CE), and Intergovernmental Coordination Element (ICE) do not adequately address the need to decrease greenhouse gas emissions and increase energy efficiency, do not include a 10-Year Water Supply Facilities Work Plan and related Comprehensive Plan amendments, does not contain a water supply concurrency policy, does not establish adequate mixed use future land use categories, does not contain a State Intermodal System or Transportation Incentives Program level of service standard, and contains vague and non-specific Housing Element policies.

Therefore, these amendments are consistent with the following goals and policies of the State Comprehensive Plan Chapter 187, Florida Statutes:

- 187.201-Goal 7(a)(Water Resources), Policies (b)3, 5, 8, 9, 10, 11, and 13 pertaining to Water Resources and the need to protect and conserve potable water. These provisions apply to Objections 2 and 3;

- 187.201-Goal 11(a)(Energy), Policies (b)1, 2, 3, 4, 5, 6, 8, and 10, pertaining to reducing energy consumption, improving energy efficiency of traffic flow, transportation design and planning, more efficient modes of transportation, decreasing the need for new power plants, reducing peak demand, increasing energy efficiency in design and operation of buildings, and public utility systems, providing for energy conservation and preparedness. These provisions apply to Objection 6;

- 187.201-Goal 15(a)(Land Use), Policies (b)1, 3, 4 and 6, pertaining to land use and the need to promote and encourage efficient development, that discourage urban sprawl by encouraging an attractive and functional mix of uses, and that considers the availability of land and water resources to meet future demands. This provision applies to Objections 4 and 6;

- 187.201-Goal 16(a)(Urban and Downtown Revitalization), Policies (b)6, 8, and 9, pertaining to linking land use, water use, education facilities, and transportation planning and encouraging transit and multimodal transportation systems as a priority. This
provision applies to Objections 4 and 6;

- 187.201-Goal 19(a) (Transportation), Policies (b)2, 3, 8, 9, 10, 13, and 15, pertaining to enhancing system efficiency, utilization of public transit, providing efficient access to services, jobs, markets, and attractions, and promoting ridesharing. This provision applies to Objection 1 and 6;

- 187.201-Goal 20(a) (Governmental Efficiency), Policies (b)8 and 9, pertaining to replacing inefficient public facilities with energy efficient regional systems, encouraging greater efficiency and economy, and greater operating efficiencies. This provision applies to Objection 6;

- 187.201-Goal 24(a) (Employment), Policy (b)5, ensuring a transportation system that provides maximum access to jobs and markets. This provision applies to Objections 1 and 6; and

- 187.201-Goal 25(a) (Plan Implementation), Policy (b)7, to ensure local plans implement and accurately reflect state goals and policies that are of particular concern in a region. This provision applies to all Objections.

**Recommendation:** By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.
To: Council Members
From: Staff
Date: December 11, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Pahokee Comprehensive Plan
DCA Reference No. 09-1ER

Background

On September 22, 2009, the City of Pahokee adopted text amendments to all elements of the City Comprehensive Plan as well as an entirely new map series for maps that appear in the plan elements. Most of the amendments were to carry out the recommendations of an Evaluation and Appraisal Report adopted by the City on January 9, 2007 and found sufficient by the DCA on March 3, 2007. Other amendments were to address statutory requirements to incorporate the City’s Water Supply Facilities Work Plan into the comprehensive plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 18, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments on August 28, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC on September 18, 2009 had no comments or recommendations for modification.

B. DCA ORC Report

The DCA ORC Report of August 28, 2009 contained one objection and one comment.

C. County Response

1. To the TCRPC Comments/Recommendations

   No response necessary.

2. To the DCA Objections

   A summary of the DCA objection and comment, and the City response is included as Attachment A.
Conclusion

For information only.

Attachment
TO: Matthew Brock, City Manager
FROM: Lorraine Tappen, AICP, Consulting City Planner
DATE: September 11, 2009

RE: Revisions to the EAR-based Comprehensive Plan Amendments based upon the Objections Recommendations and Comments Report (ORC).

The Department of Community Affairs issued its Objections, Recommendations, and Comments (ORC) Report on August 29th. This memorandum serves to address changes made to the EAR-based Amendments based on DCA’s report. New changes since the ORC Report was issued are shown in strikethrough and underline with highlighting.

Objection 1: DCA recommended revising the Level of Service standards for US 98/441 to Level of Service C established by the FDOT under Rule 14.94003.

In order to accommodate this recommendation, the following changes were made:

- The following tables were edited in the Transportation Element:
  Table 2-1 Adopted Level of Service Standards (p. 2-4)
  Table 2-2 Existing Peak Hour Level of Service Standards (p. 2-5)
  Table 2-3 Future Peak Hour Level of Service Standards (p. 2-7)

- The following policies were revised:
  Transportation Element Policy 2.1.1.1 (p. 2-11),
  Capital Improvement Element Policy 8.1.2.3 (p. 8-14)
  Concurrency Management Policy 10.2.1 (p. 10-7)

Please note that the Capital Improvement Element Update was adopted separately in July 2009; therefore, just the page showing the adjusted Level of Service for SIS' facilities is provided, per DCA’s instruction.

Other changes made:

Future Land Use Element

- Removed minimum 20 acre requirement for Residential Low Transitional and Residential Medium Transitional Land Use designations to allow development on parcels smaller than 20 acres. (p. 1-14). Also, Planned Unit Development was changed to Planned Development to fit the term used in the land development code.
Revised the following tables based upon edits to the Future Land Use Map mentioned below.
Table 1-2 Future Land Uses (p. 1-3)
Table 1-3 Vacant Lands (p. 1-4)
Table 1-4 Potential Population to be Housed in Future Pahokee Development (p. 1-5)

**FLU-1 Future Land Use Map**

The Future Land Use Map further refined based upon the original black and white future land use map drawn in 1988 and previous land use plan amendments.

**FLU-2 Vacant Land Map**

Revised based upon revised Future Land Use Map.

**Staff Recommendation:** Approval

Cc: Susan Feltner, City Clerk
To: Council Members

From: Staff

Date: December 11, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Village of Palm Springs Comprehensive Plan
DCA Reference No. 09-2ER

Background

On November 12, 2009, the Village of Palm Springs adopted text amendments to all Elements of Village Comprehensive Plan. The amendments were pursuant to the recommendations of an Evaluation and Appraisal Report adopted by the Village on June 14, 2007 and found sufficient by the Florida Department of Community Affairs (DCA) on August 24, 2007.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 18, 2009. The Florida Department of Community Affairs issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments on October 5, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC on September 18, 2009 contained three comments/recommendations for modification to the proposed amendments. The comments/recommendations for modification are shown in Section C below.

B. DCA ORC Report

The DCA ORC Report of October 5, 2009 contained three objections. The objections are shown in Attachment A.

C. Village Response

1. To the TCRPC Comments/Recommendations for Modification

   - **TCRPC Comment #1:** New Policy A.9 in the Future Land Use Element should indicate that such land shall be designed as “Recreation/Open Space” consistent with the nomenclature of the designation on the FLUM.

     **Village Response:** The Policy was revised to include “Open Space: as recommended.”
• **TCRPC Comment #2:** The Future Land Use Element would be much improved if it included a policy or policies that clearly authorize the designations shown on the FLUM, and included the allowable uses, intensities and densities for each of the 10 FLUM categories shown in the legend of the map.

**Village Response:** A policy was added to include the intensity and density standards for the following land uses: Commercial, Other Public Facilities, and Public Buildings and Facilities.

• **TCRPC Comment #3:** Although the Village has a comparatively low median housing value, especially when compared to other municipalities in Palm Beach County, the Village Comprehensive Plan does not contain specific policy support for programs and strategies to address the workforce housing affordability problem. The availability of housing affordable to the workforce is one of the major growth management issues in Palm Beach County today. The Village should consider the adoption of policies that require a proportion of new units built during new development or redevelopment to be affordable to low and moderate income members of the workforce; and procedures that will ensure that the units remain affordable.

**Village Response:** No response was received from the Village.

2. To the DCA Objections

A summary of the DCA objections and the Village responses is included as Attachment A.

**Conclusion**

For information only.

**Attachment**
I. CONSISTENCY WITH CHAPTER 163, F.S., AND RULE 9J-5, F.A.C.

Village of Palm Springs proposed Amendment, DCA #09-2ER was received on August 6, 2009. The amendment contains the EAR based amendments to the Village's Comprehensive Plan. The Department has identified the following objections, recommendations and comments to the proposed comprehensive plan amendments as they do not meet all of the requirements in Chapter 163, F.S., and Rule 9J-5, FAC.

OBJECTIONS AND RESPONSES

1. **Future Land Use Element – Objection:** The Future Land Use Element has not established intensity and density standards for the following three (3) land use categories shown on the Future Land Use Map: Commercial, Other Public Facilities, and Public Buildings and Facilities. Citations: Sections 163.3177(1) and 163.3177(6)(a), 163.3177(9), F.S., and Rules 9J-5.003(31), (60), 9J-5.005(6), and 9J-5.006(3)(c)7., FAC.

   **Response:** The Future Land Use Element has been revised to include new policies to include intensity and density standards as appropriate for the following land uses listed on the Village’s Future Land Use Map: Commercial, Other Public Facilities, and Public Buildings and Facilities.

   **Policy G.3:** *Reserved.* Land development standards for non-residential land use intensities shall be as follows:

   Commercial 0.50 floor area ratio
   Public Buildings and Facilities 0.40 floor area ratio
   Other Public Buildings 0.40 floor area ratio

2. **Recreation and Open Space Element – Objection:** New Policy A.9. defers the designation of accessible lake areas as Recreation/Open Space on the Future Land Use Map to an unspecified time in the future. Citations: Sections 163.3177(5)(b), (6)(a), F.S. and Rules 9J-5.005(6), and 9J-5.006(4)(a)5, F.A.C.

   **Response:** The Village has revised Policy A.9 to include a specified time in the future to designate the accessible lake areas as Recreation/Open Space on the Future Land Use Map and amended the Future Land Use Map to designate such areas as Recreation/Open Space.

   **Policy A.9:** *By June 2010, the Village shall inventory the Some of the accessible lake areas within the Village which can be used for water-oriented recreational activities shall be designated and*
designate such areas as Recreation/Open Space uses—on the Future Land Use Map.

3. **Greenhouse Gas Emission Reduction and Energy Conservation — Objection:**
The Village has not revised the Future Land Use, Conservation, Transportation, and Housing Elements to incorporate strategies for the reduction of greenhouse gas emissions, the promotion of energy conservation, the provision for energy efficient transportation options, and energy efficiency in the design and construction of new housing. Citations: Sections 163.3177(6)(a), (5)(d)6, (6)(f) and (6)(0)10, F.S.

**Response:** The Village of Palm Springs has several policies within its Transportation Element which provides for energy efficient transportation options. Goal 2 and its corresponding Objectives and Policies all address the Village's efforts to encourage energy-efficient, multi-modal transportation systems. The Village has revised the Future Land Use, Conservation, and Housing Elements to include goals, objectives and policies to address greenhouse gas emission reductions in the Village of Palm Springs. The policies provide specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation pursuant to statutory requirements and as appropriate for the Village.

**Future Land Use Element:**

**Objective Q:** The Village shall conserve and properly manage energy consumption to the best of the Village's abilities and encourage green design practices in new development and redevelopment to foster sustainable, energy efficient land use patterns.

**Policy Q.1:** The Village shall continue to support alternative modes of travel as called for in the Transportation Element to minimize fuel consumption, promote energy-efficient land use patterns, and reduce greenhouse gas emissions.

**Policy Q.2:** The Village will support energy conservation measures and practices in the administration, design and construction of Village buildings and facilities to reduce energy consumption and tax dollars allocated for power and fuel.

**Policy Q.3:** The Village will promote education of Village employees in energy conservation measures and practices and promote certification for energy conservation practices.
Policy Q.4: The Village will support, as applicable, intergovernmental programs with adjacent jurisdictions to promote energy conservation and education.

Policy Q.5: The Village shall encourage participation as may be appropriate in the following programs, as well as others that may apply:

- U.S. Environmental Protection Agency’s Energy Star Buildings and Green Lights Program to increase energy efficiency through lighting upgrades in buildings;
- Rebuild America;
- Building for the 21st Century;
- Energy Smart Schools;
- National Industrial Competitiveness through Energy;
- U.S. Department of Environmental Protection’s Pollution Prevention (P2) Program;
- U.S. Green Building Council (LEED); and
- Florida Green Building Coalition (FGBC) and pursue certification as a Green Government.

Policy Q.6: The Village will support incentives and programs by the state and federal governments to promote green building programs and best practices.

Policy Q.7: The Village will consider the provision of incentives to support developers interested in implementing green roof design and the construction of green roofs on appropriate public buildings as feasible.

Policy Q.8: By June 2011, the Village shall coordinate with the Palm Beach County Green Task Force on Environmental Sustainability and Conservation to establish a community action plan to reduce or encourage reductions in greenhouse gas emissions within the Village’s limits.
Housing Element:

Objective K: The Village shall establish green building requirements and standards for new development and redevelopment projects, and will work to provide incentives for green building practices and remove barriers that impede the use.

Policy K.1: By June 2011, the Village shall coordinate with the Palm Beach County Green Task Force on Environmental Sustainability and Conservation to establish a community action plan to establish specific policies and standards to increase energy efficiency in new developments.

Policy K.2: The Village shall support the use of green building practices by:

- Providing all available information, marketing, training, and technical assistance about green building practices;
- Establishing guidelines for green building practices in residential and commercial development; and
- Providing financial incentives, including reduction in development fees, administrative fees, and expedited permit processing for projects that use green building practices.

Policy K.3: By December 2011, the Village shall revise its Land Development Code to require that new development and redevelopment projects for both residential and commercial buildings incorporate green building methods and techniques to qualify for the equivalent of a current Leadership in Energy and Environmental Design (LEED) Certified rating, GreenPoints, or other equivalent rating system, provided that these regulations do not impose excessive costs or other burdens upon developers, building owners, or occupants.

Conservation Element:

Objective H: The Village of Palm Springs shall consider implementing outreach and incentive programs to promote and improve energy efficiency in the community.

Policy H.1: The Village shall enforce standards within its 10-Year Water Supply Facilities Plan to increase the use of reclaimed water.
Policy H.2: The Village shall organize events, workshops, and outreach programs to promote water conservation, waste reduction, and energy efficiency.

II. CONSISTENCY WITH CHAPTER 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

Section 187.201(7), Water Resources, Policies (b) 8 and 10: To protect floodplains and ground and surface water.

Section 187.201(9), Natural Systems and Recreational Lands, Policies (b)1, 2, 3, 4,10,11, and 13: Ensure the protection of natural resources for their recreational values, and expand state and local efforts to provide recreational opportunities.

Section 187.201(11), Energy, Policies (b) 1, 2, 3, 4, 6, 7, and 8: Related to reducing energy consumption, conservation of energy and use of renewable energy to reduce greenhouse gas emissions.

Section 187.201(15), Land Use, Policies (b) 2 and 6: Ensure the protection of natural resources in making land use decisions.

Section 187.201 (25), Plan Implementation, Policies (b) 1, 3 and 7: Ensure that local plans implement and accurately reflect State goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

Response: By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, have been addressed.
To: Council Members

From: Staff

Date: December 11, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Village of Royal Palm Beach Comprehensive Plan
DCA Reference No. 09-2

Background

On October 1, 2009, the Village of Royal Palm Beach adopted two Future Land Use Map amendments and text amendments to the Village Comprehensive Plan. All of the amendments pertained to the Fox Development of Regional Impact. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on July 17, 2009. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on August 7, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC had no comments/recommendations for modification to the proposed amendments. The amendments were determined to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA letter of August 7, 2009 indicated that the DCA had no objections to the proposed amendments. The amendments were adopted by the Village with no modifications.

Conclusion

For information only.
To: Council Members

From: Staff

Date: December 11, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of South Palm Beach Comprehensive Plan
DCA Reference No. 09-1

Background

On October 20, 2009 the Town of South Palm Beach adopted text amendments to the Town Comprehensive Plan. The text amendments were to address statutory requirements for water supply facility planning.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 18, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on September 4, 2009.

Evaluation

The Town did not adopt the text amendments and FLUM amendment which pertained to the Palm Beach Oceanfront Inn property.

A. TCRPC Report

The report approved by the TCRPC contained three comments/recommendations for modification. The amendments were found to be inconsistent with the Strategic Regional Policy Plan. However, the Town did not adopt the proposed amendments that were of concern to the TCRPC.

Council had one comment on the water supply facility plan amendments, recommending that the Town ensure the plan was consistent with the City of West Palm Beach Water Supply Facility Work Plan (WSFWP).

B. DCA ORC Report

The ORC Report contained four objections to the WSFWP amendments. The objections are summarized as follows:

1. The proposed water supply plan does not cover the appropriate planning period.
2. The Town has not included policies identifying the water conservation programs it is implementing.
3. The proposed amendment does not include a policy to coordinate with the South Florida Water Management District and to update the Town’s WSFWP as required.
4. The proposed amendment does not include policies with specific programs and activities to ensure on-going coordination with the City of West Palm Beach on water supply planning issues.

C. Town Response

1. To TCRPC Comments/Recommendations for Modification

   No response received. However, the Town has added new Policy 4.1 to the Intergovernmental Coordination Element to address one of the DCA objections. This policy commits the Town to continued coordination with the City of West Palm Beach on water supply issues.

2. To the DCA ORC Report

   The additional plan amendments adopted to address the DCA objections are shown in Exhibit A.

Conclusion

For information only.

Attachment
South Palm Beach Comprehensive Plan Amendments in response to the ORC Report for DCA Number 09-1.

INFRASTRUCTURE ELEMENT

OBJECTIVE 3:

The Town shall conserve potable water resources.

Policy 3.1: The Town shall continue to work in cooperation with the Lake Worth Drainage District and South Florida Water Management District to maintain adequate surface water levels.

Policy 3.2: The Town shall continue to coordinate with State, regional and local entities in the development and implementation of water conservation programs. Specific actions the Town will accomplish include: require a minimum of 50 percent of all landscaping to be drought tolerant species; print and deliver educational brochures to all residents providing information on water conservation techniques and Town Comprehensive Plan policies and other regulations regarding water conservation; require that rain sensor devices are components of all irrigation systems and limit the hours of irrigation consistent with limitations established by the South Florida Water Management District; and require use of low water volume plumbing fixtures. It is intended that these water conservation measures be incorporated into the Land Development Regulations within prior to January 1, 2011. However, the requirements shall be implemented with adoption of the Ten (10) Year Water Supply Plan that is incorporated into the Infrastructure Element.

INTERGOVERNMENTAL COORDINATION ELEMENT

Policy 1.5 The Town shall update the 10 Year Water Supply Work Plan within 18 months of the date that the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan.
OBJECTIVE 4:

Coordinate water supply issues and needs on a continuing and ongoing basis with the City of West Palm Beach.

Policy 4.1: The Town shall continue to participate in coordination efforts with the City of West Palm Beach regarding water supply issues through the following activities: continued participation in the Interlocal Plan Amendment Committee (IPARC) to discuss any water supply issues; annual meetings with West Palm Beach Utilities staff to share information regarding water supply issues and needs, use projections, implementation of alternative water supply projects, conservation measures, and other pertinent water supply issues that arise; and responding to annual contacts from West Palm Beach, required by the West Palm Beach Comprehensive Plan, relative to major projects, population projections, and water usage information.