MEMORANDUM

To: Council Members                      AGENDA ITEM 5H
From: Staff
Date: February 20, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Review
         Draft Amendments to the Town of Gulf Stream 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 Town of Gulf Stream has proposed text amendments to many of the elements of the Town Comprehensive Plan. The Town has requested that the DCA carry out a formal review of the amendments.

The majority of the text amendments are pursuant to the recommendations in an Evaluation and Appraisal Report (EAR) that was adopted by the Town on July 16, 2006, and found sufficient by the DCA on October 10, 2006. Some of the text amendments are to address statutory requirements (Chapter 373.0361(7) and 163.3177(6)(c), Florida Statutes) by providing coordination of the Town’s 10-Year Water Supply Facility Work Plan (WSFWP) with the South Florida Water Management District (SFWMD) Lower East Coast Water Supply Plan (LECWSP).
Evaluation

Community Profile (from the Town EAR)

The Town of Gulf Stream is a small residential community located in the southern portion of Palm Beach County, between Boynton Beach and Delray Beach. It is approximately 521 acres in size and, except for the Place Au Soleil subdivision which is situated on the west side of the Intracoastal Waterway, it is bordered by the Atlantic Ocean to the east and the Intracoastal Waterway to the west.

In addition to the influence of polo and golf, the subtropical climate, waterfront lots, and the small town atmosphere have attracted people since the early 1920s. Through the years the population of Gulf Stream has remained small, providing homes for approximately one thousand residents.

Gulf Stream is characterized by single family homes with lush, well maintained landscaping and extensive outdoor recreational opportunities. A few small-scale apartments and condominiums are scattered along the beachfront and west of State Road A1A. There are no commercial, industrial, or agricultural land uses. Amenities include two private golf clubs, a private beach and tennis club, and a designated conservation area in the southeast portion of the town. A small private school exists just south of the Town Hall. The school has a long-standing tradition of excellence, recognized statewide.

The famous clubhouse at the Gulf Stream Golf Club was designed by Addison Mizner, the master architect of South Florida. Both the Town Hall and the Police Station are fashioned after the Mediterranean Revival style clubhouse. Many of the first houses constructed in Gulf Stream are still intact, with only minor alterations. Thirty-six of the structures were listed on the Florida Master File in 1990. Maintained by the Florida Division of Historic Resources in Tallahassee, this file contains pertinent data of historical and archeological sites throughout the state.

Although early houses were typically mansions, today the Town is extensively subdivided, with fewer large mansions and more moderate sized, distinguished homes. The majority of the Town grew as subdivisions between the Atlantic Ocean and the Intracoastal Waterway (ICWW). In an effort to maintain a tranquil setting, commercial and industrial uses were prohibited. Less than 10 vacant lots remain throughout the Town and are designed for single family housing.

The established, residential patterns are being threatened by a phenomenon known as “mansionization”, which is affecting older communities with rapidly escalating property values. Mansionization is characterized by existing structures being demolished to make room for larger, more elaborate houses, and has the potential to destroy the unique character and scale of Gulf Stream. There have been changes in the single family residential zoning district to address these issues; however, the code changes are too new to have had a significant impact.
As part of the EAR process, local governments have the opportunity to identify major issues to be evaluated during the EAR process. The Town identified the following major issues to be evaluated:

1. Ways in which the Town can maintain its character.
2. The effect on the Town of the conversion of existing multi-family residential buildings.
3. The utilities system within the Town.

Highlights of the amendments are as follows:

A. Future Land Use Element

1. Revisions to Policy 1.1.1.2 clarify allowable densities in residential Future Land Use Map Categories.
2. New Policy 1.1.5.7 seeks to protect, restore, and enhance the Australian Pine canopy along North Ocean Boulevard (SR A1A) in coordination with the Florida Department of Transportation.
3. New Policy 1.1.5.8 is to study the cost/benefit of burying power lines in the Town.

B. Housing Element

1. Revised Policy 3.1.3.2 indicates that development activity on property containing a site of historical or archeological significant shall be subject to prevailing local, state and federal regulation.
2. Revised Objective 3.1.4 is to promote programs and other means to ensure that affordable housing is provided to residents of all income ranges to sustain a balanced community.
3. Revised Policy 3.1.4.1 is to continue to encourage the private sector to provide housing in a range of prices through streamlining the development review process.
4. Revised Policy 3.14.2 is to encourage the development of auxiliary dwelling units associated with a principal dwelling unit in order to increase the supply of affordable and workforce housing in residential developments.

C. Infrastructure Element

1. Sanitary Sewer Sub-Element

   - Revised Policy 4.A.1.3.3 indicates that the Town shall conduct a study to investigate possible funding sources for a centralized municipal wastewater system.
2. Drainage and Natural Groundwater Aquifer Recharge Sub-Element

- New Policy 4.C.1.1.4 indicates that new development within the Town shall make all necessary improvements to the downstream off-site surface water management system(s) to adequately store and/or convey any additional permitted stormwater discharges so as to not cause adverse offsite impacts.

3. Potable Water Sub-Element

- New Policy 4.D.1.1.1 indicates that the Town’s level of service for potable water service is 979 gallons per capita per day (GPCPD).
- Several objectives and policies that address water conservation and the reduction in the use of potable water are to be deleted.
- Objective 4.D.1.2 is revised from requiring a mandatory restriction program to indicate the Town will encourage new development and redevelopment to reduce per capita potable water consumption.
- New Policy 4.D.1.2.1 indicates that the Town shall maintain land development regulations that require and encourage the following water conservation practices:
  a. The use of xeriscape and native vegetation on a portion of development sites.
  b. The use of soil tension meters or similar control mechanisms in all irrigation systems.
  c. The use of in-home water saving plumbing devises such as low volume shower heads and toilets.
- New Policy 4.D.1.1.4.5 indicates that the Town shall adopt the WSFWP.

D. Coastal Management Element

1. Objective 5.1.9 is revised to delete the Town commitment to provide parking at beach access points.
2. The Town has deleted all policies under Objective 5.1.9 committing to maintain the public beach access at the eastern end of Sea Road.

E. Conservation Element

1. Revised Policy 6.1.1.1 indicates the Town shall utilize fuel-saving techniques, if Florida Department of Environmental Protection air quality standards are exceeded.
2. Revised Policy 6.1.2.2 indicates that all new development and redevelopment is to be consistent with the Palm Beach County Wetlands Protection Ordinance.
3. Policy 6.1.5.2 is revised to encourage efficient landscape irrigation and water reducing techniques.
4. Revised Policy 6.1.5.3 indicates the Town shall promote methods for reduction of potable water use for existing development.

F. Intergovernmental Coordination Element

1. Revised Policy 8.1.1.6 is to coordinate with the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC).
2. Revised Policy 8.1.1.8 indicates the Town will utilize the Palm Beach County Issues Coordination Forum for mediation purposes.
3. Policy 8.1.1.12 indicates the Town shall require the County to convene an ICWW Planning Task Force which shall include representatives from the state, regional planning council, county, and each municipality located on the ICWW to discuss those methods to be incorporated into the comprehensive plans and management plans of each organization for the protection of the ICWW and Atlantic Ocean flora, fauna, and water quality and to identify those areas most suited for the development of public access, water-dependent, and water-related uses.
4. Objective 8.1.2 encourages coordination with other municipalities, the County and other local government units who provide services but do not have regulatory authority over the use of land through IPARC and Treasure Coast Regional Planning Council.
5. New Policy 8.1.2.2 indicates the Town will request copies of all proposed comprehensive plan amendments that are adjacent to the Town.

G. Capital Improvements Element

1. New Policy 9.1.1.1 requires that the allocation of large, capital expenditures must be for projects consistent with the comprehensive plan.
2. New Policy 9.1.1.3 provides guidelines for the evaluation and ranking of capital improvement projects.
3. New Objective 9.1.2 is to adopt a Capital Improvements Program and an annual Capital Budget.

Extrajurisdictional Impacts

The Town did not notice these amendments to IPARC prior to transmittal. However, according to the transmittal letter to the DCA, copies of the amendment materials were provided to adjacent local governments. Council provided a memo dated December 15, 2008 to surrounding local governments seeking comments regarding any conflicts with the Town’s proposed amendments. As of the date of preparation of this report, no comments have been received.

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 for Modification

Future Land Use Element

1. In revised Policy 1.1.1.2(b), the Town should clarify that the maximum residential density of 2.64 dwelling units per acre is for single family residential units.

2. New Policy 1.1.5.7 is to: “Coordinate with FDOT to develop methods to promote the protection, restoration and enhancement of the Australian pine canopy along North Ocean Boulevard”. The Town indicates that the Australian pine canopy along North Ocean Boulevard (State Road A1A) is considered an iconic part of the Town, aesthetically and historically. Since the canopy’s planting in the 1920s, the Town has sought to protect it. The roadway was designated as a State Highway Scenic Highway by the Florida Legislature in 1992. Again in 1996 the legislature authorized the Town of Gulf Stream “to engage in the cultivation of Australian pine for the purpose of maintaining the historical character of that part of A1A…” The Town considers the canopy as an essential part of its identity.

However, Australian pine (Casuarina spp.) species are listed as invasive exotic pest species by the Florida Exotic Pest Plant Council. Because of their potential spread and impact to natural communities, the Florida Department of Agriculture and Consumer Services lists all Casuarina species as Class 1 Prohibited Aquatic Plants, which prohibits them from possession, collection, transportation, cultivation, and importation without a special permit from the Department (Rule 5B-64.011, Florida Administrative Code). Within the region, Australian pine is well known for out competing native vegetation and displacing natural communities. In addition, mature Australian pines are shallow-rooted and subject to being blown over during a high wind event or hurricane. This is especially problematic along the Region’s barrier islands where SR A1A in most cases serves as the only roadway that can be used for evacuation purposes. Large Australian pines have been toppled by high winds, blocking local roadways disrupting power supplies and damaging other overhead utility lines.

Proposed Policy 1.1.5.7 is inconsistent with SRPP Policy 6.7.1.4 that indicates all nuisance and invasive exotic vegetation listed by the Florida Exotic Pest Plant Council should be removed and where appropriate replaced with plant species adapted to existing soil and climatic conditions. Removal should be in such a manner that avoids seed dispersal by any such species. State and federal agencies and local governments should coordinate and assist in the removal and replacement of nuisance exotic pest species.

Proposed Policy 1.1.5.7 should be revised to commit to a program to replace the Australian pines along North Ocean Boulevard with native species characteristic of
coastal strand and maritime hammock natural communities. Council staff is available to assist in developing a list of desirable species typical to these natural communities. Removal and replacement might be done over a period of time or in conjunction with maintenance or improvements to SR A1A.

Traffic Circulation Element

3. This element should be revised to incorporate the requirements in the Florida Administrative Code regarding a multi-modal transportation system; including policies regarding pedestrian, bicycle and mass transit activities. The element should also be named the Transportation Element.

Infrastructure Element

4. New Policy 4.D.1.1.1 of the Potable Water Sub element establishes a level of service for potable water of 979 GPCPD. This is much higher than the level of service established in other local governments (generally 100-200 GPCPD) and is not consistent with the need to conserve and protect water supplies as indicated in Regional Strategy 6.2.1 of the Natural Resources Element of the SRPP. The level of service is apparently based on existing use. Even if the Town can afford to provide this much potable water and the residents of the Town can afford to pay for it, the Town should only commit to deliver a level of service that reflects reasonable needs and recognizes the importance of conserving potable water supplies. Among the policies deleted are those that committed to a reduction in the amount of potable water used.

5. The Town has deleted a number of objectives and policies regarding water conservation programs. The Town EAR indicates the Town was somewhat successful in reducing water consumption per capita, but not nearly as successful as anticipated in comprehensive plan policy. The deleted objectives and policies regarding potable water conservation have been replaced with an Objective (4.D.1.2) and policies that indicate the Town will continue to encourage new development and redevelopment to reduce per capita potable water consumption. The Town should make a stronger commitment to reduce the very high level of potable water use in the Town. Voluntary measures have apparently not been sufficient to markedly decrease potable water use in the Town. Mandatory measures may be necessary.

Coastal Management Element

6. The Town’s EAR indicates that public beach access is available at the eastern end of Sea Road, with public parking available at the Town Hall. However, the Town proposes to delete from Objective 5.1.9 the responsibility for maintaining parking at beach access facilities. Furthermore, the Town is proposing to delete Policies 5.1.9.1 and 5.1.9.2 which commit to maintain the Sea Road beach access, the only public beach access within the Town; and the parking at Town Hall that was available for use by beach-goers. This is not consistent with SRPP Natural Resources Policy 6.4.2.5 which calls for the provision of sufficient beach access, parking and support.
facilities to meet future beach recreational needs. All existing beach access points in Palm Beach County should be considered important and worth maintaining. All local governments with beachfront should bear some responsibility for providing beach access and support facilities. The Town has indicated that the public parking at Town Hall (directly across from the Sea Road beach access) that was formerly available to beachgoers must now be reserved for Town Hall business. If Town Hall business now precludes the use of parking at Town Hall for beachgoers during business hours, perhaps the public parking at Town Hall could still be made available to beachgoers on the weekends and holidays.

**Conservation Element**

7. Revised Policy 6.1.1.1 indicates the Town will utilize fuel saving techniques such as promoting car pooling, public transit, bicycles and walking as a means to improve air quality only when the Florida Department of Environmental Protection standards are exceeded. The Town should promote fuel saving techniques at all times, not just when standards have been exceeded.

8. Policy 6.1.5.3 indicates the Town will promote methods for the reduction of water for irrigation by existing development. This, or a similar policy, should also address new development. Given the high use of potable water for irrigation in the Town, the policy should require the reduction of potable water use and set benchmarks for that reduction.

**Consistency with Strategic Regional Policy Plan**

The contract agreement between the DCA and the Treasure Coast Regional Planning Council (TCRPC) 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 with the exception of the following that are considered to be INCONSISTENT with the SRPP:

1. Proposed Policy 1.1.5.7 of the Future Land Use Element regarding the Australian pine canopy along SR A1A.
2. Proposed Policy 4.D.1.1.1 of the Infrastructure Element regarding the level of service for potable water.
3. The deletion of Policy 5.1.9.1 from the Coastal Management Element regarding the Sea Road beach access.

The Town’s Planning Consultant has provided a response to the TCRPC staff report (see Attachment A).

**Recommendation**

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

Attachments
List of Attachments

Attachments

A  February 5, 2009 letter from Marty R.A. Minor, AICP, Senior Project Manager, Urban Design Kilday Studios
February 5, 2009
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994

Dear Council Members:

Please accept this response, on behalf of the Town of Gulf Stream, to the staff's comments regarding the Town's proposed Evaluation and Appraisal-based Comprehensive Plan amendments.

In their staff report, Council staff found the proposed Comprehensive Plan amendment was consistent with the Strategic Regional Policy Plan (SRPP), with the exception of three Town of Gulf Stream policies. These three issues consist of the following: the historic Australian Pine canopy on State Road A1A, the level of service for potable water usage and beach access within the Town.

The first issue is the most troubling for the Town and its residents. Council staff has indicated that the Town's proposed Policy 1.1.5.7., which states, "Coordinate with FDOT to develop methods to promote the protection, restoration and enhancement of the Australian Pine canopy along North Ocean Boulevard," is inconsistent with SRPP Policy 6.7.1.4., which states that all invasive exotic vegetation should be removed.

The Town’s proposed Policy 1.1.5.7. reflects the Town’s 20-year commitment to the protection, restoration and enhancement of the town’s historic pine canopy along North Ocean Boulevard (State Road A1A). During the past 20 years, hundreds of thousands of dollars in federal, state and local money have been expended for the preservation of the Town’s Australian Pine canopy. Since 1992, when a 2-mile stretch of North Ocean Boulevard and the accompanying canopy, were designated by the Florida Legislature as a State Historic Scenic Highway, the Town has retained the services of an arborist and annually spends between $4,000 to $10,000 on the inspection and maintenance of the historic tree canopy. Soon after the roadway length was designated, a $250,000 federal grant was used to develop a landscape plan for the roadway which incorporates the Australian pines with native plants. The canopy is a source of pride within the community and is an iconic image of old Florida which remains in the Town.

The Australian Pines along North Ocean Boulevard were originally planted during the 1920s. The deep sandy soil in Gulf Stream allowed for a deep root structure which has provided solid stability for the trees. Much of the issue concerning the Australian Pine is its ability to adapt to its environment and grow...
where no other tree will. As a result, Australian Pines have been susceptible to blowing over where shallow and muck conditions exist. As evidenced by the Town's own 80-year history with the trees remaining in place and examples in six continents in the world where the trees are grown, Australian Pines are remarkably sturdy when they are supported by deep roots within the deep, sandy soils, such as the soil found in the Town.

With regards to the propagation of the trees, the Town prohibits the use of Australian Pine trees outside of the area designated by the Florida Legislature as a State Historic Scenic Highway (35 feet on either side of the A1A pavement). Existing Policy 6.1.3.1 within the Conservation Element of the Town's Comprehensive Plan requires the removal of all nuisance and exotic vegetation at the time of development or redevelopment of the site. Please note that the Town of Gulf Stream is nearly built-out as only 2.91 acres of developable vacant land exist within the jurisdiction. Because of the relatively small strip of trees, the possibility of new trees growing outside of the historic area is minimal.

These issues have been thoroughly researched and discussed during the 1990s, when the Legislature designated the subject stretch of roadway as historic in 1992 and in 1996 when a state law was adopted to permit the Town to cultivate Australian Pines "for the purpose of maintaining the historical character of that portion of A1A between Pelican Lane and Sea Road."

The Town is in agreement with Council staff that SRPP Policy 6.7.1.4. is appropriate for new development and redevelopment within the region. However, because of the state historic designation of the subject roadway section and the hundreds of thousands of dollars of public funds expended to preserve and enhance the canopy, we believe the roadway canopy is an exception to Policy 6.7.1.4. and is consistent with SRPP Policy 3.3.1.2.

SRPP Policy 3.3.1.2. states "Protect and, where appropriate, adaptively reuse the Region's historic sites and buildings to preserve its heritage, promote economic development, enhance quality of life, and add to the tourist experience. Sites and buildings should be restored using appropriate State and federal guidelines."

We believe the Town and, in particular, the two-mile long stretch of North Ocean Boulevard/A1A designated as a State Historic Scenic Highway, is in compliance with this more applicable policy. The Town requests that the Council find the Town consistent with SRPP Policy 3.3.1.2. and not inconsistent with SRPP 6.7.1.4.

With regards to the proposed change to Policy 4.D.1.1.1. of the Town's Infrastructure Element and the identification of the level of service for potable water, the Town would like to further investigate incentives to promote the use of drought-tolerant plants and low water use irrigation
methods such as drip irrigation. We would like to include incentives for the goals found within the current Leadership in Energy and Environmental Design standards developed by the U.S. Green Building Council and the standards being developed by The Sustainable Sites Initiative. Since a large portion of the Town’s water usage is for landscape irrigation, we believe incorporating these standards as incentives would have the greatest impact in reducing potable water usage. The Town would like to research and implement these water-saving incentives by 2012.

The final issue of non-compliance within the Council staff report is the objection to the proposed deletion of Policy 5.1.9.1, which addresses beach access in the Town. In response, the Town would like to remove the deletion and retain the existing policy.

Thank you for your attention to this matter. Should you have any questions regarding these issues, please feel free to contact me at any time at 561-366-1100 or mminor@udksstudios.com

Sincerely,
Urban Design Kilday Studios

Marty Minor, AICP
Senior Project Manager
CHAPTER 96-502
House Bill No. 1799

An act relating to the Town of Gulf Stream, Palm Beach County; authorizing the town to engage in the cultivation of Australian pine for specified purposes, notwithstanding the provisions of s. 369.251, F.S.; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) As used in this act, "A1A," also known as "North Ocean Boulevard," means those portions of State Highway A1A located between Pelican Lane on the south and Sea Road on the north in the Town of Gulf Stream, Palm Beach County.

(2) In order to preserve the historic character and integrity of A1A, and notwithstanding the provisions of s. 369.251, Florida Statutes, the Town of Gulf Stream is hereby authorized to engage in the cultivation of Australian pine for the purpose of maintaining the historical character of that portion of A1A between Pelican Lane and Sea Road. This act is not intended to authorize any sale or public distribution by any parties, including the Town of Gulf Stream, of Australian pine.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 7, 1996.

Filed in Office Secretary of State June 6, 1996.

CHAPTER 96-503
House Bill No. 1843

An act relating to the City of South Bay, Palm Beach County; extending and enlarging the corporate limits of the City of South Bay to include specified unincorporated lands within said corporate limits; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The present corporate limits of the City of South Bay, Palm Beach County, are hereby extended and enlarged so as to include, in addition to the territory presently within its corporate limits, the area particularly described as follows:
(b) The provisions of subsection (1) do not apply to waste disposal receptacles of less than 110 gallons in capacity, or advertising on such receptacles, erected or placed on the right-of-way of any municipal, county, or state road, except a limited access highway; provided written authorization has been given to a qualified private supplier or suppliers of such service by the appropriate city or county government. Such receptacles may not interfere with right-of-way preservation and maintenance.

(c) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992 do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992.

(d) No bench, transit shelter, or waste disposal receptacle, or advertising thereon, shall be erected or so placed on the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, or waste disposal receptacle services or advertising on such benches, shelters, or receptacles may be regulated, restricted, or denied by the appropriate local governmental entity consistent with the provisions of this section.

Section 161. Subsection (2) of section 177.151, Florida Statutes, is amended to read:

177.151 State plane coordinate.—

(2) The position of points on the Florida Coordinate System shall be as marked on the ground by triangulation or traverse stations established in conformity with standards adopted by the National Ocean Survey for first-order and second-order work, the geodetic positions of which have been rigidly adjusted on the North American Datum of 1868, as readjusted in 1989, and the coordinates of which have been computed on the system herein defined. Any such station may be used for establishing a survey connection with the Florida Coordinate System.

Section 162. The Legislature hereby authorizes the Department of Transportation to implement rail passenger service between New Orleans, Louisiana, and Jacksonville, Florida.

Section 163. The Florida Transportation Commission is hereby directed to review Florida's regulation of axle weights, gross weights, and the penalties associated with each, and shall report its findings and any proposed legislative changes to the transportation committees of the Legislature by August 1, 1993.

Section 164. The Department of Transportation shall adjust toll rates to include a system under which any person who wishes to purchase an annual permit allowing unlimited passage over the Bryant Crady Patton Bridge in Franklin County by the motor vehicle for which it is issued may do so at an annual cost of $100. The department shall institute the system no later than July 1, 1992.

Section 165. (1) As used in this section, "A1A" also known as "North Ocean Boulevard," means those portions of State Highway A1A located between Pelican Lane on the south and Sea Road on the north in the Town of Gulf Stream, Palm Beach County.
LAW OF FLORIDA

Ch. 92-152

(2) That portion of A1A described in this section as a "highway" is hereby designated as a state historic and scenic highway. No state funds shall be expended with regard to such highway by any public body or agency for the following purposes:

(a) To cut or remove any healthy tree having a diameter at its thickest part in excess of 4 inches, when situated within 35 feet of either side of the paved surface of the highway and which is not a safety hazard, unless such tree is replaced.

(b) To alter the physical dimensions or location of the highway except for the addition of primary or secondary roads intersecting the limits of A1A.

(3) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of A1A, provided the physical dimensions and location of the highway are preserved, nor to prevent any work that is necessary for the public health or safety as determined by the agency having jurisdiction over the portion of A1A involved, nor to prevent such action deemed necessary to clear or maintain the highway subsequent to a natural disaster, such as a hurricane. The term "ordinary maintenance" means those activities necessary to preserve the existing traffic patterns and to accommodate the volume of traffic operating on A1A on the effective date of this act.

(4) The Division of Historical Resources of the Department of State shall provide for the erection of suitable markers on and along A1A.

(5) The provisions of this section shall not supersede a more restrictive law, ordinance, or rule already in effect or which takes effect after the effective date of this act.

Section 166. U.S. Highway 27 (State Road 500, Section 36-970) from the Levy County line (mile post 0.000) east to Interstate 75 (mile post 17.061) in Marion County is hereby designated as the "Bernard Castro Memorial Highway."

Section 167. The proposed expressway in northwest Hillsborough County, planned by the Department of Transportation to run from the Tampa airport north through the county to intersect with Interstate 75 near the Pasco County line, is named, upon completion, "Veterans Expressway" and is dedicated to the veterans of all wars, including the conflict in Vietnam.

Section 168. (1) State Road 417, including any further extensions of the road in Lake, Orange, Osceola, and Seminole Counties is hereby designated as the "Central Florida GreeneWay."

(2) Each governmental agency having signage responsibility for the road described in this section shall erect appropriate markers designating the "Central Florida GreeneWay" along those portions of the road where such responsibility exists.

Section 169. That portion of State Road 811 north of the Donald Ross Road intersection and southeast of the U.S. Highway 1 intersection in the Town of Jupiter in Palm Beach County is hereby designated as the "Hyrum Mayo Highway."

Section 170. U.S. Highway 41 (State Road 45) from County Road 672 (Big Bend Road) to the Little Manatee River in Hillsborough County is hereby designated as the "Trooper Kenneth E. Flynn Highway."

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List of Exhibits

Exhibit

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Exhibit 1
General Location Map
Town of Gulf Stream