

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Regional Planning Council Members AGENDA ITEM 5D

From: Staff

Date: July 17, 2009 Regional Planning Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the Town of Palm Beach Shores Comprehensive Plan
DCA Reference No. 09-1ER

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) 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 the TCRPC 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 Palm Beach Shores has proposed text amendments to most of the elements of the Town Comprehensive Plan. Many of the proposed amendments are to carry out the recommendations of an Evaluation and Appraisal Report (EAR) that was adopted by the Town on November 20, 2006 and found sufficient by the DCA on January 26, 2007. Other text amendments are to incorporate the Town's Water Supply Facilities Work Plan (WSFWP) into the comprehensive plan as required in the Florida Statutes. The Town has requested a formal review of the amendments by the DCA.

Evaluation

Town Profile (from Introduction Section of Town Comprehensive Plan)

The Town of Palm Beach Shores is located in Palm Beach County to the north of Palm Beach. More specifically, it is located on the southern tip of Singer Island, most of which is in the City of Riviera Beach. The Port of Palm Beach is located across the Intracoastal Waterway (Lake Worth) to the west in Riviera Beach. To the south, across the Lake Worth Atlantic Ocean Inlet, is the Town of Palm Beach. The Ocean forms the eastern boundary of the Town. Exhibits 1 and 2 show the Town's location in relation to Palm Beach County and adjacent municipalities.

The Town is approximately 186 acres in size and is totally built out. The development pattern is residential (single family and multi-family) and hotel/motel with the accessory, including restaurants and marinas. There are about 1,450 dwelling units with a majority of them occupied by permanent residents. The principal development project since the 1990 Comprehensive Plan preparation is the 334 unit Marriott timeshare complex on the southeastern ocean-front. Town park facilities are located on the ocean beach, the Inlet and the north-south pedestrian "spine". Exhibit 3 shows the existing land uses and street system.

In the Town's most recent EAR, the following were identified as major local issues to be addressed:

1. Infrastructure
2. Pedestrian Circulation
3. Recreation and Beautification

Following are some of the highlights of the proposed amendments.

A. Future Land Use Element

1. A new policy is added to coordinate future land use amendments with the City of Riviera Beach to ensure the availability of water supply and water supply facilities.

B. Transportation Element

The title of this element has been changed from Traffic Circulation to Transportation. A significant number of changes have been made to goals, objectives and policies regarding:

- Energy efficient, multi-modal transportation.
- A safe, energy efficient and cost-effective multi-modal transportation system.
- Impact fees.

- The encouragement of multi-modal transportation such as bicycles, walking and transit.
- Safe and convenient on-site traffic flow considering motorized and non-motorized parking.
- Funding for maintenance and replacement of existing sidewalks.
- The preparation of a bicycle-pedestrian needs survey for east-west local roads.
- Coordination with the plans and programs of the County Metropolitan Planning Organization, Palm Tran and the South Florida Regional Transportation Authority.
- Participation and coordination in area-wide transportation efforts.
- Ensuring that population densities, housing and employment patterns are consistent with available transportation services.
- Traffic study requirements for all Future Land Use Map amendments.
- Working with Palm Tran to improve transit services for Town residents.
- Coordination on expansion plans for the Port of Palm Beach with the Port, Palm Beach County, the Florida Department of Transportation, and the U.S. Army Corps of Engineers.

C. Housing Element

1. New policies to coordinate with Palm Beach County to improve affordable housing opportunities.

D. Infrastructure Element

1. A revised policy indicates the Town Land Development Regulations (LDRs) will be revised to include a water conservation ordinance.
2. A revised objective is to seek funding to prepare a study of the Town's drainage system and to investigate the potential of burying of overhead utilities lines.
3. A new objective is proposed to ensure potable water is available and adequate to meet the needs of Town residents. Supporting policies are to:
 - a. Adopt the City of Riviera Beach's level of service standard for gallons per capita per day of potable water use.
 - b. Coordinate with the City of Riviera Beach to meet water supply needs.
 - c. Support the City of Riviera Beach in implementing alternative water supply projects, reuse application, aquifer protection and conservation efforts.
 - d. Work with the City of Riviera Beach to identify water distribution system deficiencies.

E. Coastal Management Element

1. A revised policy is to adopt the Palm Beach County Emergency Management Plan as the Town's local hurricane evacuation plan.

F. Conservation Element

1. A new policy is to require water conserving fixtures in all new development approvals and building permits.
2. A new policy is to modify the LDRs to increase the amount of native landscaping and the use of xeriscape landscaping techniques on Town property.

G. Intergovernmental Coordination Element

1. A revised policy addresses coordination with the City of Riviera Beach regarding land use decisions and traffic improvements in adjacent areas.
2. A new policy is to coordinate with Riviera Beach and the South Florida Water Management District (SFWMD) in providing information needed for water supply planning.
3. A new policy is to coordinate with the SFWMD relative to the Lower East Coast Water Supply Plan.

Extrajurisdictional Impacts

The Town did not provide notice of these amendments to the Palm Beach County Intergovernmental Plan Amendment Review Committee 30 days prior to transmittal consistent with the Interlocal Agreement. According to the Town transmittal letter, no local governments in Palm Beach County were provided with copies of the amendment materials. Council provided copies of the amendment materials to Palm Beach County and Riviera Beach on July 7, 2009. However, there was not an adequate opportunity for these local governments to respond with any concerns prior to the preparation of this report.

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

1. Policies 05.03.02.01 and 05.03.04.04 of the Coastal Management Element address the definition of the Coastal High Hazard Area. In neither policy does the definition

seem to be consistent with the current statutory definition contained in Section 163.31778(2)(h), F.S. Local governments are required in Section 163.3178(9)(c), F.S. to amend the Coastal Management Element to include the new definition of Coastal High Hazard Area.

2. The Town's Intergovernmental Coordination Element does not have a policy providing for a dispute resolution process. Recently enacted Senate Bill 360 modified Section 163.3177(6)(h), F.S. to indicate that the intergovernmental coordination element shall provide for a dispute resolution process as established in Section 186.509 for bringing to closure in a timely manner intergovernmental disputes. The Town should adopt a policy committing to dispute resolution.
3. Although the Town has prepared a WSFWP and intends to adopt it as part of the Town Comprehensive Plan, it will be difficult for the Town to implement the WSFWP because the Town's sole potable water supplier, the City of Riviera Beach, has not yet adopted a WSFWP. The City's WSFWP was due on August 15, 2008.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.

Recommendation

The Treasure Coast Regional Planning 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 Site Location Map
- 3 Existing Land Use and Street Layout Map
- 4 Existing Land Use Map

Exhibit 1
General Location Map
Town of Palm Beach Shores

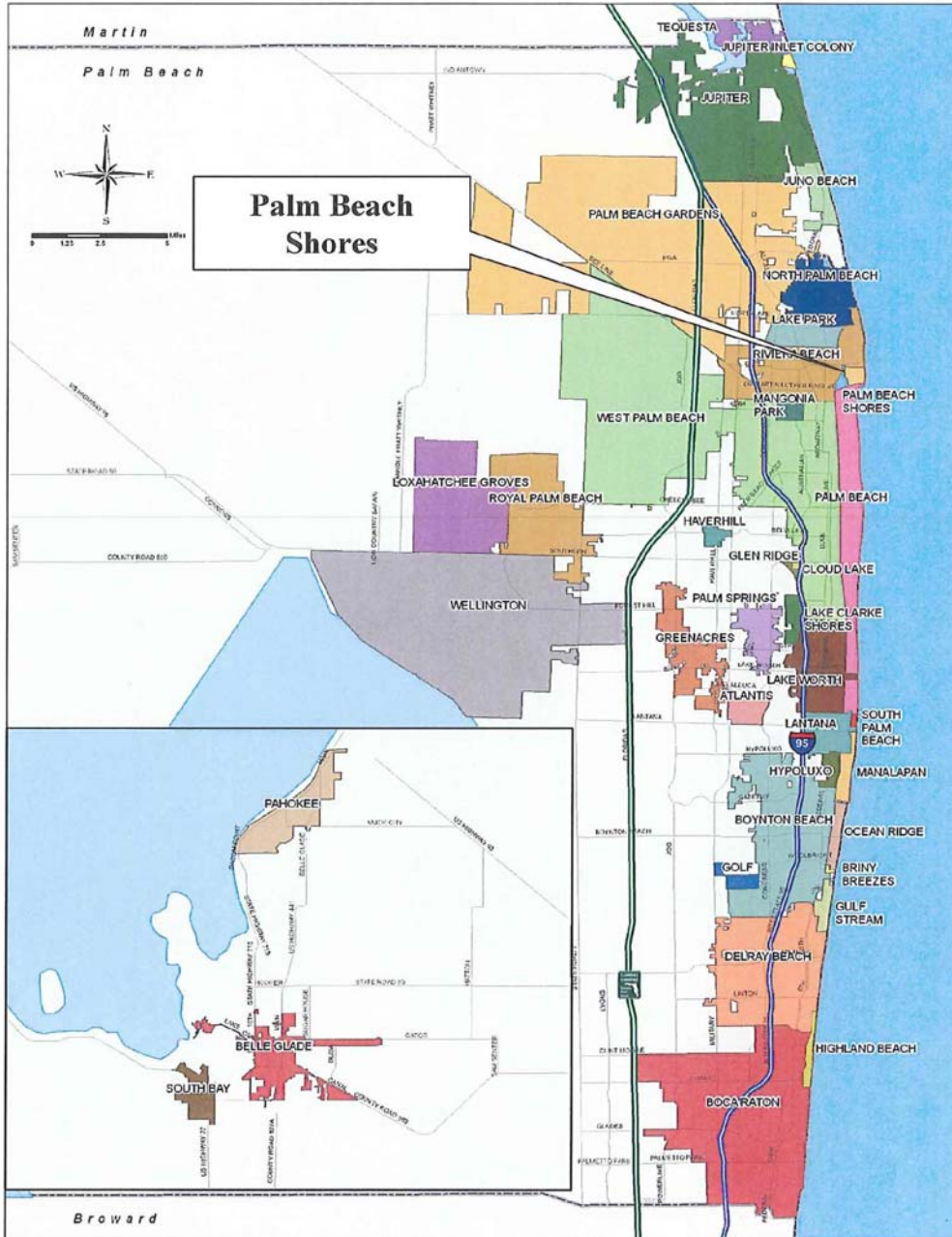
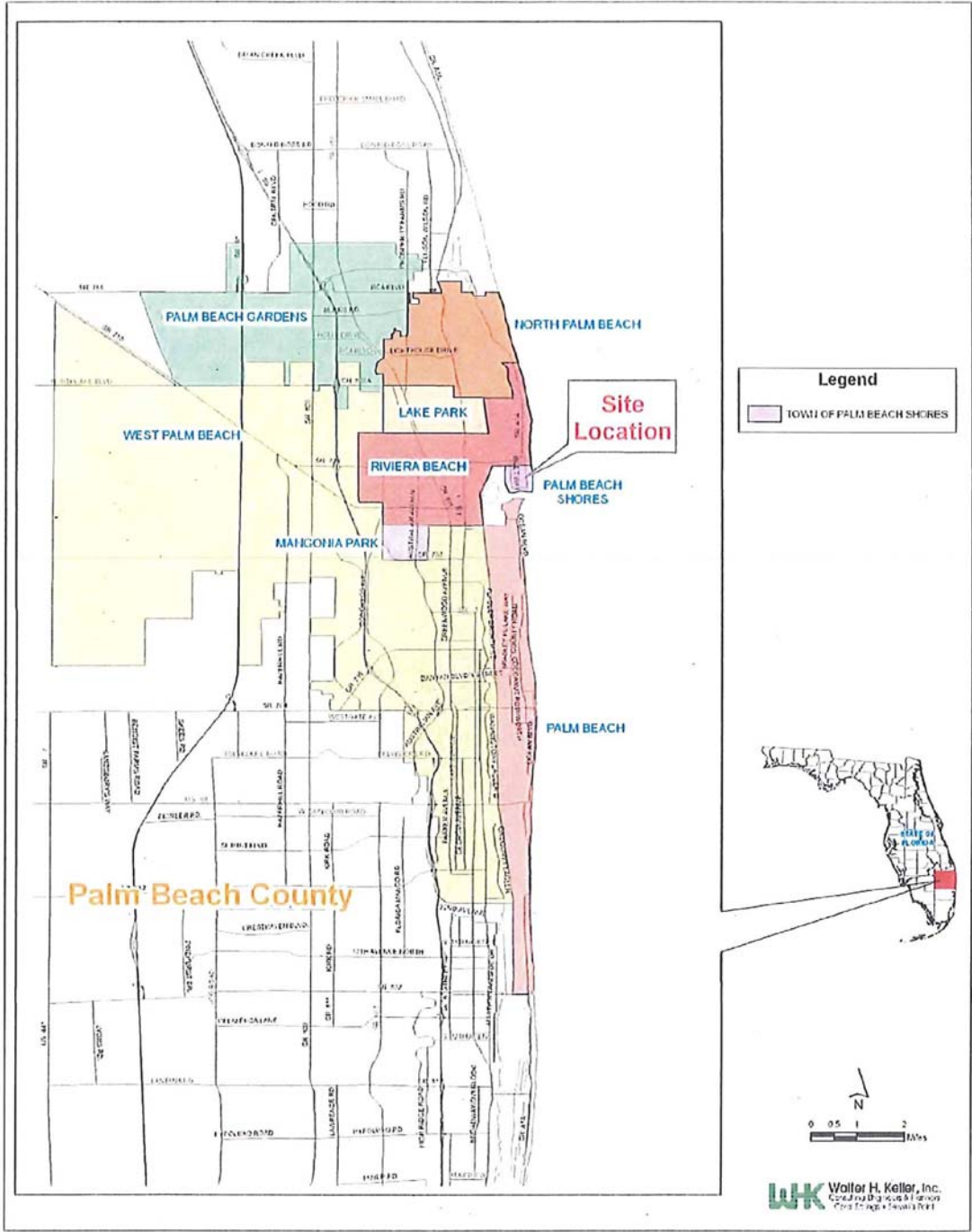


Exhibit 2 Site Location Map



**Exhibit 3
Existing Land Use and Street Layout Map**

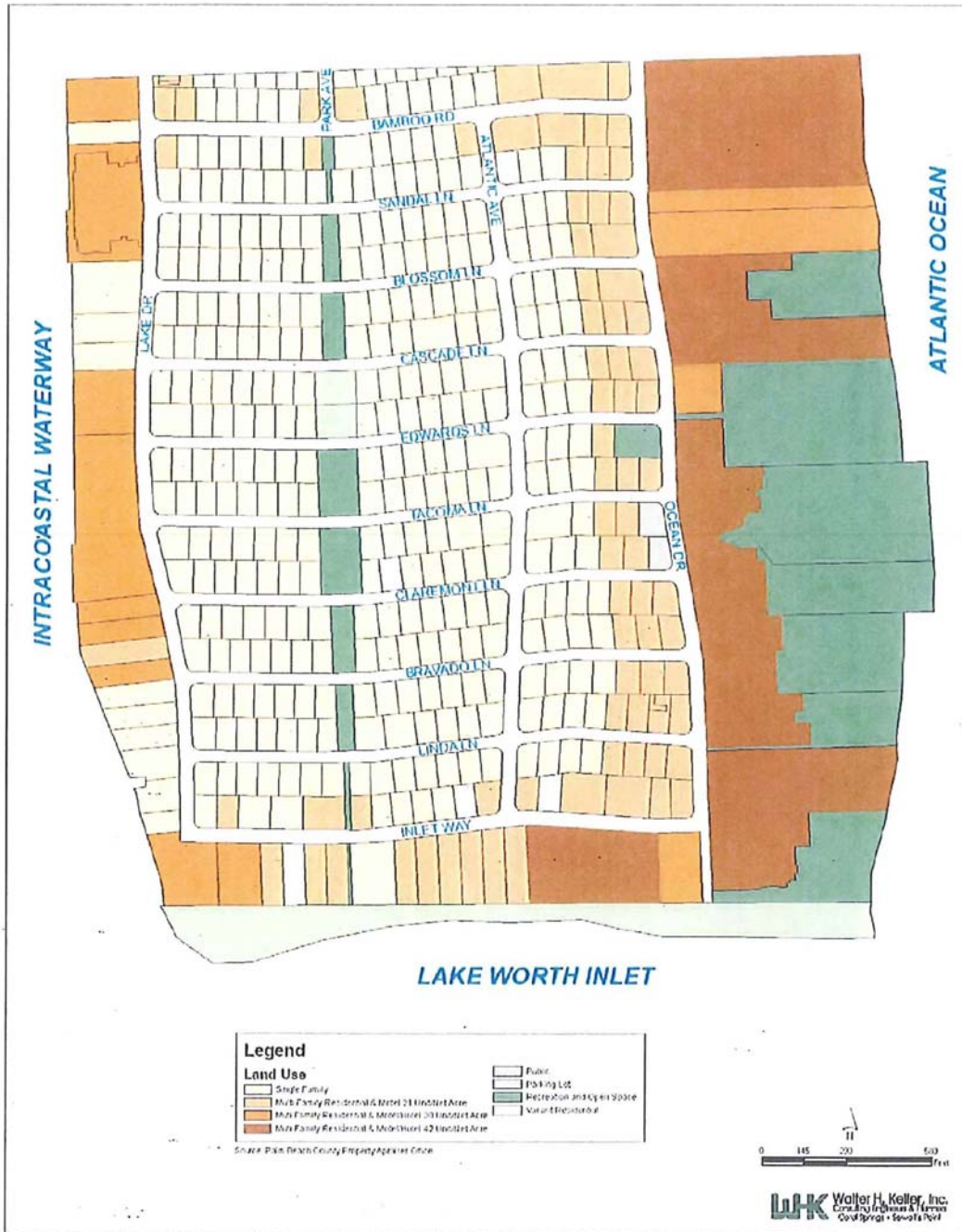


Exhibit 4 Existing Land Use Map

