

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 3E  
From: Staff  
Date: May 19, 2017 Council Meeting  
Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Town of Palm Beach Comprehensive Plan  
Amendment No. 17-2ER

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the Town of Palm Beach was received on April 4, 2017 and contains proposed text changes to the Future Land Use, Transportation, Housing, Infrastructure, Coastal Management/Conservation, Recreation/Open Space, Intergovernmental Coordination, Capital Improvements, Historic Preservation, Public School Facilities, and Public Safety elements of the comprehensive plan. The proposed changes are based on the town's Evaluation and Appraisal Review (EAR). This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment includes text changes to the Future Land Use, Transportation, Housing, Infrastructure, Coastal Management/Conservation, Recreation/Open Space, Intergovernmental Coordination, Capital Improvements, Historic Preservation, Public School Facilities, and Public Safety elements of the comprehensive plan. The proposed amendment is based on the town's EAR, which took place in 2016. The purpose of the EAR is to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. The town's EAR-based amendment incorporates updated references, dates, and other information required to be consistent with the

Florida Statutes and address peril of flooding as well as changes desired by the town to address impacts from neighboring communities, energy planning/water conservation, and a general clean-up of text. The town has provided complete versions of each of the elements showing the changes in underline and strikethrough format. Council also received public comment on the proposed amendment from 3 residents. Because of the extensive volume of material in the amendment package, the revised elements and the written public comment have been provided as supplements to this report on Council's website. The most significant changes in the comprehensive plan are summarized below:

#### *Future Land Use Element*

- Amend the analysis to refer to the town's projected flat population growth.
- Delete Policy 1.3 concerning new zoning districts for portions of the town.
- Delete Policy 1.4 regarding a community design process for Royal Poinciana Plaza.
- Add text to Policies 2.3.2 and 8.6 prohibiting construction on conservation and submerged lands.
- Add a requirement to Policy 5.1 that concurrency be demonstrated prior to development order approval.
- Revise text in Objective 6 concerning redevelopment and potential blight.
- In Policies 10.1 and 10.2, expand language concerning coordinated resource planning per Chapter 380 of the Florida Statutes.
- In Objective 13, delete all references to public school siting. The relevant content is now proposed to be located in Goal 2 of the Intergovernmental Coordination Element.
- Add Policy 13.4 concerning marina siting criteria.

#### *Transportation Element*

- Revise Policy 2.6 to require that transportation improvements be in place prior to final inspection of a development project and remove the provision allowing for up to three years to complete the improvements.

#### *Housing Element*

- Amend the analysis to refer to the town as being built out with flat population growth and thus no need for additional housing.
- Updated Policy 10.2 to seek reduction of procedural barriers to the provision of affordable housing.

### *Infrastructure Element*

- Amend the analysis to be based on new infrastructure constructed since the last amendment and add the significant town project to place all overhead utilities underground.
- Revise Policy 2.1 to match West Palm Beach's level of service for sanitary sewer since they are the town's service provider.
- Revise Policy 9.1 to match West Palm Beach's level of service for potable water since they are the town's service provider.
- Add Policy 11.3 that the town will explore future options for water service when the current contract with the City of West Palm Beach expires (in 2029).

### *Coastal Management/ Conservation Element*

- Amend the analysis to take into consideration changes related to the Comprehensive Coastal Management Plan, providing submerged lands with a Conservation future land use designation, and the re-write of the Comprehensive Emergency Management Plan in 2012.
- Add Policy 3.4 that the town will enforce landscaping regulations to preserve natural growth and remove invasive exotic plants.
- Add Policy 5.1 regarding using the Comprehensive Coastal Management Plan to manage the beach resource.
- Add Policy 5.6 regarding evaluating opportunities to protect coastal investments and infrastructure from the impacts of climate change through the use of beach nourishment, natural dunes, and establishing the Lake Worth bulkhead as the mean high water line.
- Add Policy 5.7 calling on the town to work with the Treasure Coast Regional Planning Council (TCRPC) to designate the town as an Area of Critical Concern in accord with Section 380.05(3) of the Florida Statutes, regarding shoreline, natural and historic resources, and sea level rise. According to a 2015 Florida Department of Environmental Protection (FDEP) study, critical erosion is threatening private development, local parks, and State Road AIA.
- Delete Objective 10 to remove concurrency provisions which are already located elsewhere in the plan.
- Add Policy 11.3 to use the TCRPC Hurricane Evacuation Model to evaluate and ensure that proposed development in adjacent municipalities within Traffic Concurrency Exception Areas address all issues (overall increased development, bridge travel times, increased passenger rail, increased freight rail, and hurricane shelters).

- Delete Objectives 14 and 15 and create a new Objective 15 to increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, sea level rise, changes in rainfall patterns, and extreme weather events. Policies are proposed to continue participation in the Community Rating System of the National Flood Insurance Program; require the consideration of sea level rise in all future land use map amendment decisions; prohibit publicly funded facilities which subsidize construction in the Coastal High Hazard Area (CHHA); prohibit the expansion of utilities to serve additional development in the CHHA; enforce building codes and Coastal Construction Control Line restrictions; prohibit septic tanks; provide for hazard mitigation through compliance with FEMA requirements; limit residential development in the CHHA; limit public buildings in the CHHA; provide for no density increases in the CHHA; collaborate with Palm Beach County on regional resilience; and pursue mitigation strategies for high tides and storm surges impacted by sea level rise.
- Delete Objective 17 which called for an annual review for neighborhood deterioration.
- Add Objective 15 concerning reducing greenhouse gas emissions, energy efficiency improvements, and adhering to the town's Energy Efficiency and Conservation Strategy.

#### *Recreation/Open Space Element*

- Updated all of the data and analysis.
- Add Policy 3.5 to develop a master plan for improvements to Seaview Park and Recreation Center.

#### *Intergovernmental Coordination Element*

- Delete Policy 1.6 regarding adjacent unincorporated territory.
- Add Policies 1.2.2 through 1.2.8 regarding coordination and consideration between the town and neighboring jurisdictions on impacts of development across jurisdictional boundaries as well as drainage, water supply, solid waste disposal, multi-modal transportation, public school planning, and conservation impacts.
- Add Goal 2 and associated Objective and Policies for School Facility Siting and Development Coordination. The new text incorporates the requirements of the recent Coordinated School Planning Interlocal Agreement and follows the pattern of comprehensive plan amendments being done by other jurisdictions in Palm Beach County. These replace the contents of the Public School Facilities Element.
- Add Goal 3 and associated Objective and 12 Policies for Coastal Protection and Beach Erosion. The new text concerns the Beach Management Agreement with FDEP; state funding opportunities; communication with the Army Corps of Engineers (ACOE) regarding the use of dredge material from the Palm Beach Inlet for town beaches;

drainage and water quality improvements in conjunction with the South Florida Water Management District and FDEP; Lake Worth Lagoon Steering Committee participation; air quality monitoring; mutual aid agreements with West Palm Beach and Palm Beach County for hazardous material response; beach nourishment coordination with the ACOE and FDEP; hurricane evacuation planning with the TCRPC; coordinated implementation of the Post Disaster Redevelopment Plan; communication with non-governmental organizations regarding the Coastal Management Program; and exploration of designation as an Area of Critical Concern in accord with Section 380.05(3) of the Florida Statutes regarding erosion, shoreline, natural and historic resources, and sea level rise.

#### *Capital Improvements Element*

- Amend the analysis to add concern for quality of life impacts as a criterion for infrastructure project review. In addition, though there are no identified level of service deficiencies, the element includes an extensive list of capital improvement projects for maintenance covering 2016 to 2021 for a wastewater pump, stormwater pumps, putting existing overhead utilities underground, street lights, signals, paving the Lake Trail, drainage improvements, abandonment of the existing stormwater outfalls into the ocean, and sewer main replacement with West Palm Beach.
- Revise Policy 3.1e to match the water and sewer level of service used by West Palm Beach, the town's service provider.
- Delete Policy 3.1g concerning school concurrency.
- Revise Policy 4.1 to eliminate text redundant with Policy 3.1.
- Delete Policy 4.3a, b and c concerning school concurrency.
- Revise Policy 7.1 to recognize that the project to place utilities underground was approved on March 15, 2016.

#### *Historic Preservation Element*

- Amend the analysis to refer to an updated survey and listing of eligible buildings being prepared and to include revised archaeological management text.
- Revise Policy 1.4 to refer to the adopted Archaeological Ordinance.
- Delete Policy 1.6 since the Ordinance is adopted now.

#### *Public School Facilities Element*

- Delete the Element in its entirety. It has been replaced by text added to other areas of the plan in coordination with the adopted Interlocal Agreement, primarily new text in the Intergovernmental Coordination Element.

### *Public Safety Element*

- Add a new element to promote the health, safety, and security of the town's residents and visitors, including in times of disaster or other emergencies.
- Add Goals, Objectives, and Policies concerning coordinating police and fire/rescue through a Public Safety Director; maintaining a police department for the town; maintaining fire/rescue services for the town; using innovative law enforcement techniques including Crime Prevention Through Environmental Design and high profile traffic enforcement; reducing exposure of life and property to hurricanes and other disasters through preparedness, response, and recovery plans; reviewing and updating the Storm Emergency Response Plan and Continuity of Operations Plan; using land use controls to maintain or reduce evacuation times; and coordinating with adjacent municipalities, Palm Beach County, and the Florida Department of Transportation to ensure that evacuation time is not degraded by Traffic Concurrency Exception Areas.

### *Monitoring, Updating, and Evaluation Procedures*

- Delete in its entirety.

### Regional Impacts

No adverse effects on regional resources or facilities have been identified.

### Extrajurisdictional Impacts

The proposed amendment was circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on November 17, 2016. No extrajurisdictional impacts have been identified.

### Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

### Recommendation

Council should approve this report and authorize its transmittal to the Town of Palm Beach and the Florida Department of Economic Opportunity.

### Attachments

## **List of Exhibits**

### **Exhibit**

1      General Location Map

# EXHIBIT 1 General Location Map

