TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members                          AGENDA ITEM 4B10
From: Staff
Date: November 27, 2019
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Town of Juno Beach Comprehensive Plan
Amendment No. 19-01ER

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 June Beach was received on November 1, 2019 and contains text changes to the Introduction, Future Land Use, Traffic Circulation, Housing, Infrastructure, Conservation, Recreation and Open Space, Coastal Management, Intergovernmental Coordination, and Capital Improvements 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 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 and to address issues of local concern. On April 17, 2019, the Florida Department of Economic Opportunity (FDEO) sent a letter to the Town indicating they had received the Town’s Evaluation and Appraisal notification letter on April 17, 2019. Once a letter of intent is sent to FDEO, a local government must complete the EAR process, prepare their plan amendments, and transmit them to FDEO within one year. In their letter, FDEO indicated that the Town is prohibited from otherwise amending its comprehensive plan due to failure to submit proposed amendments related to the Town’s previous EAR process in 2012, and requested clarification of what the current amendments include. On October 31, 2019, the Town sent a letter to FDEO explaining that the current amendments include those that were previously reviewed and
approved as part of the 2006 EAR process (which were never adopted) as well as new amendments related to Peril of Flood (POF) legislation.

The Town has provided the changes in strikeout and underline format. Because of the extensive volume of material in the amendment package, the revisions have been provided as a supplement on Council’s website. The revisions related to the 2006 EAR amendments are shown in black ink. New amendments related to POF and the 10-Year Water Supply Facility Work Plan (WSFWP) are shown in red ink. The most significant changes in the comprehensive plan are summarized below:

**2006 EAR Amendments**

**Introduction**

- Revise references to repealed legislation and update current legislation and state agency names.

**Future Land Use Element**

- Update language to reflect the Town is 98.7% developed, and indicate the largest land development opportunities exist within re-development of pre-existing old and outdated improvements.

- Add a Conservation Future Land Use Classification to designate land uses and activities within land areas with high ecological value, and where native habitat restoration/preservation, passive recreation, environmental education and environmental research are the primary uses.

- Revise the Goal to indicate that the Town will promote future growth by supporting development and redevelopment that is sustainable.

- Revise Policy 1.4 to state the Town will enforce a floodplain protection ordinance and drainage facilities regulations.

- Revise Policy 1.14 to state the Town will periodically review, enhance, and enforce the land development regulations.

- Remove Policy 1.17 related to non-conforming land uses.

- Revise Policy 2.3 to indicate the Town shall encourage protection of potable water wellfields through continued enforcement of the Palm Beach County Wellfield Protection Ordinance.

- Revise Policy 2.5 to state the Town shall consider the need to identify, designate, and protect historically significant properties at the time of each comprehensive plan update.
• Revise Policy 5.3 to indicate the Town will encourage voluntary annexation(s) of areas located within the Juno Beach adopted annexation area.

• Revise Policy 6.1 to reference the County’s Comprehensive Emergency Management Plan.

• Add Objective 9 and underlying policies that indicate the Town shall encourage sustainable design by supporting green initiatives for new development and redevelopment as well as supporting walkways, bike lanes, pedestrian interconnectivity, and other design features that encourage walkability and transit use.

• Add Objective 10 and an underlying policy to indicate the Town will encourage redevelopment while promoting a strong sense of community and consistent quality of design that protects neighborhood integrity and historic and environmental resources.

Traffic Circulation Element

• Revise Policy 1.8 to state the Town will continue to use the County’s Traffic Performance Standard Ordinance to ensure adequate roadway capacity is available.

• Remove Policy 2.5 that proposes the future use of State Road A1A between Loggerhead Park and the northern limits of the Town as a promenade or linear park.

• Revise Policy 5.5 to indicate the Town shall use and update standards and criteria for beautification of its streets and roadways, bicycle paths and pedestrian walkways, and remove reference to adopting acceptable materials and standards.

• Remove Policies 5.7 and 5.8 related to aesthetics on Donald Ross Road and the Donald Ross Road Bridge.

Housing Element

• Revise several policies to update references to building codes and requirements to maintain the integrity in the Town’s housing inventory.

• Revise Policy 5.5 to state that during each comprehensive development plan update the Town will consider designating housing structures or areas by creating a local historic district or by listing them on the Florida Master Site File or the National Register of Historic Places.

• Revise Policy 5.9 to include adopting regulations for Assisted Living Facilities.

• Revise Policy 9.2 to remove references to the Community Appearance Board and state that the Town shall continue to evaluate architectural theme during the project review process.
Infrastructure Element

- Add Policy 1.6 that states sanity sewer, solid waste, drainage, adequate water supplies and potable water facilities shall be in place and available no later than the issuance of a certificate of occupancy or its functional equivalent. The policy also states that septic systems may be used to satisfy the concurrency requirement for sanitary sewer for new development if approved by the Department of Health.

- Update the Level of Service (LOS) Standards and policies related to potable water, sanitary sewer, stormwater management, flood protection, and water quality.

- Delete outdated policies related to the transfer of the Town’s ownership of the northern/central sanitary sewer system and the transfer of operation of the Town’s potable water system to the Town of Jupiter.

- Add policies related to existing properly constructed and functioning septic systems and monitoring the functionality of those systems to protect the environment.

- Add Policy 5.5 requiring connection to available central sanitary sewer when the existing septic system fails.

- Add Policy 6.1 that requires the Town to remain abreast of new stormwater requirements and to revise local policies and regulations as necessary to remain consistent with new requirements.

- Add Policy 7.6 that indicate the Town will cooperate and coordinate with Seacoast Utility Authority, Jupiter Water Department, and the South Florida Water Management District in preparation of their Water Supply Plans.

- Add Policy 7.7 that states the Town will incorporate necessary directives enacted by the SFWMD 10-Year Water Supply Plan during each required Evaluation and Appraisal Review.

- Revise Policy 8.3 to raise the threshold from in excess of $10,000 to in excess of $25,000 for projects that are required to be submitted to the Capital Improvements Coordinate Committee.

- Add a section to incorporate the Ten Year Water Supply Facilities Work Plan (WSFWP), including service area maps; water supply demand projections; water supply source and project identification; as well as references to water demand related revisions proposed in the following elements:
  - Future Land Use – add policies to ensure adequate water supplies are available for future development.
  - Infrastructure – add an objective required the Town to adopt and update the WSFWP.
Conservation – add policies to participate and coordinate with the Town of Jupiter Water Department and Seacoast Utility Authority to implement potable water conservation and reuse programs.

Capital Improvements – add language that requires the Town to identify the capital improvements necessary to implement the comprehensive plan and ensure that adopted LOS standards are achieved and maintained for concurrency-related facilities. If LOS standards cannot be met, the local government must deny applications for development orders and permits until the deficiency is addressed.

Conservation Element

- Add Policy 1.5 related to the Town’s participation in the National Pollution Discharge and Elimination System stormwater permitting program.

- Revise and add policies related to implementation of potable water conservation and water reuse programs.

- Add Policy 4.8 stating the Town will coordinate with the County, state park officials, and Florida Inland Navigation District to ensure park improvements are sensitive to vegetative/wildlife/marine habitats.

- Add Policy 4.9 indicating the Town will enforce its own Coastal Construction Control Line (CCCL), which is more restrictive than the state CCCL.

- Add Policy 7.4 to ensure the proper management of native wildlife and vegetative communities, including endangered, threatened, and species of special concern as part of site development.

Recreation and Open Space Element

- Remove Policy 2.8 regarding acquisition of the Karatinos property.

- Remove an objective and policies regarding the development of a beach-front promenade.

Coastal Management Element

- Remove Policy 1.2 which prohibited the use of individual potable water wells and septic tanks within the defined coastal area.

- Remove Policy 2.4 which promoted the development of a portion of beachfront area for a linear park.

- Remove an outdated portion of Policy 3.4 which called for existing dune walkovers to be brought into conformance within five years of the adopted comprehensive development plan.
• Add Policy 4.3 which requires the Town to maintain landscaping regulations which stress the use of vegetation to help filter stormwater pollutants.

• Remove Policy 5.3 related to acquiring additional parking for the public’s use to access the beach and shoreline areas.

• Remove Objective 6 and underlying policies that require the Town to amend its land development regulations to prohibit future high density residential development in the coastal high-hazard area and replace it with new Objectives 11 and 12 and associated policies.

• Remove Objective 7 and underlying policies that limit public expenditure of funds that subsidize development in the coastal high hazard area, except for restoration or enhancement of natural resources and replace it with new Objectives 11 and 12 and associated policies.

• Revise Policy 9.1 to remove language that prohibits development and identifies existing development and infrastructure that encroaches into the coastal high hazard area; and adds language that requires the Town to distinguish between immediate and long-term repair and cleanup actions needed to protect the public health and safety.

Intergovernmental Coordination Element

• Add Policy 1.12 to require all applications for development approval to procure written confirmation from the appropriate water supplier of availability of water service prior to the issuance of a building permit.

• Add Policy 1.16 to state the Town will continue to participate in the Intergovernmental Plan Amendment Review Committee (IPARC) for review of proposed changes to the comprehensive plan.

• Remove policies regarding coordination with potentially affected entities, jurisdictions, and/or service providers with respect to planning, the development review process, coordinated bicycle paths in the North County Area, joint planning in the Town’s future annexation area, and the previous A1A Promenade concept.

Capital Improvements Element

Several updates are being proposed throughout this element that include: promoting sustainable development and redevelopment; updating references to the Infrastructure Element; removing outdated 5-Year improvement schedules; incorporating the most current 5-Year Capital Improvement Schedule; and deleting the appendix of detailed descriptions of proposed future capital improvements projects for Fiscal Years 1996-2000.
2019 EAR Amendments

In 2015, under Chapter 163, Florida States (F.S.), the Legislature passed requirements under the Peril of Flood Act for jurisdictions with Coastal Management Elements contained in their comprehensive plan to provide a redevelopment component with principles to use to eliminate inappropriate and unsafe development in coastal areas. The Act defines components that must be included in the comprehensive plan. The proposed amendments to the Coastal Management Element require the Town to:

- Be consistent with state statutes related to construction activities seaward of the Coastal Construction Control Line.

- Adopt and implement strategies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from impacts of climate change.

- Participate in the Southeast Florida Regional Climate Change Compact and other efforts to increase regional resilience, assess local vulnerabilities, and advance agreed upon mitigation and adaptation strategies to develop joint state and federal legislation policies and programs.

- Participate in and collaborate with the County, other local governments, federal, state and regional partners, and private property owners to develop initiative and goals to address climate change.

- Determine coastal areas at risk for flooding.

- Coordinate with the Federal Emergency Management Agency and other agencies to determine appropriate and safe development strategies, and identify current inappropriate and unsafe development subject to risk from high tide events, storm surge, stormwater runoff, and related impacts of sea level rise.

- Base development and redevelopment in the coastal areas on principles, strategies, and engineering solutions intended to eliminate inappropriate and unsafe development in those areas.

- Educate residents and developers of strategies and engineering solutions that direct development away from the coastal high hazard area.

- Update support documentation every five years to include listings or maps of area and properties that experience repetitive loss as a consequence of flooding or storm surge.

- Maintain low-impact design guidelines and standards to reduce stormwater management loads and mitigate flooding impacts for new development and redevelopment within the coastal high hazard area that has been determined to be vulnerable to high tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise.
• Establish land development regulations that are consistent with or more stringent than state law regarding coastal construction activities.

• Encourage participation in the National Flood Insurance Program Community Rating System and consider on an ongoing basis if participation would be beneficial to the Town and its residents; and

• Specify non-conforming structures may not be enlarged or altered, except in conformity with the Florida Building Code and FEMA flood restrictions requirements.

Also as part of the 2019 EAR process, amendments to other elements include:

**Future Land Use**

• Add Policy 4.2 to indicate the Town shall coordinate with the Town of Jupiter Water Department and Seacoast Utility Authority on future proposal land use changes to ensure the availability of adequate water supplies.

• Add Policy 4.3 to indicate the Town shall coordinate with the Town of Jupiter Water Department and Seacoast Utility Authority during site plan review and land development process for all proposed development to ensure water supplies are available to service the development.

**Traffic Circulation**

• Remove Policy 2.3 related to the Town requesting Palm Beach County do a coastal impacts study on SR A1A as to the future safety from tidal and wave action during storm events.

**Infrastructure**

• Add Policy 7.8 which states the Town should encourage its water suppliers to consider revising potable water LOS standards to include residential and non-residential categories.

• Remove Objective 10 and underlying policies to maximize the use of existing sanitary sewer facilities and discourage urban sprawl.

**Intergovernmental Coordination Element**

• Add policies to coordinate adequate potable water supply allocations for future growth with the Town of Jupiter Water Department and Seacoast Utility Authority, and future updates of the WSFWP with those agencies as well at the South Florida Water Management District.
Regional Impacts

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

Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on November 12, 2019. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. However, there are a few aspects of the proposed amendments that would benefit from further consideration by the Town prior to adoption. In the Infrastructure Element, Policy 1.6 uses language regarding septic systems that appears less restrictive than the language in existing Policy 1.4. New development using septic systems for sewage disposal should be restricted to the maximum extent possible, so that the Region can achieve the ecologically important goal of having all sewage processed by central systems, especially for a barrier island community like Juno Beach. In addition, Policy 5.5 should be enhanced to require that connection to the extended central sewer system be made at the time service becomes available or within some established timeframe from availability (such as 5 years for example) in order to provide more certainty in the transition to central sewer.

In the Intergovernmental Coordination Element, Policy 1.16 should be revised to reference the correct name for the coordinating body of the Palm Beach County Intergovernmental Program: The Intergovernmental Plan Amendment Review Committee (IPARC). In addition, the Town is proposing to delete current Policy 4.5 which supports coordinated planning between Juno Beach and Palm Beach County for the future annexation area. Many jurisdictions have found such coordinated planning, including Interlocal Service Boundary Agreements as provided in Chapter 171 of the Florida Statutes, to be very useful in achieving local goals and avoiding conflicts and Council suggests retention of this policy.

Recommendation

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

Council Action – December 13, 2019

Commissioner Smith from Martin County moved approval of the staff recommendation. Vice Mayor Weinroth from Palm Beach County seconded the motion, which carried unanimously.

Attachments
List of Exhibits

Exhibit

1   General Location Map