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 Briny Breezes was received on October 4, 2019 and contains text changes to the Coastal Management Element 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 March 12, 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 March 12, 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. The proposed amendment includes text changes to the Coastal Management Element of the comprehensive plan based on the Town’s EAR, which was completed in September 2019.

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 develop 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 address the issue of flood hazards; encourage the use of best management practices related to flood mitigation; require the Town to be consistent with or more stringent than state law regarding coastal construction activities; recommend participation in the National Flood Insurance Program Community Rating System; and recommend the creation of a standing committee to review flood reduction/mitigation issues and provide best management practice recommendations to the Town Council. The proposed amendments are provided in strikeout and underline format (Exhibit 2).

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 October 1, 2019. 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 Briny Breezes 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

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>General Location Map</td>
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<tr>
<td>2</td>
<td>Proposed Text Amendments in Strikeout and Underline Format</td>
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Exhibit 2
Proposed Text Amendments in Strikeout and Underline Format

5. COASTAL MANAGEMENT ELEMENT

Goals, Objectives, and Policies

Goal 1 The Town shall conserve, protect and manage the natural and man-made environmental resources within its coastal area.

Objective 1.1 To retain the natural waterfront stretches that are presently available as beach and open space along the Atlantic Ocean and the Intracoastal Waterway for conservation and passive recreational use.

Policy 1.1.1 The Town should continue its present policy of applying the recreational zoning restrictions on the beachfront and the parkway areas for low intensity, passive recreational uses which preserve the environment and conserve the natural features within those areas.

Policy 1.1.2 In cooperation with BBI preserve and maintain the natural beach and dune areas to further marine and wildlife habitat, including the protection of the five species of the federally-listed threatened and endangered sea turtles and their habitat.

Policy 1.1.3 Given the Town’s location on the Intracoastal Waterway, the Town should adopt and implement the state and county manatee protection programs, as well as the governmental protection programs promulgated for all other threatened or endangered Florida marine and wildlife species.

Policy 1.1.4 The Town should continue its present policy of allowing the small areas of open space at the beachfront and parkways to be used for passive recreational activities by the Town’s residents and allowing the natural habitats of desirable non-endangered species of wildlife, fish, and flora located thereon to flourish. These open areas are desirable as special locations unique within the Town which provide the residents with the opportunity to observe nature’s scenic beauty and vistas, and are not of appropriate size, configuration, or location to be developed for intense recreational uses.
Policy 1.1.5  The Town should continue its present policy that vehicular traffic shall be specifically prohibited in environmentally sensitive areas and restricted to a necessary minimum elsewhere in the coastal hazard zone under the limitations contained in the recreational zoning district regulations.

Policy 1.1.6  The Town should continue its present policy of periodically updating its Hurricane Emergency Policy and its Emergency Preparedness Manual to meet hurricane and natural disaster emergencies. The Town should also continue to update its post-disaster redevelopment plan in coordination with the Town’s future development plans.

Policy 1.1.7  The Town should discourage increases in the density or intensity of the use of property in the Coastal High Hazard Area (CHHA) without sufficient mitigation of potential adverse impacts, including the protection of those structures located therein, through the implementation of the following multipart strategy:

a)  Educate property owners of their risk building and rebuilding in the CHHA; and,

b)  Adopt by December 31, 2015, a comprehensive plan policy establishing criteria that the Town shall use to evaluate and determine whether to approve comprehensive plan amendments, zoning map and land development regulatory code amendments, and capital improvements that could lead to increased density or intensity of use of property in the CHHA.

The criteria used to determine whether to approve the proposed amendment or project shall include, but it is not limited to, the following considerations:

1)  Protection of the public’s health, safety, and welfare;

2)  The protection of private property, including property rights;

3)  The potential for adverse impact to the environment; and,
4) The potential economic consequences to the Town.

Policy 1.1.8
The Town should limit public expenditure within the CHHA to that necessary for the maintenance and repair of existing infrastructure and public facilities, protection of the natural resources, and for the relocation of existing infrastructure.

Policy 1.1.9
The Town should not expend public funds for the purpose of private development within the CHHA, except in the following limited instances:

a) Such development is necessary to accomplish:
   1) The maintenance or repair of existing infrastructure and public facilities located within the CHHA;
   2) The protection of natural resources;
   3) The relocation of existing infrastructure from the CHHA; or,
   4) An overall decrease in density or intensity of use within the CHHA; and,

b) The expenditure does not result in an increase in density or intensity of use within the CHHA; and,

c) The Town has evaluated the expenditure and determined it appropriate, based upon the criteria and process established pursuant to Policy 1.1.7.b.

Goal 2
The Town shall encourage the use of best practices, strategies and engineering solutions that will result in a reduction of the risk of flood which may be caused by high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

Objective 2.1
Require that any construction activities seaward of the coastal construction control line established pursuant to Sec. 161.053, Florida Statutes (2018) as same may be amended from time to time, be consistent with the requirements of Chapter 161, Florida Statutes.
**Objective 2.2** Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable floodplain management regulations set forth at 44 C.F.R. part 60.

**Policy 2.2.1** The floodplain administrator / building official shall review all permit applications to determine that the proposed development or re-development can be constructed such that it is reasonably safe from flooding. If a proposed development or re-development site is located in a flood hazard area, all site development activities including new construction and substantial improvements shall be designed and constructed with methods, practices and materials that will minimize the potential for flood damage.

**Objective 2.3** The Town should consider participation in the National Flood Insurance Program (NFIP) Community Rating System (CRS) as administered by the Federal Emergency Management Agency (FEMA) and coordinated locally by Palm Beach County in order to obtain flood insurance premium discounts for Town residents.

**Objective 2.4** Given the Town’s proximity to the Atlantic Ocean on the east as well as the Intracoastal Waterway on the west, the Town should consider creating a standing committee or working group for the purpose of reviewing flood reduction/mitigation issues and reporting recommendations and best practices to the Town Council for implementation.