TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

AUGUST 9, 2017

1:30 PM

Town Council Meeting

Welcome!

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog
Bobbie Lindsay
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal
1236 South Ocean Boulevard
Case # B-046-2917 Landscape/Hardscape

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John S. Page, Director of Planning, Zoning & Building

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **VARIANCE #15-2017** The application of 3200 Washington, LLC; relative to property commonly known as **1055 N. Ocean Blvd.,** described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to modify the existing one-story house by adding a 4,665 square foot second story pitched roof addition and adding a pitched roof and loggia element onto the existing one story portions of the house that are to remain. The following four variances are being requested in order to accomplish this: 1) A south side yard setback ranging from 7.4 feet to 9.9 feet in lieu of the 15 feet minimum setback required to add the pitched roof onto the one story south wing of the house and the second story addition; 2) A north side yard setback ranging from the 5.1 feet to 8 feet in lieu of the 15 foot minimum setback required to add the pitched roof and loggia onto the one story north wing of the house and the second story addition. Both sides are proposed to have 2 foot overhangs for the pitch roof which is allowed by code. [Attorney: Joel P. Koeppel, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property and the proposed project can be designed in an architecturally suitable manner which conforms to our Code of Ordinances without the need for a variance. Carried 5-2 The Architectural Commission approved the project as presented with a west loaded garage. Carried 4-3.] **Request for Withdrawal Per Letter Dated July 26, 2017 from Joel P. Koeppel**

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John S. Page, Director of Planning, Zoning & Building

b. **VARIANCE #21-2017** The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two

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story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] **Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 1, 2017 from Maura Ziska**

John S. Page, Director of Planning, Zoning & Building

c. **SPECIAL EXCEPTION #19-2017 WITH SITE PLAN REVIEW** The application of Stephen Wolf; relative to property commonly known as **158 Everglade Ave.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 4,302 square foot two-story single family residence on a lot comprised of portions of platted lots. The lot is 85 feet in width in lieu of the 100 foot minimum required. [Attorney: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as amended. Carried 7-0.] Page 63

John S. Page, Director of Planning, Zoning & Building

d. **SITE PLAN REVIEW #1-2017** The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya**., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0] Page 64

John S. Page, Director of Planning, Zoning & Building

2. New Business

a. **Z-17-00005 VARIANCE** Zoning District: R-B Low Density Residential The application of CAMPANA PB TRUST, Owner, relative to property located at **120 CANTERBURY LN**, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a guest suite above the existing one story guest suite (which will be converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] Page 65

John S. Page, Director of Planning, Zoning & Building

b. **Z-17-00006 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Page 66

Zoning District: R D(2) High Density Residential The application of 2842 S OCEAN LLC, Owner, relative to property located at **2842 S OCEAN BLVD SUITE: REC AREA**, legal description on file, is described below. Special Exception with site plan review request to modify the site plan to relocate the pool cabana bar and construct a small kitchen with seven (7) outdoor seats onto the existing pool deck of the Tideline Ocean Resort. The existing pool bar will become a towel storage building. The proposed hours are 11:00 a.m. to 8:00 p.m. [Applicant's Representative: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

c. **Z-17-00007 SPECIAL EXCEPTION** Zoning District: R B Low Density Residential Page 67

The application of SULTAN MARILYN R, Owner, relative to property located at **314 DUNBAR RD**, legal description on file, is described below. A request for a special exception to replace a chain link swing gate with a decorative aluminum swing gate in the same location at the driveway entrance on Dunbar Road, which is a dead end street. The existing and proposed gate would be 16.5 feet from the street pavement in lieu of the 18 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

d. **Z-17-00014 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** Page 68

Zoning District: R-B Low Density Residential The application of 280 NCR LLC, Owner, relative to property located at **280 N COUNTY RD**, legal description on file, is described below. The applicant is requesting a special exception with site plan review request to allow the construction of a 7,211 square foot two-story single family residence, detached one-story pool cabana and garage on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following variance is being requested: A variance to construct a two-story house with a second story street sideyard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required. [Applicant's Representative: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed variance, site plan and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

e. **Z-17-00015 SPECIAL EXCEPTION WITH SITE PLAN** Page 69

REVIEW Zoning District: R-A Estate Residential The application of EVERGLADES CLUB INC, Owner, relative to property located at **500 S COUNTY RD SUITE: CLUBHOUSE (PALM TERRACE BLDG)**, legal description on file, is described below. A request for special exception approval with site plan review to allow modifications to the existing Palm Terrace building by demolition of an existing concrete patio, walkway and ficus trees and construct a new 5,686 square foot coquina tile patio in the same location as extended to the south. The request also includes the addition of a covered area for movable kitchen equipment located between the men's locker room and an existing covered walkway, masonry planters for low plantings and new Buttonwood trees, and new trellis screening at some of the existing openings. Additionally, there is a request to shift the previously approved soil bins to the southeast. [Applicant's Representative: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

f. **Z-17-00016 VARIANCE** Zoning District: C-TS Town-Serving Commercial The application of PARAMOUNT CHURCH INC LESSOR, Owner, relative to property located at **139 N COUNTY RD SUITE: 1,** legal description on file, is described below. Request for a variance to allow a previously approved first floor real estate office (Illustrated Properties Real Estate Inc.) to expand across the covered walkway into first floor Suites 1 & 2 which contains 1,318 square feet. The total square footage for both spaces will equal 2,326 square feet. A variance is being requested to have the proposed real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska, Esq.] Page 70

John S. Page, Director of Planning, Zoning & Building

g. **Z-17-00017 VARIANCE** Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Landmarks Preservation Commission deferred the project to the August 16, 2017 meeting. Carried 7-0.] **Request for Deferral to the** Page 71

September 13, 2017, Town Council Meeting Per Letter Dated July 27, 2017 From Maura Ziska

John S. Page, Director of Planning, Zoning & Building

h. **Z-17-00018 VARIANCE** Zoning District: R-B Low Density Residential The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at **130 DOLPHIN RD**, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] **Request for Deferral to the September 13, 1017, Town Council Meeting Per Letter Dated August 1, 2017 From Maura Ziska** Page 73

John S. Page, Director of Planning, Zoning & Building

i. **Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD SUITE: SITE**, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equlvalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq] Page 75

John S. Page, Director of Planning, Zoning & Building

j. **Z-17-00021 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of 211 PINE STREET LAND TRUST &, Owner, relative to property located at **225 ARABIAN RD**, legal description on file, is described below. Request for special exception and site plan review approval to permit construction of a 4,247 square foot two-story single family residence on portions of platted lots with a width of 86 feet in lieu of the minimum 100 feet lot width requirement applicable to lots within the R-B District. [Applicant's Representative: Tim Hanlon, Esq.] [Architectural Commission recommendation: Implementation of the proposed site plan review and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried Page 122

7-0.] **Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 2, 2017 from Tim Hanlon**

John S. Page, Director of Planning, Zoning & Building

k. **Z-17-00022 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** Page 124
Zoning District: R-A Estate Residential The application of PBC REALTY, Owner, relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Site Plan Approval requested to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. 2. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 3. Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon, Esq.] [The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 9-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date. Page 125

   John S. Page, Director of Planning, Zoning & Building

2. ORDINANCE NO. 16-2017 An Ordinance By The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Repeal Chapter 50; To Adopt A New Chapter 50; To Adopt Flood Hazard Maps, To Designate A Floodplain Administrator, To Adopt Procedures And Criteria For Development In Flood Hazard Areas, And For Other Purposes; Providing For Applicability; Repealer; Severability; And An Effective Date. Page 481

John S. Page, Director of Planning, Zoning & Building

3. ORDINANCE NO. 24-2017 An Ordinance By The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances Chapter 18; To Adopt Amendments Relating To Flood Provisions Of The Florida Building Code; Providing For Applicability; Repealer; Severability; And An Effective Date.

   John S. Page, Director of Planning, Zoning & Building

IX. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 3:30 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS:	Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.
COMMUNICATIONS FROM CITIZENS:	Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.
OTHER AGENDA ITEMS:	Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda
Appeals

Agenda Title
ARCOM Appeal
1236 South Ocean Boulevard
Case # B-046-2917 Landscape/Hardscape

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated July 14, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Map**
- **Excerpt from June 28, 2017 ARCOM Meeting**
- **Letter Dated July 7, 2017 From Barbara Hall**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: ARCOM Appeal
1236 South Ocean Boulevard
Case # B-046-2917 Landscape/Hardscape

Date: July 14, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the appeal of 100 Emerald Beach Way LC ("the Neighboring Owner"), objecting to ARCOM's decision of June 28, 2017, approving two tennis courts at 1236 South Ocean Boulevard (owner Margaret Thornton).

GENERAL INFORMATION

Owner Margaret B. Thornton made application to ARCOM on June 28, 2017 for….. "Project Description: Addition of two tennis courts. One court will be a hard court and the other a grass court. Additionally, landscaping will be provided to buffer courts accordingly. Parking area will be included."

The owner's landscape architect, Dustin Mizell from Environment Design Group, presented the project to the Commission. He presented a site plan, landscape plan, existing site photos, a rendered site plan, and described material details. He acknowledged neighbor concerns and stated his plan to address those issues. He responded to further questions from the Commission, commenting on drainage, access, landscaping, and lighting (none proposed). Barbara Hall, attorney for the appealing neighbor, was present and expressed objections to the tennis courts. In summary, she stated that the tennis courts would be situated too close to her client's home, creating noise and an access/parking concern. She advocated for a deferral in order to allow for more neighbor-to-neighbor negotiation.

Per testimony presented at ARCOM, the subject site is approximately 6 acres in size, containing well over 60% of open space. Mr. Mizell stressed that this is not a "tennis complex" and is being built for the owing family's private use. The courts contain a driveway access off a private road that serves both the applicant and the appealing neighbor.

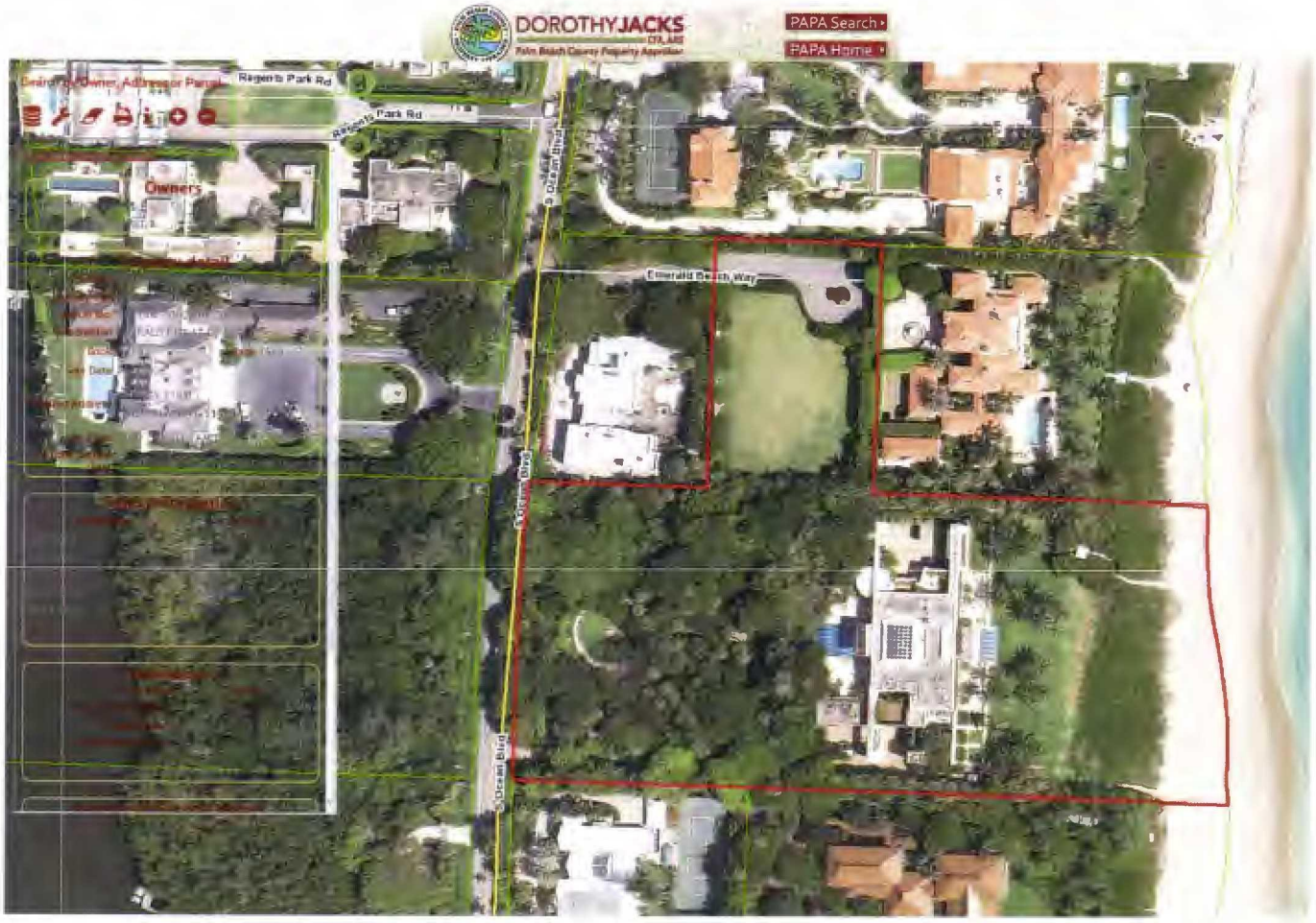
Ms. Hall was the only member of the public present to address the Commission. Following all discussion, it was moved by Mr. Garrison and seconded by Mr. Small to approve the project as presented. Motion carried with all in favor.

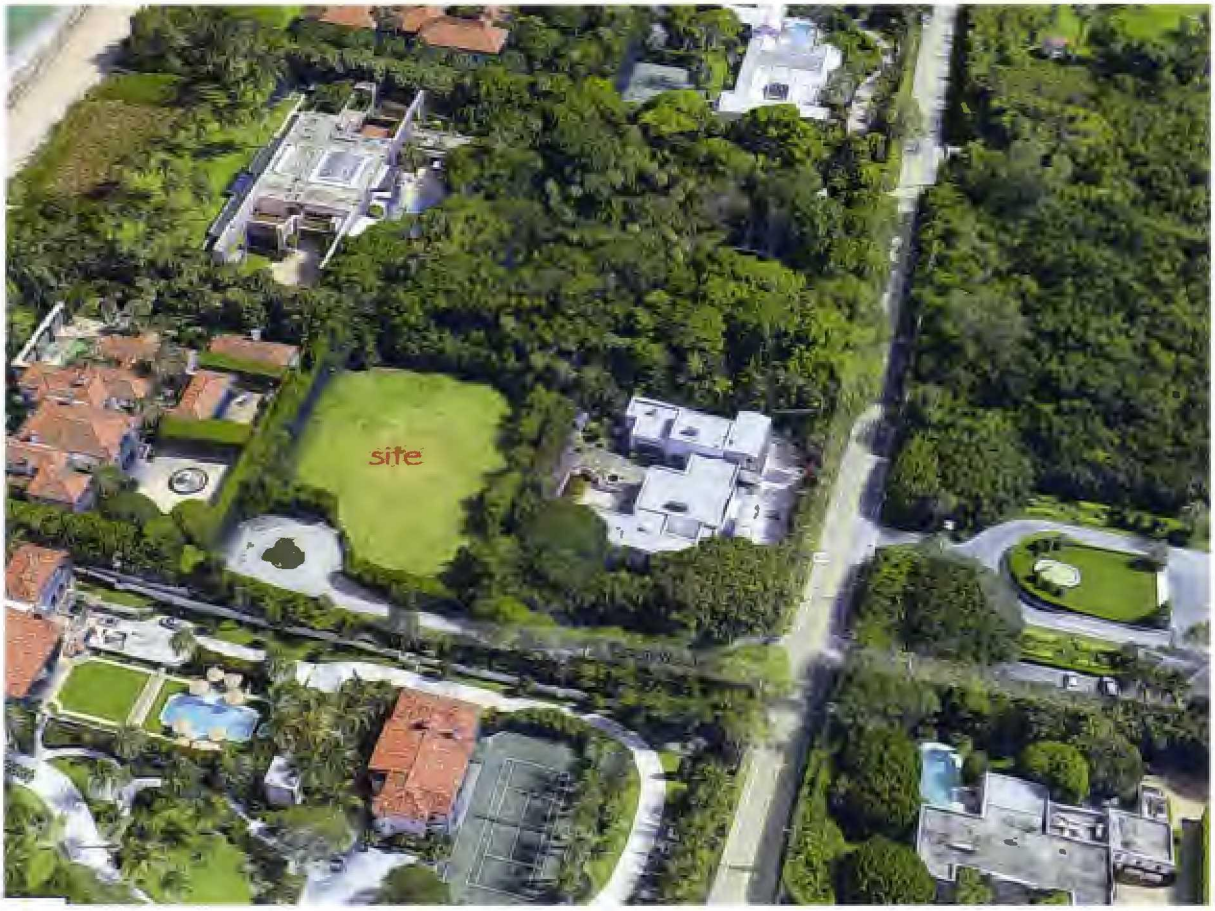
SPECIAL CIRCUMSTANCES

In addition to the appeal letter, attorney Hall has submitted a transcript of the ARCOM meeting as well as her original letter of objection to ARCOM. Although the approval vote was unanimous, the transcript indicates that Commissioner Catlin participated in that vote. Ms. Catlin is an Alternate Member and did not vote (transcript error). Staff does not proof transcripts for accuracy.

cc: John C. Randolph, Town Attorney
Architectural Commissioners
Barbara Hall, Attorney for Appellants
Dustin Mizell, Landscape Architect for Applicant
Tim Hanlon, Attorney for Applicant

Attachments

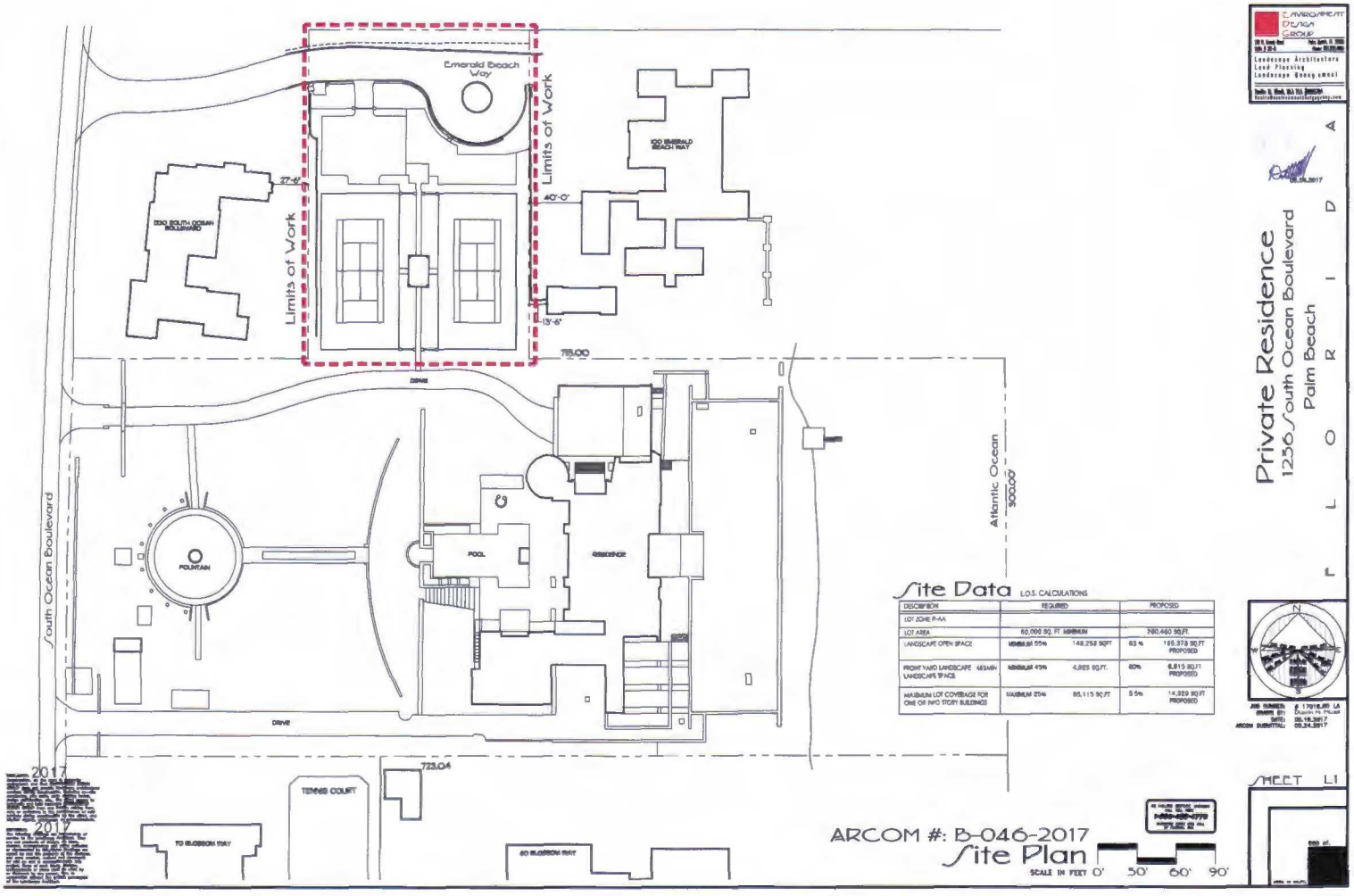

DOROTHYJACKS
PAPA Search
PAPA Home
Regents Park Rd
Ocean Blvd
Emerald Beach Way
Owners



Private Residence
1256 South Ocean Boulevard
Palm Beach
FLORIDA

2017

2017


Emerald Beach Way
Limits of Work
Limits of Work
27'-6"
40'-0"
13'-6"
118.00
South Ocean Boulevard
Atlantic Ocean
300.00'
POOL
RESIDENCE
FOUNTAIN
DRIVE
723.04
TENNIS COURT
TO BLOSSOM WAY
Site Data
L.O.S. CALCULATIONS
DESCRIPTION
REQUIRED
PROPOSED
LOT ZONE R-AA
LOT AREA
60,000 SQ. FT. MINIMUM
260,460 SQ.FT.
LANDSCAPE OPEN SPACE
MINIMUM 55%
148,253 SQFT
63 %
165,373 SQ.FT PROPOSED
FRONT YARD LANDSCAPE 45%MIN LANDSCAPE SPACE
MINIMUM 45%
4,823 SQ.FT.
60%
6,815 SQ.FT PROPOSED
MAXIMUM LOT COVERAGE FOR ONE OR TWO STORY BUILDINGS
MAXIMUM 25%
65,115 SQ.FT
5.5%
14,329 SQ.FT PROPOSED
ARCOM #: B-046-2017
Site Plan
SCALE IN FEET 0' 50' 60' 90'
Private Residence
1256 South Ocean Boulevard
Palm Beach
FLORIDA
SHEET L1





PROPOSED GATE TO MATCH EXISTING GATES ON PROPERTY
15' WIDE - 8' HEIGHT

Private Residence
1256 South Ocean Boulevard
Palm Beach
FLORIDA

SHEET L5

ARCOM #: B-046-2017
Garden Plan
SCALE IN FEET 0' 16' 32' 48'

B-046-2017 Landscape/Hardscape
Address: 1236 S. Ocean Blvd.
Applicant: Margaret B. Thornton
Architect: Dustin Mizell/Environment Design Group
Project Description: Addition of two tennis courts. One court will be a hard court and the other a grass court. Additionally, landscaping will be provided to buffer courts accordingly. Parking area will be included.

Call for disclosure of ex parte communication: Disclosure by several members.

Dustin Mizell presented the proposed plan for the project. He showed the Commissioners an aerial photo on the overhead project. He also presented a site plan, proposed landscape plan, existing photos, a rendered site plan, and details of materials. Mr. Mizell read the neighbor's concerns and stated his plan to address those concerns.

Mr. Vila asked about the drainage for the site. Mr. Mizell provided an explanation. Mr. Vila asked if there was a plan to add a bathroom and lighting. Mr. Mizell responded.

Ms. Grace asked about the placement of the hard court and soft court in relation to the neighbors. Mr. Mizell responded.

Barbara Hall, attorney for neighbor at 100 Emerald Beach Way, expressed objections to the proposed tennis courts.

Mr. Mizell showed a photo of the existing site at 100 Emerald Beach Way and expressed his client's need to buffer the neighbor's property to the east.

Mr. Vila suggested that the neighbors resolve the project and defer the project. Mr. Mizell responded.

Motion made by Mr. Garrison and seconded by Mr. Small to approve the project as presented. Motion carried with all in favor.

RECEIVED
2017 JUL 7 PM 3:15 TWN CLERK

GT GreenbergTraurig

Barbara Hall
Tel (954) 768-8236
Fax (954) 75-5536
HallB@gtlaw.com

July 7, 2017

VIA HAND DELIVERY

Ms. Susan A. Owens
Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, Fl 33480

Re: Appeal of Architectural Commission Decision
Major Project Case B-06-2017
1236 South Ocean Boulevard

Dear Ms. Owens:

On behalf of our client, 100 Emerald Beach Way LC ("the Neighboring Owner") we are hereby filing an appeal ("Appeal"), in accordance with Section 18-177 of Town of Palm Beach Code of Ordinances, of the decision of the Architectural Commission in Major Project Case B-06-2017 ("the Tennis Complex"), heard and approved by the Architectural Commission on June 28, 2017. A copy of the transcript of that proceeding is attached as *Exhibit 1*.

100 Emerald Beach Way LC is an interested party in that:

1. 100 Emerald Beach Way LC is the owner of the home and property at 100 Emerald Beach Way (Lot 3 of the Replat of the Replat of Emerald, PB 45 Page 177 PBCo. attached as *Exhibit 2* ("the Plat")), which is immediately adjacent to and east of the Tennis Complex proposed to be developed on Lot 2 of the Plat; and

2. The undersigned attorney appeared at the June 28th hearing of the Architectural Commission on behalf of 100 Emerald Beach Way LC, objecting to the approval of the Tennis Complex and providing the Commission with a Letter of Objection which is attached to this appeal as *Exhibit 3* ("Letter of Objection").

The Tennis Complex consists of two full size tennis courts, one hard court and one grass court and a paved parking area. The Tennis Complex fully occupies a one-acre residential lot wedged between two homes. An aerial showing the location of the proposed Tennis Complex and the property owned by the Neighboring Owner is inserted below.



As depicted in the Letter of Objection and above, the Tennis Complex is remote from the home at 1236 South Ocean Boulevard and has been designed so that the noise and activity created by the Tennis Complex, which can accommodate eight players and multiple vehicles, are experienced by our client's property adjacent to the Tennis Complex but not experienced by the owners of the property at 1236 South Ocean Boulevard. The Tennis Complex has been provided with no sound attenuation, insignificant and inferior landscaping and no security precautions.

The decision of the Architectural Commission approving the Tennis Complex should be overturned for the following reasons:

1. The plans for the Tennis Complex fail to meet the criteria for approval as set forth in Section 18-205 (a) of the Town's Code of Ordinances. The specific criteria which have not been met are described in the Letter of Objection which is incorporated in its entirety in this Appeal.

2. 18-205 (b) states:

If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity.

The Architectural Commission made no findings as to compliance with the criteria in Section 18-205(a) and most especially with the criteria described in the Letter of Objection recited again below. In a quasi-judicial matter such as this the burden of proof is with the applicant to provide evidence showing compliance with the criteria in 18-205(a). The applicants have failed to meet that burden.

Requirement: *The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.*

There is no evidence on the record as to how the Tennis Complex which is unlike any other accessory tennis court in the town because: (i) it consists of two tennis courts and a remote parking area; and (ii) the tennis facility is not enclosed in grounds of the main home, is in harmony with the adjacent residences. These factors make the Tennis Complex a major facility in a residential area and without the facility being enclosed in the grounds of the main home the facility has not been designed with the protections necessary to make it compatible to the residences in the area.

Requirement: *The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).*

There is no evidence on the record as to how the Tennis Complex which is unlike any other accessory tennis court in the town in that: (i) it consists of two tennis courts and a remote parking area; and (ii) the tennis facility is not enclosed in grounds of the main home, provides an attractive view from the private road that serves both the Tennis Complex and the residence of our client, the Neighboring Owner. The plans show that the lot will be covered with Areca Palms which are unattractive and which historically have been allowed by the applicant to become overgrown and unkempt.

Requirement: *The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.*

There is no evidence on the record that the proposed Tennis Complex has been designed with attractive high quality landscape material or attractive paving material in the parking area. The facility will serve as a detriment to the neighboring area rather than contributing to the neighboring area as a place of beauty, spaciousness, taste, fitness charm and high quality.

Requirement: *The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.*

There is no evidence on the record that the proposed Tennis Complex with two tennis courts that can accommodate 8 people and multiple cars has included any reasonable method to protect against internal noise, vibration and other factors such as the security of the neighboring homes, making the neighboring homes and surrounding environment less desirable.

Requirement: *The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.*

The proposed Tennis Complex has been designed with a complete disregard for the residence of the Neighboring Owner, using unattractive inferior landscape material, providing a remote parking area along the roadway and providing no reasonable method of security or noise attenuation.

Furthermore although the plans failed to comply with the above-cited criteria no conditions were imposed by the Architectural Commission to bring the project into compliance. In fact, in stark contrast to the detailed review given to other projects before the Commission that day, regarding landscape choices, exterior layout and even very minor building details , the Commission failed to secure any information or question or seek evidence from the applicant as to: how security would be provided for this new parking area located far from the residence at 1236 South Ocean Boulevard: how the parking area would be limited to service as represented by the applicant, rather than becoming the primary access to the Tennis Complex: whether the selection of Areca

Palms, which are currently overgrown and unkempt on the private entry road to the property, should be allowed to be planted as the primary landscape buffer for the Tennis Court Complex; and, what noise attenuation could be provided to shield the neighbors from the noise and vibration emanating from the Tennis Complex.

In summary the plans for theTennis Complex should have been denied for failing to meet the criteria in Section 18-201(a). On behalf of the Neighboring Owner we request the Town Council to overturn the decision of the Architectural Commission in Case B-046-2017.

On behalf of 100 Emerald Beach Way LC we reserve the right to supplement this record prior to this Appeal being considered by the Town Council.

Respectfully submitted,



Barbara Hall, Esq.
Greenberg Traurig

Florida Bar No. 0375608

Enclosures

EXHIBIT "1"

Hearing Transcript
Architectural Commission June 28, 2017

TOWN OF PALM BEACH MEETING

_____/

- - -

ARCHITECTURAL COMMISSION 360 SOUTH COUNTY ROAD 2ND FLOOR,

TOWN COUNCIL CHAMBERS

AGENDA ITEM B-046-2017

Wednesday, June 28, 2017

Reported By:

DAWN S. McCONNELL, FPR

Notary Public, State of Florida

PRESENT:

Ann L. Vanneck, Vice Chairman
Robert N. Garrison, Member
Alexander C. Ives, Member
Michael B. Small, Member
Maisie Grace, Alternate Member
Robert J. Vila, Member
John David Corey, Alternate member
Betsy Shiverick, Alternate Member
Katherine Catlin, Alternate Member

Kelly Churney, Clerk
John Lindgren

- - -

(Thereupon, the following proceedings were had):

- - -

THE CHAIRMAN: Next item is B-046-2017, landscape hardscape. Address is 1236 S. Ocean Boulevard. Applicant is Margaret B. Thornton. Architect is Dustin Mizell, Environment Design Group. Project description, addition of two tennis courts. One court will be a hard court and the other a grass court. Additionally, landscaping will be provided to buffer courts accordingly. Parking area will be included. Hard court heart cord other grass court addition.

Ex parte communications.

MR. VILA: I studied the plan and received communications from abutter objecting.

MS. GRACE: Nothing.

MR. GARRISON: Same as Mr. Vila.

MS. VANNECK: In my packet we had a letter of objecting to the installation of the tennis courts and I met with Mr. Mizell on the site. I walked the site and I walked the main property.

MR. IVES: I have just the objections that was stated by --

MR. SMALL: I reviewed the many plans set and

also reviewed the letter in objection.

MS. VANNECK: There was one in support.

MR. COREY: Yes, there's an e-mail in support and I received a letter also forwarded from the Town against the project.

MS. SHIVERECK: I had a chance encounter with Mara Vista at the airport and she mentioned that she was affiliated with this project and I have not read any letters.

MS. CATLIN: I reviewed a set of e-mails.

MS. VANNECK: Thank you.

MR. MIZELL: Thank you. Good afternoon. Dustin Mizell with Environment Design Group on behalf of Ms. Margaret Thornton who is in the audience with us here this afternoon.

Kelly, would you mind dimming the lights, please.

I just want to show you a little bit of contrast that I think that first sheet shows you of our property -- the subject property we're looking at today.

The proposed additions, which we'll get to here in a moment here, on the north side of the project that's where it says site, charted a little bit. The main original portion of the property is that

rectangular piece from South County all the way to the dune to the south and our client has purchased that piece on Emerald Way several years ago. It has since now been given a title as one property and now we're here before you this afternoon to propose developing that small section there to the northeast. Thank you. Switch it back.

Just real quick, starting with the site plan, as I mentioned south there at the bottom you can see the main residence, is a very, very well kept estate, very highly vegetated, a significant amount of open space. Even with our proposed improvements, we will have a close to 64 percent of open space, and that's not even counting the proposed lawn tennis court, which would put us in an even closer to 68, 69 percent, a significant amount of landscape open space on this project.

Relative to the vegetation inventory and action right now, as you saw there that's on the lot, there is a pretty significant buffer there on the north side that's in place and they are proposing to keep all the existing landscaping, I have some photos you'll see in a moment, that we're just going to remove a small section of where we're going to add a driveway.

Here's some existing photos that are down Emerald Way. The buffer has, you know, really grown in and our clients have, you know, allowed it to grow. We certainly want to screen the lot and right now in th e existing conditions it's about a 12, 14, foot heavily vegetated existing buffer.

Looking at the our developmental plan here, what we're proposing are here on this site is two tennis courts, a hard court surface there on the east side and then on the west, a grass court. We also are proposing a small parking area to the north. This will not be anything relative to the addition of tennis courts. This actually is service parking, in total, including this new portion is now part of the union title, it's all one lot, a six-acre lot. It's a very large estate. We do need -- there's a couple of places where we can park some service vehicles. There is two full time gardeners, there's staff that comes in and out.

So the parking isn't an accessory to the tennis in any way, that in itself is just for service. The main way our clients would be using the court is from the south of the existing drive at the bottom of the drawing. We're going to create a really nice garden entry, which will come in from the south walk-thru

and be able to play tennis.

Also relative to the service area, we're proposing a new auto gate, as well to match the existing -- you're probably very familiar with these gates, that two -- one from the main drive and one for the service drive to the south.

So we're just going to match the same exact gates, so it really gives it more of an estate feel.

One comment that Ms. Vanneck had had and we appreciate her meeting me on the site as we walked through originally on our original application, we were proposing concrete drive and she had a good suggestion that the paving materials should match the existing, so it feels like one estate. The site has a very nice stone driveway and laid-in concrete.

So we're going to tie it all together as one estate, one project, all the same material, same gates, same services and same materials.

As far as the planting, we're going to again as I mentioned retain the existing vegetation, which I think is a, you know, really nice buffer now to the north and will also enhance it as well with a lemon tree. We're going to put four shade trees there for exclusive trees and then we have these little boast entries relative to the courts, Coconut palms,

understory planting that we're proposing for the buffer of the tennis courts, Areca palms. There's some existing Areca palms on site there, kind of on the south portion of this, doing really well, that's kind of set down in this little depressed area. The house adjacent to the east is higher, so it's doing really good and the Areca palm are in between the tennis courts for noise for deflection and also for maintenance. So you don't have to trim both sides on the east side part of the court on the outside.

So that's what we're proposing relative to the planting on the buffer.

And that was just the storm water plan, which we had engineered to make sure there's plenty of percolation and everything was completely fine. I did receive and I think that when you mentioned in the packet you received a letter complaint, it's probably the same one that I received yesterday late in the day.

But I just wanted to mention a couple of things relative to that, No. 1, one of the concerns that our neighbor adjacent to the east has is a little pedestrian gate that at the top that we were proposing to maintain and they were worried about a small vista as they would come out of the estate and

they would see a little bit of this area. It will be screened with landscaping.

But we're going to go ahead and just remove that pedestrian gate. There's no need to have it. We'll close it up and we'll fill it in with a 12-foot hedge that will match and so that issue just goes away.

No. 2, they're concerned about the maintenance of all those palms, again, as I mentioned the Thorntons have two full time gardeners that are on-site every day.

So if you walked the property as Ms. Vanneck has, it's a beautiful estate, maintenance will not be an issue for our clients.

No. 3, in that complaint was mentioned a lack of -- it's not in harmony with the context of the neighborhood, which is something that always comes up at ARCOM. I would say probably honesty that's the weaker point. Right to the north of us we have a tennis court, right to the south of us we have a tennis court.

So within 250 feet radius, the six homes, this will be the third, 50 percent that have tennis courts, very typical of the estate area in this section of Palm Beach.

Also to -- they keep referring to in the complaint or something we hear is this is going to be a tennis complex, it's not that in any way. Again, the parking has nothing to do with the tennis. The parking is for staff. Again, it's a six-acre estate, they have to park somewhere. The clients will be entering from the south. They're not going to be driving around through Emerald Beach Way parking and using the tennis facility complex. It's not a complex, again, it's for the family. Their son who's in high school, who's in school and they travel and is not always here, but he is a nationally ranked tennis player.

So, you know, to have a court with grass and hard court is very beneficial and the family is excited about it, as far as his mother and father as well.

Also too one of the things mentioned in this -- two more things, that's it, then I'll finish is that, well, this is small lot and they've jammed a lot in there. It's an acre lot. It is a large lot and, you know, the reality is, you know, they mention, oh, heavy density -- I mean, the alternative is, you know, prior to union title, I mean, we could have built a two-story home. We could have built a

swimming pool. We could have added a generator, three air-conditioning units, a motor court twice the size of that. And we can go on and on as far as, you know, the density and -- so we feel that this is very soft use of it.

And to wrap it up -- and also to last No. 6 that one of the concerns is Emerald Beach Way, just so you know as you're understanding this, this is a private road, it's not a public road. If you look at the top there are property lines that goes beyond north of Emerald Beach Way. Our client, you know, has a limited access easement as part of that ownership, so that the client -- excuse me, the neighbor to the east gets to use that, but it's a private road.

So I just wanted to, you know, throw all of those things out there in response to maybe some of the things that you had read.

And also to -- I believe there were more than one letters of support to this project. I had seen a couple come in and I know they were personally hand delivered to the Town. I know of at least two, they're might be more.

So I just for the record, I mean, I know they were personally delivered to the Town by our client.

Thank you.

MS. VANNECK: We may have gotten them. We've been overwhelmed with letters.

MR. MIZELL: Sure. Understood. Understood.

MS. VANNECK: I'm going to ask Mr. Vila --

MR. RANDOLPH: Excuse me, I'd like to express to you, there are people from the public before you consider.

MS. VANNECK: Okay. Did you want to have questions? I think you're allowed to have questions.

MR. RANDOLPH: Yeah, I just don't want you to deliberate prior to hearing from the public.

MR. VILA: Thank you. Just a couple of questions. I am not terribly an expert on exfiltration. Can you give me the 25 word elevator pitch on how this is all drained.

MR. MIZELL: Yeah. Let me just go to that real quick. So basically just south of the tennis court, the big exfiltration trench there, so all of the water is just going to go to the south there -- I mean, the hard court is the biggest one. The grass court is going to, you know, be pervious. So the exfiltration trench is to the south.

MR. VILA: Okay. And the only other question I have is were you planning as part of this pavillion,

is there any plumbing, bathroom or comfort station?

MR. MIZELL: No.

MR. GARRISON: In terms of gardeners, are there gardeners toilets or anything like that?

MR. MIZELL: As far as this application, this is just a little prefab tennis structure. If that podium changes, obviously, we would come back to ARCOM and present architectural drawing for that.

MR. VILA: And what lighting?

MR. MIZELL: No lighting. Lighting would require a special exception and I'll be using no lighting. We're not even putting chain link around the tennis court. It's just going to be no lighting, very simple.

MR. VILA: Thank you.

MS. VANNECK: Ms. Grace.

MS. GRACE: Yeah, I just wondering, did you give consideration to whether to put the hard court or the soft court near like where the neighbors are?

MR. MIZELL: Thank you. Good question. Yes, we did and we talked about that and the reality is the farther to the east there where the hard court is is much better buffered by the wind. And the hard court is the one that will be used, you know, more than the grass court.

So we did go back and forth on that as far as how we'll use it -- our clients will use it, that makes more sense for our client.

MS. VANNECK: I'll interject, the grass court you'll need more sun in the morning. Okay.

So now I'd like to have comments from the audience.

MS. HALL: Yes. Good afternoon. My name is Barbara Hall. I'm an attorney with the law firm of Greenberg Traurig. I'm here representing the owners to the east of the lot where the tennis courts will go. We believe that these tennis courts violate a number of the conditions for granting permit.

I'd like to point out to you that we were not able to find in the vicinity any home that had two tennis courts and a remote parking area. This is not typical.

I'd like also have you recognize that what this plan does is take the impact of the parking and the tennis courts and not internalizing to the property but, in fact, impose it on the two adjacent properties. It has a separate access. It has a separate parking area. It will create noise. It will bring people, even though it's said here that that parking will be for people servicing the

property. There's nothing that prevents eight people from parking there to come and use these tennis courts.

We have requested attorney to -- to attorney not me, but some attorneys who were dealing with the property owner here that this be deferred for the opportunity for us to talk about this, because my clients are unhappy about the impact of this.

I have sat here for a very long time today and been very impressed by the detail with which you review every home, what it looks like from the street, you know, what the architectural details are. I think that these tennis courts should get exactly the same kind of attention.

And I question whether, in fact, going down this private street and looking at what these tennis courts are going to be with a park -- a service area right in front whether, in fact, these tennis courts are getting the same kind of attention a home would.

I think that these tennis courts should be internalized to the project and not have a separate access onto a private street for a residence -- for our client's residence.

I also have heard that the Areca palms are being very well maintained but, in fact, the owner of

this proposed lot are the ones maintaining the Areca palms and I ask you if you've looked whether, in fact, that's true or whether they're, in fact, in disarray, whether Areca palms are a fairly inexpensive alternative to very sophisticated and well designed landscaping are really what's in the best interest of the neighborhood.

In essence, my letter outlines each of the ways in which we believe that these tennis courts do not meet your regulations for permits. It's a very impactful project that impacts our residences, but is external to the property owner who's enjoying the benefits and to us that doesn't seem fair and it doesn't seem what this Board is charged with doing.

Thank you for the opportunity.

MS. VANNECK: Thank you.

MR. MIZELL: May I just throw up one more photograph up there, Madam Chairman.

MS. VANNECK: Sure.

MR. MIZELL: Just real quick. Thanks, Logan. In trying carefully with this photograph, but I just want -- this is the context here, this is the neighbor to the east. This is the property's condition that we have right now, an existing six-foot high wall, interesting pipes coming out,

ficus roots are growing out everywhere, the side of the garage, the roof tile, you can see the photos portray, pots is no where near the service area.

We basically have between the six-foot wall another four feet -- there's ten feet high of what's called a mess. Okay. And so when we're putting in the landscaping we're as concerned or more concerned than they may be about buffering this. We just don't want to look at this any more.

So this is the condition that we're trying to disguise with that. Thanks Logan, one more slide and then I'll be finished.

And as far as the comment relative to the -- you know, where we're located, when you look at the site plan, you know, the piece of property was -- the purchase intent -- again, Ms. Vanneck has been there, it's a gorgeous estate, incredible vistas, excellent architecture. It is extremely well done. It's a beautiful home. I was purchased for this use and obiviously there would be no other place on this six-acre estate that would work. Thank you.

MS. VANNECK: Mr. Vila.

MR. VILA: I was intrigued by Ms. Hall's presentation and I think that the possibly exists for this to be resolved amicably among the property

owners and with that in mind, I would suggest we defer the project.

MR. MIZELL: Before it goes on vote, may I say one thing about that -- on that note, I mean, we also have both of our attorneys here today, Mr. Bob Krestin, Bill Atterbury and they can speak as well on behalf -- but just to keep it going, the reality is, there's been issues between these two neighbors for the last five years. There is no dialogue. To send us back for 30 days and to come back, there's not going to be any solution. There hasn't been on issues minor -- less minor, less major than this.

So, again, they're here, they can speak to all that. I don't want to waste your time, but I just out of respect for your time and the record here, they are here.

MS. VANNECK: Mr. Garrison.

MR. GARRISON: I make a motion that we approve as submitted.

MR. SMALL: Second.

MS. VANNECK: Okay. We have a motion and a second.

All in favor.

MR. VILA: Aye.

MS. VANNECK: Aye.

MR. IVES: Aye.

MS. SHIVERECK: Aye.

MS. CATLIN: Aye.

MS. VANNECK: Opposed. No opposed. Thank you.

(The Agenda item concluded at 4:20 p.m.)

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C E R T I F I C A T E

- - -

I, DAWN S. McCONNELL, Court Reporter, State of Florida at Large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 6th day of July, 2017



_____.

Dawn S. McConnell

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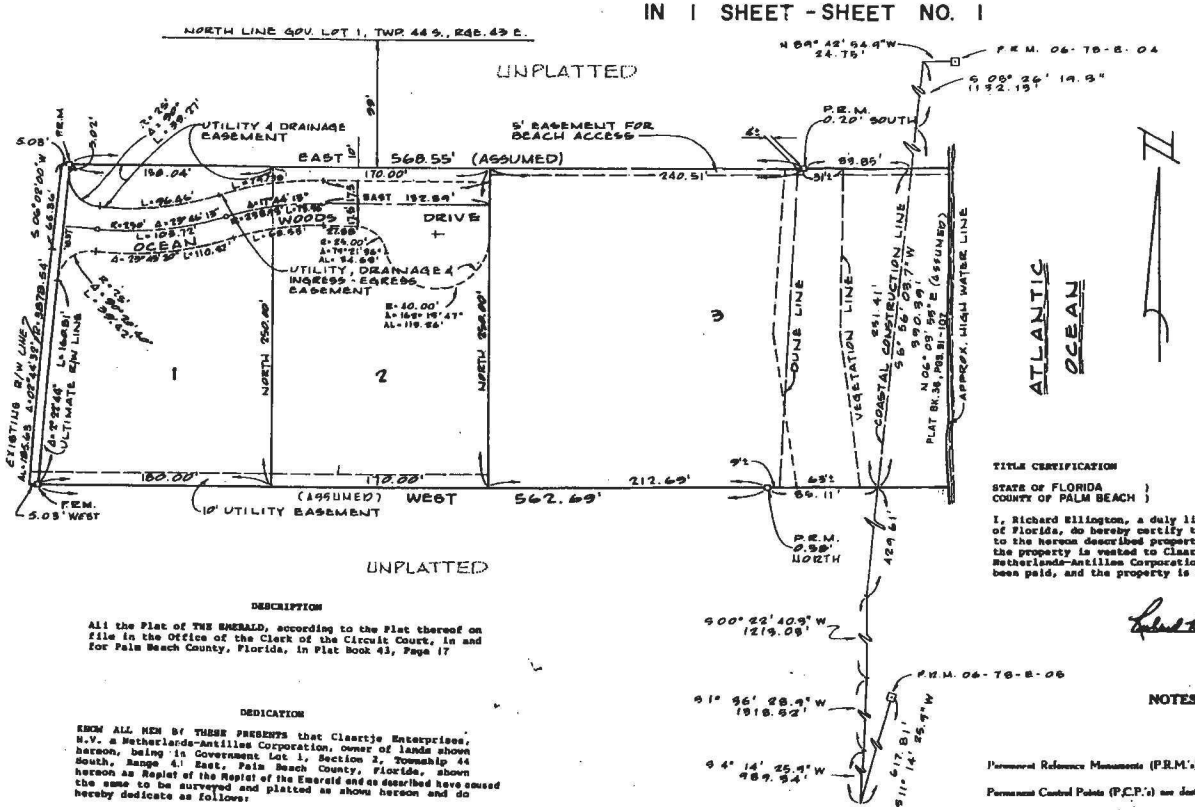
Exhibit "2"
Plat

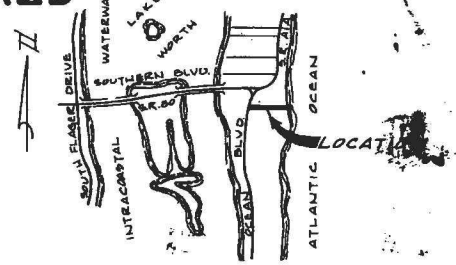
83 098427

GUARANTY BLUEPRINTERS INC. AND PHILLIPS PRESS

REPLAT OF THE REPLAT OF THE EMERALD

IN GOVERNMENT LOT 1, SECTION 2, TWP. 44 S., RGE. 43 E.
BEING A REPLAT OF THE REPLAT OF THE EMERALD
RECORDED IN PLAT BOOK 43, PAGE 17
PALM BEACH COUNTY, FLORIDA
TOWN OF PALM BEACH
IN 1 SHEET - SHEET NO. 1





LOCATION MAP
NOT TO SCALE

50 25 0 50 100 150
SCALE IN FEET

177

COUNTY OF PALM BEACH
STATE OF FLORIDA
This Plat was filed for record at 1:38 P.M.
this 26 day of May
A.D. 83 and duly recorded in Plat Book No. 43
on page 177
JOHN B. DUNKLE, Clerk Circuit Court
By [illegible] D.C.

DESCRIPTION

All the Plat of THE EMERALD, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 43, Page 17

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Cleartje Enterprises, N.V. a Netherlands-Antilles Corporation, owner of lands shown hereon, being in Government Lot 1, Section 2, Township 44 South, Range 43 East, Palm Beach County, Florida, shown hereon as Replat of the Replat of the Emerald and as described have caused the same to be surveyed and platted as shown hereon and do hereby dedicate as follows:

EASEMENTS

a. Utility Easements - The utility easements as shown are hereby dedicated to the public in perpetuity for the construction and maintenance of utilities.

b. Utility and Drainage Easements - The utility and drainage easements as shown are hereby dedicated to the public in perpetuity for the construction and maintenance of utility and drainage.

c. Beach Access Easement - The beach access easement is hereby dedicated [illegible]

ACKNOWLEDGEMENT

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Before me personally appeared Earl L. Deaney Jr. to me personally known, and known to me to be the same person de-

TITLE CERTIFICATION

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, Richard Ellington, a duly licensed Attorney in the State of Florida, do hereby certify that I have examined the title to the hereon described property; that I find the title to the property is vested to Cleartje Enterprises, N.V. a Netherlands-Antilles Corporation; that the current taxes have been paid, and the property is unencumbered by any mortgages.

Richard Ellington

NOTES

Permanent Reference Monuments (P.R.M.'s) are designated thus: P.R.M.

Permanent Control Points (P.C.P.'s) are designated thus: —○—

Building setback lines shall be as required by ordinances of the Town of Palm Beach, Florida.

Bearings as shown hereon are based on the North Line of Government Lot 1, Section 2, Township 44 South, Range 43 East, bearing EAST.

There shall be no buildings or other structures placed on utility easements.

There shall be no buildings or any kind of construction or trees or shrubs placed on drainage easements.

Town Approval

This plat is hereby approved for records this 5 day of MAY, A.D. 1983.

BY: M.P. Frost
Town Manager

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is a true and correct representation of a survey, made under my responsible direction and supervision, and that said survey is accurate to the best of my knowledge and belief, and that (P.R.M.'s) Permanent Reference Monuments have been placed as required by law and that (P.C.P.'s) Permanent Control Points will be set under the guarantees posted with Town of Palm Beach for the required improvements; and further that the survey data complies with all the requirements of Chapter 177, Florida Statutes, as amended and ordinances of the Town of Palm Beach

Date: DECEMBER 6th, 1982 By: Peter T. Knox

Florida Cert. No. 3748

Exhibit "3"

Letter of Objection

GT GreenbergTraurig

Barbara A. Hall
Tel 954.768.8236
Fax 954.765.1477
hallb@gtlaw.com

June 27, 2017

Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Major Project – New Business: Case No. B-046-2017
1236 S. Ocean Blvd.

Dear Mr. Chairman and the Members of the Architectural Commission:

We represent the owner of the home and property at 100 Emerald Beach Way, whose home is to the east and immediately adjacent to the Residential Lot 2 where two tennis courts and a paved parking area are proposed (**"Tennis Court Complex"**). As shown on the aerial below, Residential Lot 2 is wedged between two existing homes. The Applicant is proposing a Major Project on Residential Lot 2, a location which remote from the main home at 1236 South Ocean Boulevard, using the entire residential lot for the Tennis Court Complex.



The owner of 100 Emerald Beach Way objects to the issuance of a building permit for this major project because the project fails to comply with the building permit criteria set forth

CHI 68338338v4

ALBANY
AMSTERDAM
ATLANTA
AUSTIN
BERLIN¬
BOCA RATON
BOSTON
CHICAGO
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DENVER
FORT LAUDERDALE
HOUSTON
LAS VEGAS
LONDON*
LOS ANGELES
MEXICO CITY+
MIAMI
MILAN**
NEW JERSEY
NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
ORLANDO
PHILADELPHIA
PHOENIX
ROME**
SACRAMENTO
SAN FRANCISCO
SEOUL~
SHANGHAI
SILICON VALLEY
TALLAHASSEE
TAMPA
TEL AVIV^
TOKYO¤
WARSAW~
WASHINGTON, D.C
WESTCHESTER COUNTY
WEST PALM BEACH

¬OPERATES AS GREENBERG TRAURIG GERMANY, LLP
* OPERATES AS A SEPARATE UK REGISTERED LEGAL ENTITY
+ OPERATES AS GREENBERG TRAURIG, S.C.
~ STRATEGIC ALLIANCE
^ OPERATES AS GREENBERG TRAURIG LLP FOREIGN LEGAL CONSULTANT OFFICE
A BRANCH OF GREENBERG TRAURIG, P.A., FLORIDA, USA
¤ OPERATES AS GT TOKYO HORITSU JIMUSHO
~ OPERATES AS GREENBERG TRAURIG GRZESIAK SP.K.

in Section 18-205(a) of the Town's Code of Ordinances. We have cited the relevant subsections that are violated by the planned Tennis Complex in italics and then described the violative aspects below the code reference.

Requirement: *The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.*

Objection: **The Tennis Court Complex is Not in Harmony with the Existing Developments on the Neighboring Properties.**

Installing the Tennis Court Complex on Lot 2 will be inharmonious with the surrounding land. Lot 2 sits in-between two single-family estates. Like those homes, Lot 2 was also planned as a single family residence as evidenced by the plat, the comprehensive plan, and the zoning. The plat[1] created all three lots and established access only to the residents of the three lots through the cul-de-sac on Emerald Beach Way; the plat never contemplated combining Lot 2 with the property to the south. Lot 2 is designated as "Single-Family" on the Town's Comprehensive Plan. Further, Lot 2 falls within the Large Estate Residential zoning district. This zoning district was created to "protect and preserve existing development of the estate character and contains vacant land considered appropriate for such [estate character] development in the future." Given the above, Lot 2 is an unsuitable location for the Tennis Court Complex and does not preserve the existing estates abutting Lot 2.

.

Requirement: *The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).*

Objection: **The Tennis Court Complex is inappropriate in relation to the established character of the single-family estates immediately adjacent to Lot 2.**

Both of the existing homes on Emerald Beach Way have their entranceway and driveway positioned off of Emerald Beach Way. Instead of integrating the Tennis Court Complex as part of the residential home to the south, the owner of Lot 2 is creating a separate entrance to the Tennis Court Complex from Emerald Beach Way, including not just two tennis courts but also a service area and parking lot. The proposed Tennis Court Complex uses the entire lot and is remote from the

[1] The Replat of the Replat of the Emerald Plat recorded in Plat Book 45, Page 177 of the Official Records of Palm Beach County.

main home. This type of configuration makes the Tennis Court Complex use a separate principal use, not as an accessory use to the home.

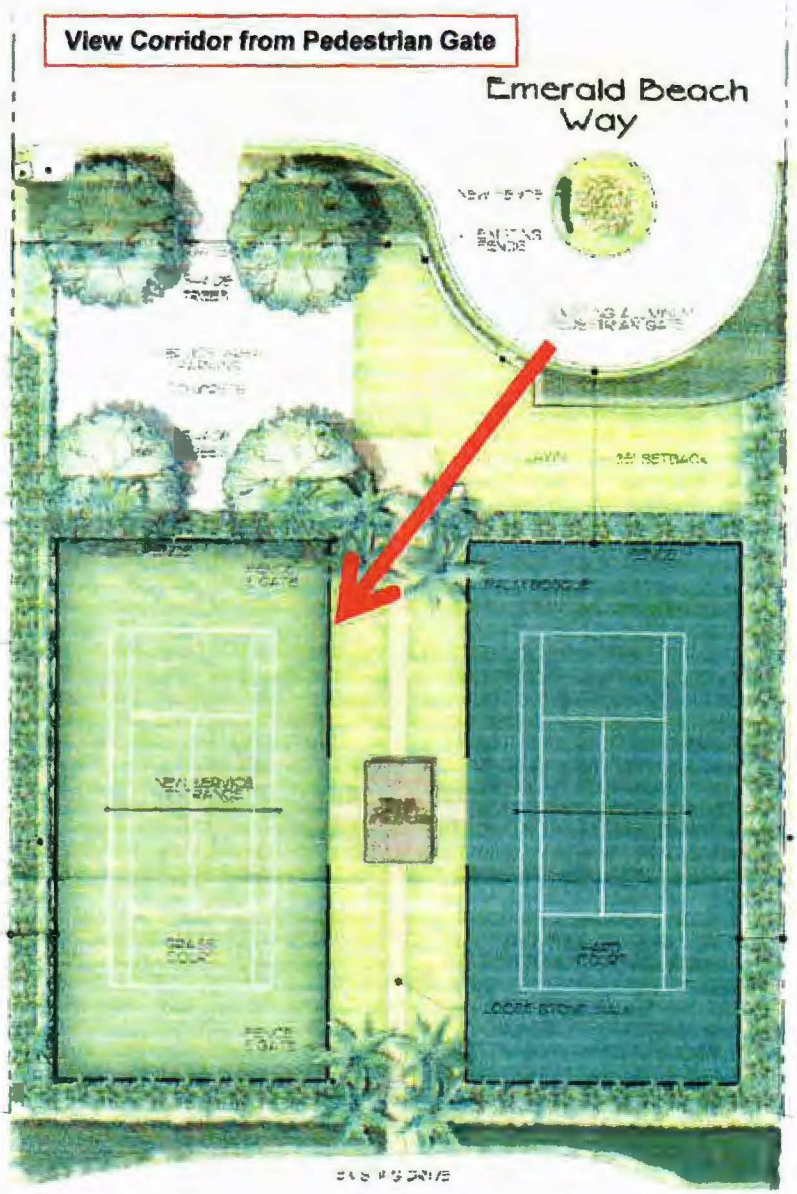
Requirement: *The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.*

Objection: **The Tennis Court Complex Will be Visible from the Shared Roadway, which is not in Conformance with the Town's Established Design Requirements for Similar Structures.**

If permitted, Lot 2 will have the only tennis court in the Town of Palm Beach that will be visible from a shared roadway. All of the other estate homes with a tennis court have configured their tennis court to be truly a part of the estate so that the court is fully shielded, with landscaping or walls, such that the tennis court is not visible from any shared roadway in accordance with the requirements for a tennis court set forth in Section 134-1759.

As shown below, the tennis court will be visible from Emerald Beach Way. The site plan for the Lot 2 tennis courts appears to retain the 4' aluminum chain-link fence with a pedestrian gate. 3' high bushes are installed in front of the fence, which allows for a person to directly look into the Lot. Further, there is no landscaping screening on the internal sides of the courts. Therefore, there will be view corridor into the tennis court from Emerald Beach Way, as shown in the View Corridor graphic below.





Requirement: *The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.*

Objection: **The Tennis Court Complex Fails Will Create Unreasonable Noise Disturbing the Homeowner's Quiet Enjoyment of its Home and Create Security Issues**

The design of the Tennis Court Complex does not include any reasonable method of noise abatement, and even if provided, those noise abatement methods would not be sufficient to limit the substantial interference with a desirable residential environment that would come from up to eight people playing tennis simultaneously with substantial accompanying ball and racket noise and yelling. The courts are open to the shared private street and there is no landscaping adjacent to the interior sides of the tennis courts to muffle the sound. There is no sidewalk on this street and pedestrian access to these private tennis courts from Emerald Beach Way is not realistic. The only access likely to be used will be from the parking area. Therefore, there is no necessity for the low pedestrian gate on Emerald Beach Way in place of landscaping that will shield the tennis courts from the private street. The parking area remote from a residence also creates safety, noise and other concerns for the neighboring homes.

•

Requirement: *The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.*

Objection: **The Design and Appearance of the Tennis Court Complex Will Diminish the Appearance and Value of the Adjacent Properties**

As outlined above, the design creates a use that is disconnected from the main home and fills an entire residential lot. The Tennis Court Complex will be visible from Emerald Beach Way as no landscaping is provided along the interior of the tennis courts. The landscaping proposed does not attractively shield the tennis courts. The courts appear to be ringed on the exterior with Areca Palms, which become unattractive as they mature and spread.

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Requirement: *The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:*

a. Height of building or height of roof.
b. Other significant design features including, but not limited to, materials or quality of architectural design.
c. Architectural compatibility.
d. Arrangement of the components of the structure.
e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.

f. *Diversity of design that is complimentary with size and massing of adjacent properties.*

g. *Design features that will avoid the appearance of mass through improper proportions.*

h. *Design elements that protect the privacy of neighboring property.*

Objection: **The Tennis Court Complex Will Be Excessively Dissimilar To Any Other Property Within a 200 Foot Radius.**

Within a 200' radius of the property, there are two estates with a tennis court. The tennis courts on those estates are accessible through the main entrance of the property. Unlike those tennis courts, this site plan will provide a separate gate, entrance, and parking area for the Tennis Court Complex from a completely separate street than the street where the main home is located. This is not a design that integrates the accessory use into the primary residential estate. Instead, this is a case where the design creates an autonomous recreational area that is disconnected from the parent property, which raises safety and traffic concerns because of the pedestrian access gate and aesthetic concerns because the courts are not properly screened from the street for the neighboring residential properties.

In summary, this request for a Major Project approval for the Tennis Court Complex adjacent to Emerald Beach Way, which should be a lovely entranceway to the home at 100 Emerald Beach Way, instead creates an eyesore. The plan does not comply with the Town's well thought-out building permit criteria in Section 18-205(a) of the Town's Code of Ordinances and should therefore be denied by the Architectural Commission.

Very truly yours

Barbara A. Hall

Barbara A. Hall

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda
Development Review - Old Business

Agenda Title
VARIANCE #15-2017 The application of 3200 Washington, LLC; relative to property commonly known as **1055 N. Ocean Blvd.,** described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to modify the existing one-story house by adding a 4,665 square foot second story pitched roof addition and adding a pitched roof and loggia element onto the existing one story portions of the house that are to remain. The following four variances are being requested in order to accomplish this: 1) A south side yard setback ranging from 7.4 feet to 9.9 feet in lieu of the 15 feet minimum setback required to add the pitched roof onto the one story south wing of the house and the second story addition; 2) A north side yard setback ranging from the 5.1 feet to 8 feet in lieu of the 15 foot minimum setback required to add the pitched roof and loggia onto the one story north wing of the house and the second story addition. Both sides are proposed to have 2 foot overhangs for the pitch roof which is allowed by code. [Attorney: Joel P. Koeppel, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property and the proposed project can be designed in an architecturally suitable manner which conforms to our Code of Ordinances without the need for a variance. Carried 5-2 The Architectural Commission approved the project as presented with a west loaded garage. Carried 4-3.] **Request for Withdrawal Per Letter Dated July 26, 2017 from Joel P. Koeppel**

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Letter Dated July 26, 2017 From Joel Koeppel**

KOEPPEL LAW GROUP, P.A.
1515 NORTH FLAGLER DRIVE
SUITE 220
WEST PALM BEACH, FLORIDA 33401

JOEL P. KOEPPEL, ESQ.
MEMBER FL & NY BARS

TELEPHONE (561) 659-6455
TELECOPIER (561) 659-7006
Joel@KoeppelLawGroup.com

July 26, 2017

Paul Castro, Zoning Administrator
Planning, Zoning and Building Department
360 South County Road
Palm Beach, FL 33480

Re: Variance #15-2017 – 1055 N. Ocean Blvd.

Dear Paul:

Please consider this my request on behalf of my client, 3200 Washington LLC, to withdraw from consideration the above-referenced Variance currently scheduled for hearing before the Town Council on August 9, 2017.

Thank you for your consideration in this matter.

Should you need anything further please let me know.

With kindest personal regards and best wishes, I remain

Very truly yours,

Joel P. Koeppel

JPK:ls

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] **Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 1, 2017 from Maura Ziska**

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Letter Dated August 1, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

August 1, 2017

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: VAR 21-2017 218 Miraflores

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the August 9, 2017** Town Council agenda **to the October 11, 2017** Town Council agenda. The reason for the deferral is to allow the owner and architect to revise the plans. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect
00036138.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

SPECIAL EXCEPTION #19-2017 WITH SITE PLAN REVIEW The application of Stephen Wolf; relative to property commonly known as **158 Everglade Ave.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 4,302 square foot two-story single family residence on a lot comprised of portions of platted lots. The lot is 85 feet in width in lieu of the 100 foot minimum required. [Attorney: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as amended. Carried 7-0.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya**., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00005 VARIANCE Zoning District: R-B Low Density Residential The application of CAMPANA PB TRUST, Owner, relative to property located at **120 CANTERBURY LN**, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a guest suite above the existing one story guest suite (which will be converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00006 SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Zoning District: R D(2) High Density Residential The application of 2842 S OCEAN LLC, Owner, relative to property located at **2842 S OCEAN BLVD SUITE: REC**

AREA, legal description on file, is described below. Special Exception with site plan review request to modify the site plan to relocate the pool cabana bar and construct a small kitchen with seven (7) outdoor seats onto the existing pool deck of the Tideline Ocean Resort. The existing pool bar will become a towel storage building. The proposed hours are 11:00 a.m. to 8:00 p.m. [Applicant's Representative: Maura Ziska, Esq.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00007 SPECIAL EXCEPTION Zoning District: R B Low Density Residential

The application of SULTAN MARILYN R, Owner, relative to property located at **314 DUNBAR RD**, legal description on file, is described below. A request for a special exception to replace a chain link swing gate with a decorative aluminum swing gate in the same location at the driveway entrance on Dunbar Road, which is a dead end street. The existing and proposed gate would be 16.5 feet from the street pavement in lieu of the 18 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00014 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE

Zoning District: R-B Low Density Residential The application of 280 NCR LLC, Owner, relative to property located at **280 N COUNTY RD**, legal description on file, is described below. The applicant is requesting a special exception with site plan review request to allow the construction of a 7,211 square foot two-story single family residence, detached one-story pool cabana and garage on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following variance is being requested: A variance to construct a two-story house with a second story street sideyard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required. [Applicant's Representative: David E. Klein, Esq.] [Architectural Commission recommendation: Implementation of the proposed variance, site plan and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project. Carried 7-0.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00015 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of EVERGLADES CLUB INC, Owner, relative to property located at **500 S COUNTY RD SUITE: CLUBHOUSE (PALM TERRACE BLDG)**, legal description on file, is described below. A request for special exception approval with site plan review to allow modifications to the existing Palm Terrace building by demolition of an existing concrete patio, walkway and ficus trees and construct a new 5,686 square foot coquina tile patio in the same location as extended to the south. The request also includes the addition of a covered area for movable kitchen equipment located between the men's locker room and an existing covered walkway, masonry planters for low plantings and new Buttonwood trees, and new trellis screening at some of the existing openings. Additionally, there is a request to shift the previously approved soil bins to the southeast. [Applicant's Representative: Maura Ziska, Esq.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00016 VARIANCE Zoning District: C-TS Town-Serving Commercial The application of PARAMOUNT CHURCH INC LESSOR, Owner, relative to property located at **139 N COUNTY RD SUITE: 1,** legal description on file, is described below. Request for a variance to allow a previously approved first floor real estate office (Illustrated Properties Real Estate Inc.) to expand across the covered walkway into first floor Suites 1 & 2 which contains 1,318 square feet. The total square footage for both spaces will equal 2,326 square feet. A variance is being requested to have the proposed real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska, Esq.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00017 VARIANCE Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Landmarks Preservation Commission deferred the project to the August 16, 2017 meeting. Carried 7-0.] **Request for Deferral to the September 13, 2017, Town Council Meeting Per Letter Dated July 27, 2017 From Maura Ziska**

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Letter Dated July 26, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

July 27, 2017

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00017 – 8 S Lake Trail

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the August 9, 2017** Town Council agenda **to the September 13, 2017** Town Council agenda. The reason for the deferral is because Landmarks deferred the projects at the July 19, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

MAZ/jch
cc: Architect
00036138.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00018 VARIANCE Zoning District: R-B Low Density Residential The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at **130 DOLPHIN RD**, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0.] **Request for Deferral to the September 13, 1017, Town Council Meeting Per Letter Dated August 1, 2017 From Maura Ziska**

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Letter Dated August 1, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

August 1, 2017

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00018 130 Dolphin Road

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the August 9, 2017** Town Council agenda **to the September 13, 2017** Town Council agenda. The reason for the deferral is because ARCOM deferred the projects at the August 23, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect
00036172.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD SUITE: SITE**, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equlvalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Letter Dated July 24, 2017 From Alex Griswold**
- **E-Mail Dated July 31, 2017 From Bradley Geist**
- **E-Mail Dated July 31, 2017 From Rocco Marcello**
- **E-Mail Dated July 31, 2017 From Stephen Dattels**
- **Letter Dated August 1, 2017 From John Schaefer**
- **Letter Dated August 1, 2017 From Tim Gannon**
- **Letter Dated August 1, 2017 From Marzia Precoda**
- **E-Mail Dated August 2, 2017 From Volk**
- **Letter Dated August 2, 2017 From Volk**
- **E-Mail Dated August 2, 2017 From Wright**

ARMATA
HOLDINGS

Alex Griswold, Managing Member
205 Royal Palm Way, LLC
Palm Beach, Florida 33480

July 24, 2017

Madam Mayor and Members of the Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00020- Special Exception Request for Carriage House
264 and 270 South County Road

Dear Mayor Coniglio and Members of the Town Council:

I have called Palm Beach home since 1985. As Managing Partner of 205 Royal Palm Way, LLC, I am very excited to learn of the new ownership and new plan for the empty, dilapidated buildings located at 264 and 270 South County Road. I believe a new upscale private club will be an excellent use of the buildings and will be a huge amenity for our property's tenants and their clients. It will also help to activate a street that is full of empty storefronts. We have reviewed the plans and fully support this concept, which will be an asset to the Palm Beach community.

Thank you for your consideration.

Sincerely,

Alex Griswold

Alex H. Griswold
222 Lakeview Ave.
Suite 1550
West Palm Beach, FL 33401

From: Kathleen Dominguez
To: Kathleen Ruderman
Subject: FW: ZONING CASE # Z-17-00020
Date: Monday, July 31, 2017 9:08:06 AM

Good morning,

Below is an email from a resident regarding one of the agenda items for the Development Review meeting. I will forward this on the MTC.

Kathleen Dominguez
Deputy Town Clerk

Town of Palm Beach
Town Clerk's Office
360 S. County Road
Palm Beach, FL 33480
561-838-5416

-----Original Message-----
From: Bradley Geist [mailto:bradley.geist@gmail.com]
Sent: Saturday, July 29, 2017 11:53 AM
To: Town Clerks Staff <TownClerk@townofpalmbeach.com>
Subject: Fwd: ZONING CASE # Z-17-00020

Sent from my iPhone

Begin forwarded message:

> Dear Mayor Coniglio and President Kleid:
>
> My wife , Catharine K. Warren and I , Bradley B. Geist, own the property located at 234 Phipps Plaza. We are unable to attend the hearing relating to Zoning Case # Z-17-00020 scheduled for August 9, 2017. We respectfully request that this letter be read into the record, should the hearing proceed , and made a part of the official documentation thereof.
>
> The owners of 264 and 270 South County Road , Carriage House Properties Partners LLC, hereinafter " CHPP " have filed for " Special Exceptions " in connection with its request to be granted the right to create a " Private Club " , hereinafter " CLUB ", in a C-TS Zone. Such a CLUB is NOT a " by right use ".
>
> It greatly concerns us that approval for a project of the size and scope of the CLUB as proposed by CHPP, which will certainly impact the character of Phipps Plaza (the first " Historical District " in Palm Beach) , comes before the Town Council at a time when many of the residents of Phipps Plaza are away from their homes and unable to be heard in person on the merits of , or lack thereof for , the proposed CLUB. Should the Mayor and Town Council share this concern and desire the opportunity to hear more fully from the residents of Phipps Plaza, we ask that this hearing be adjourned and rescheduled for a date in early November 2017.
>
> In the event that the Town Council deems it appropriate to proceed with this hearing , we again respectfully ask that the Town Council require before any further proceedings that CHPP be required to file a Declaration of Use Agreement , hereinafter DUA , by which it is bound, and further which is approved by the Town Council , and still further which is filed with all appropriate authorities. The DUA shall recite , as a minimum and among others , the following :

> 1) CHPP is NOT “ grandfathered “ under any previous DUA;
> 2) CHPP, its employees, including construction trades, delivery trades , staff and members (other than bona fide residents or bona fide tenants of Phipps Plaza
> shall NEITHER park, or have parked (e.g. via a valet service) any vehicle in Phipps Plaza; NOR use any road surfaces in Phipps Plaza for any reason relating
> to the construction, use or operation of the CLUB;
> 3) No use of any green spaces , i.e. the Phipps Plaza Park , shall be permitted;
> 4) CHPP shall NOT utilize any outdoor area of the CLUB , e.g. courtyard, for dining or bar functions;
> 5) CHPP shall use all reasonable noise abatement means during construction, and in connection with any CLUB operations ; and further all CLUB
> events involving amplified music shall be concluded not later than 11 PM on the day(s) of said event ; and
> 6) The United States Postal Box , located on the north side of CHPP’s 264 property, shall not be removed , or otherwise relocated.
>
> The forgoing are deemed essential to the continued quiet enjoyment of our, and our neighbors homes.
>
> RESPECTFULLY,
> Bradley B. GEIST
> Catharine K. WARREN
>
> JULY, 29TH, 2017
>

From: Maura Ziska
To: Kelly Churney; Kathleen Ruderman
Subject: FW: Proposed private club at 264 S. County Rd.
Date: Monday, July 31, 2017 11:01:24 AM

Please add the below support letter for the August 9th TC meeting agenda for -17-00020. Thank you! Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)
This electronic message transmission contains information from the law firm of Kochman & Ziska PLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

-----Original Message-----
From: Rocco Marcello [mailto:RMarcello@CLARENDONCC.COM]
Sent: Monday, July 31, 2017 8:57 AM
To: Maura Ziska <MZiska@floridawills.com>
Subject: FW: Proposed private club at 264 S. County Rd.

FYI

Rocco A. Marcello

-----Original Message-----
From: JENNIFER MARCELLO [mailto:luvroc@me.com]
Sent: Monday, July 31, 2017 8:54 AM
To: rkleid@townofpalmbeach.com
Cc: Rocco Marcello; datco@minexinc.com
Subject: Proposed private club at 264 S. County Rd.

To the Town of Palm Beach Town Council:

We have been residents of Palm Beach for about 30 years.
We have long admired the building at 264 S. County Rd and were sorry to see the previous restaurant business that occupied the property close and the building remain empty since then. It is a unique and historic building deserving of restoration and an appropriate business tenant. We are wholly supportive of its use as a private club. It would be Town serving, less obtrusive than a restaurant and by definition include a group of members who have an interest in ensuring that the building and the business be well maintained and run.

Sincerely
Rocco and Jennifer Marcello
170 Clarendon Ave
Palm Beach,FL 33480

Jen
PLEASE NOTE MY NEW EMAIL ADDRESS IS luvroc@me.com.

From: Maura Ziska
To: Kathleen Ruderman; Kelly Churney
Subject: FW: Proposed private club at 264 S. County Rd.
Date: Monday, July 31, 2017 11:33:41 AM

Please add this support letter to the back up for August 9 TC meeting Z-17-00020 thanks. Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)
This electronic message transmission contains information from the law firm of Kochman & Ziska PLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

-----Original Message-----
From: Rocco Marcello [mailto:RMarcello@CLARENDONCC.COM]
Sent: Monday, July 31, 2017 11:28 AM
To: Maura Ziska <MZiska@floridawills.com>
Subject: FW: Proposed private club at 264 S. County Rd.

FYI

Rocco A. Marcello

-----Original Message-----
From: Stephen Dattels [mailto:datco@minexinc.com]
Sent: Monday, July 31, 2017 9:02 AM
To: JENNIFER MARCELLO; rkleid@townofpalmbeach.com
Cc: Rocco Marcello
Subject: Re: Proposed private club at 264 S. County Rd.

Dear Town Council Members:-

My wife Jennifer and I also are very supportive of the proposed private club. An upscale club in the style of The Hertford Club in London which was mentioned in the Shiny Sheet of which we are members would be a most welcome venue in Palm Beach.
Yours sincerely,
Stephen & Jennifer Dattels

Dear Mayor Coniglio and President Kleid

We own Apartment 5 at 200 Phipps Plaza. We are unable to attend the hearing related to Zoning Case #Z-17-00020 currently scheduled for August 9, 2017. We request that this letter be read into the record should that hearing proceed and therefore become a part of the record related to this matter.

The owners of 264 and 270 South County Road, Carriage House Properties Partners LLC (the "Developers") have filed for Special Exceptions in connection with its request to be granted the right to create a 10,000 sq foot private club (the "Club") in a C-TS zone. Such a club is NOT a "by right use".

We are very concerned that approval of a project of the size and scope proposed by the Developers will negatively impact the character of Phipps Plaza. This application comes before the Town Council at a time when the majority of the residents of Phipps Plaza are away from Palm Beach and therefore unable to be heard in person. Should you and the Town Council share this concern and desire to hear more fully from Plaza residents we ask that the planned hearing be adjourned and rescheduled for a later date this winter.

In the event the Town Council deems it appropriate to proceed we, at a minimum, ask that they require, before any further proceedings, that the Developers file a new Declaration of Use Agreement ("DUA"). Please do not allow the Developers to rely on prior granted Special Exceptions or the previous 1997 and 2005 Declarations of Use Agreements used by the former 264 Grill. This application is a SIGNIFICANT intensification of use and should be subject to new agreements of use.

A new DUA should address (1)days and hours of operation, (2)parking, (3)road use, (4)amplified music and related noise levels, (5) outdoor dining and bar functions, (6) construction and ongoing delivery routines within Phipps Plaza and (7) use of Phipps Plaza park. These are the fundamental issues we are concerned with. We have attempted to get answers from Ms. Ziska, the Developers' council related to this application. Her repeated answer is "it's a work in progress"

It would seem from Ms Ziska that the club intends to operate from breakfast (beginning 7-8am?) until 2-3 am so it would appear the Club will be in operation 18-20 hours a day 7 days a week first as a breakfast club then a lunch club then a dinner club and then as a night club. When asked about late night noise she assures us the club will not be open to "the public" but only to members with the inference that club members , after a night of revelry, are quieter at 2am than "the public"

As it relates to parking, Ms Ziska says the Developers will have valet parking using the Wells Fargo or JPMorgan lots. At the moment this is only an idea not a signed agreement. It is our understanding that Wells Fargo has a policy against allowing such parking leases. What is known from the application is the valet will use 66 street parking spots including permit spots

within Phipps Plaza. Ms Ziska says the valet will be on South County and therefore will not use the Phipps Plaza round about. A close look at the floor plans in the Developers' offering brochure indicates the reception desk is located inside the doorway within Phipps Plaza on the Plaza roadway not at the South County doorway. Cars electing not to valet park will enter Phipps Plaza roadway round about ,circle the park, and drop off at the Phipps Plaza doorway - the same with pick ups.

Ms Ziska's response related to noise and amplified music is that there is a Town code that limits it subject to enforcement. They will try to see if construction materials will help. Yet again a hope not a condition.

It is my understanding that the Town has turned down outside tables. It would be appropriate to ban any outside dining or bar activities to eliminate noise that may occur is such space is used for functions such as receptions, parties, etc. It would also make sense to make it clear that the Club cannot use Phipps Plaza park for its operations.

When asked about construction parking and construction deliveries, Ms Ziska says Town practice on major projects like this is to bus workers to the job site. This again is a general statement without any agreement to do it. Construction supplies will be delivered on South County. A follow up question about ongoing food and supply deliveries once the Club is in operation she again says that will all be on South County not within Phipps Plaza. Again an idea but not an agreement. We would suspect the Town would have a problem given that would block the right turn lane on South County.

The Town should ask the Developers about their plans for the use of 238 Phipps Plaza which was recently purchased by Joshua Levy of Green Light Partners, one of the Developers partners. Will that be added to the club foot print? Will it be used for transient lodging for out of town members? It also appears that the 4 unit apartment building at 236 Phipps Plaza is under consideration by the Developers. Again will that be part of the application and therefore should be considered in terms of impact on Phipps Plaza.

It would seem that with so few firm answers and so much "work in progress" that the Town should slow down and wait for the traffic and parking study. Allow the Town staff to analyze it and make recommendations. At that point, after considering feedback from members of the residential community at Phipps Plaza, the Town can structure a fair and balanced agreement with the Developers. Don't be pushed into a conditional hearing at this point.

Phipps Plaza is a unique and historic residential community. All we ask is that we can continue to enjoy the quiet community we share with our neighbors.
Thanks for your consideration

John H Schaefer and Pamela D Zilly August 1, 2017
CC:Danielle Moore, Margaret Zeidman,Bobbie Lindsay,Julie Araskog,Thomas Bradford,John Page and Paul Castro

PALM BEACH
RESTAURANT PARTNERS LLC

August 1, 2017

Madam Mayor and Members of Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00020 Carriage House 264-270, South County Road

Dear Honorable Mayor Gail Coniglio and Town Council

I am writing to support the plans for a proposed restoration of the historic building into a European style private club.

I think bringing an historic building back to life in a tasteful manner fits what this island needs. It beautifies these buildings and brings them out of dormant decay plus adds another exciting place to go at night.

I am in full support of this project.

Sincerely,

Tim Gannon
Palm Beach Resident – 1300 N Ocean Blvd
Landmarks Commission Member

Madam Mayor and Members of the Town Council

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Carriage House, 264/270 South County Road

Dear Honorable Mayor Coniglio,

As a longtime resident of Palm Beach, I am ecstatic to find out that the Carriage House may soon be restored and that a private Club will be added.

I am looking forward to become member of the Club, where my children and I will meet our friends, and spend time in such historic building.

I am so proud and grateful to be part of a community that values its history, our happiness and safety.

Sincerely,

Marzia Precoda

Marzia Precoda
261 El Bravo Way
Palm Beach

From: Paul Castro
To: Kelly Churney; Kathleen Ruderman
Subject: FW: Letter of objection for Carriage House Club, Z-17-00020
Date: Wednesday, August 02, 2017 12:08:56 PM

---

fyi

From: Kathleen Dominguez
Sent: Wednesday, August 02, 2017 12:08 PM
To: Volklory@aol.com; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>
Cc: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; John Page <JPage@TownofPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>
Subject: RE: Letter of objection for Carriage House Club, Z-17-00020

Mrs. Volk,

The Town of Palm Beach is in receipt of your letter of objection and exhibits regarding the above subject.

Please be assured that all of the parties that you carbon copied in your original email below have received the letter as well. I have also forwarded a copy of the letter to the Clerk so that it will be included in the back-up material for the Town Council Development Review Meeting on the 9th.

If there is anything else that you need in the meantime, please let us know.

Thank you,

Kathleen Dominguez
Deputy Town Clerk

Town of Palm Beach
Town Clerk's Office
360 S. County Road
Palm Beach, FL 33480
561-838-5416

From: Volklory@aol.com [mailto:Volklory@aol.com]
Sent: Wednesday, August 02, 2017 11:35 AM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>

Cc: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; John Page <JPage@TownofPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>
Subject: Letter of objection for Carriage House Club, Z-17-00020

Dear Mayor Coniglio and Members of the Town Council and Others as Copied,

Please find attached our letter of objection, inclusive of exhibits A, B, and C to ***The Carriage House Properties Partner, LLC Application for Special Exception and Site Plan Review Zoning Case #Z-17-00020 located at 264 and 270 South County Road***

Please include our letter for the record/backup for the upcoming TC meeting scheduled hearing date of August 9, 2017.

Sincerely yours,
Lory and John Volk

Ref: Z-17-00020
Carriage House Properties Partners, LLC
Special Exception with Site Plan Review
Applicant Name: Carriage House
Subject Property: 264 and 270 South County Rd.
Zoning: District: C-TS
Abutting: Residential Historic Phipps Plaza

August 2, 2017

Dear Mayor Coniglio and Town Council members Kleid, Araskog, Lindsay, Moore and Zeidman:

As property owners of 206 Phipps Plaza, we, along with many others in Phipps Plaza, are greatly concerned about the 11,025 square-foot application submitted by "Carriage House Club" (CHC).

Based on the references contained within this letter, the application should not be heard at your August 9, 2017 Developmental Review meeting, not even as a "concept". It should be pulled from the agenda at the beginning of the meeting if not before.

We understand that Attorney Ziska is pushing to have the application heard on a conditional basis. As you will read below, there is no justification for complying with her request. There are several significant flaws with her client's proposal including the fact that "**there is absolutely no off-street parking for this use"** as stated by staff. This is not an application that simply needs to be tweaked. Its deficiencies and the scope of the concept, itself, are glaring and uncorrectable, thereby rendering this application unable to be heard, conditionally or otherwise!!! An entirely new application would need to be submitted, if one could be submitted at all.

Further proof that the application is deficient is that Mrs. Ziska has submitted an aerial photo with her application showing parking in the surrounding area that "identifies" the 66 parking spaces "needed" by The Club based on its proposed number of members (without enumerating other parking spaces required by code). In her count, she includes the 44 Phipps Plaza "permit parking only " spaces which are used by occupants of the Plaza, claiming that these spaces are "available" to her client. They aren't. (exhibit C)

If you allow the Carriage House application to be heard despite the absence of requirements, inclusions and data needed for the application, you will be doing so with

the knowledge that the applicant and presenter are functioning absent the rules required by all other applicants with regard to sufficiency in addition to serious non-compliance with zoning requirements and the Town's Comprehensive Plan.

Application is facially insufficient and legally deficient:

1. It is facially insufficient and deficient for many reasons including unclear representation, lack of a complete parking statement for off-street parking, details on the number of employees and their shifts and parking requirements associated with them or Club guests in addition to members and absence of a concurrency and parking and traffic circulation study required for the Town's review of the application. These issues and others including life safety concerns were raised by staff in their "Departmental Review Comments (DRC) (attached as exhibit A). Staff has done an outstanding job in their review of this application.

The DRC clearly state that the application is flawed because it is facially insufficient, including the fact that "The application [also] is also deficient as there is no reference to who the representative of "Carriage House" is on the applicant line".

Zoning Director Paul Castro cites issues including negative impacts to South County Road and Phipps Plaza and the facial deficiency of the application: "The principle of equivalency calculations are incorrect. The applicant cannot use previously granted relief for a different land use in its calculation."

Mr. Castro goes on to say "I believe there will be significant negative impacts to South County Road in that area and Phipps Plaza. There is absolutely no off-street parking for this use and assembly of Club members for events will increase parking demands in that area. Staff will be requiring concurrence and a parking and traffic circulation study by the Town's Consultant as part of the Town's review of the application."(For your information, it is our understanding that this required parking/traffic study may have only just been contracted and may not be ready by the time the Council meets on August 9th. Consequently, it is unlikely that staff will have sufficient opportunity to review it in time for the August 9th meeting, nor will there be sufficient required time for review by all affected property owners and other members of the public.

Mr. Castro also states: "In addition, Exhibit C of the application relating to the Parking Statement is not completed. The application requires a detailed parking statement which includes details of all available parking. There is no information regarding the number of employees per shift nor any indication where employees would park. The attorney wrote "N/A", not applicable". The required information relates to the three parking items Mr. Castro cites, since the application says they MUST be provided by Commercial properties. (exhibit C) Furthermore, Planning, Zoning and Building Director John Page states in the DCR that the "intensification of use and absence of parking will create constant circulation problems".

2. Also, more importantly and of great concern, is that in addition to having filed a deficient application, the applicant is attempting to improperly gain approvals with the submission of a Special Exception with Site Plan Review application even though the request is for two entirely new land uses for each of the two parcels.

One of the parcels, which formerly housed the restaurant located at 264 South County Road, has been abandoned/discontinued for more than two years and we believe this should have triggered a new set of zoning requirements and associated applications including the fact that there is no off-street parking available to this applicant.

Additional Reasons for Denial:

Prohibited Intensification of use:

1. The application is an intensification of use for this CT-S section of Town which abuts the Historic Landmarked Phipps Plaza District, the first historic district in the town, (which is zoned as R-B). This intensification is contrary to the Town's Comprehensive Plan.

2. The intensification is also legally prohibited by the 1997 Declaration of Use Agreement, (DUA) (Exhibit B) agreed-to between the Town and the former owner and restaurant operator of the 264 South County Road restaurant that was filed with the Palm Beach County Court. This agreed-to DUA was required/ connected to Special Exception #36-97, as listed within the history section of the Carriage House Club (CHC) application. The Agreement was reaffirmed in 2005 (Most likely, the Agreement came to light when the new owner did a title search, as it is easily found in the court records.)

The DUA, under "Recitals" item # 6, states in part that *"Any new proposed restaurant operator at this location shall be required to obtain all new zoning approvals from the Town Council* ". It would seem that this Agreement runs with the property and is still in effect. Consequently, isn't there a legal requirement that any application for this property that comes before the Town Council for approval must contain all new zoning approvals including increase in size, parking, number of seats, loading/berth and other zoning requirements? Additionally, with regard to zoning approval/relief given in the past for this location, it seems clear that the relief claimed by Attorney Ziska and the applicant is no longer in effect.

Zoning Deficiencies and Life Safety Issues

There is a whole section in the zoning code regarding parking and equivalency as well as a requirement for off- loading parking berths for C-TS use of this size which would require a loading berth to be created, since there is no on-site parking, it would be impossible to fulfill this requirement, see below Sec. 134-2211 . We have been told that Attorney Ziska has promised owners in Phipps Plaza that the loading would take place on South County Road. This block is part of a major north- south thoroughfare.
This commercial activity would create an added burden to traffic flow in this area,

including negatively impacting vehicles that are traveling south along South County Road and those using the dedicated right hand turn lane to head west bound on to Royal Palm Way, that will get backed up trying to make the turn. Adding to this unsafe situation, there is no crosswalk in the middle of the block for those who would chose to self-park to cross South County Road to go to the proposed Club. The cross walk is at the corner of South County Rd. and Royal Palm Way.

DIVISION 3. - OFF-STREET LOADING

Sec. 134-2211. - Number and dimensions of berths for commercial uses.

(a) In any zoning district, in connection with every building or building group or part thereof erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by commercial uses or other uses similarly *requiring* the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading or unloading berths in a number not less than the following:

(b) The loading berth *required* in each instance shall be not less than 12 feet in width, 25 feet in length, and 14 feet in height, and may occupy all or any part of any *required* yard except for a *required* front yard, provided, however, that the loading berth shall be screened from the street or public way.

(Ord. No. 2-74, § 6.22, 3-26-74)

For your information, according to the article printed in the *Palm Beach Daily News*, titled, *"Iconic 264 The Grill closes doors after nearly 40 years,"* July, 01, 2015: "264 the Grill, quietly closed its doors on June 21 (2015)". This timetable speaks to issues regarding "discontinuance or abandonment of use".

Mr. Castro, as Zoning Administrator, can provide additional references as to zoning issues which will probably include this citation from the zoning code regarding Sec. 134-228 and the legal requirements for new applications – they are important to consider as they relate to the compatibility of the new major intensification of use the Carriage House application is asking for under a Special Exception as a Club. It is also important in relation to the Historic Phipps Plaza residential community and other nearby residential properties since this use and the negative impacts associated with it are incompatible with protections within our zoning codes and the Comprehensive Plan's Goals, Policies and Objectives. Since there is no automatic transfer of use per the zoning code coupled with item # 6 included in the 1997 Declaration of Use Agreement discussed above, **it would appear that contrary to the claims within the current application for CHC, the submission of entirely new applications and compliance with all zoning codes will be required for any new application at this location.**

Sec. 134-228. - Discontinuance or *abandonment* of *use.*

If an authorized or existing special exception use is discontinued for any period of time with the intention on the part of the owner to *abandon* such special exception use or if the use is discontinued for a period of two years without the intention of the owner to

abandon, such shall be an abandonment thereof, and the special exception use shall thereby be immediately terminated and may not thereafter be revived except upon new application and approval by the town council.

(Ord. No. 2-74, § 6.40(n), 3-26-74; Ord. No. 3-77, § 11, 3-29-77; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 12, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 1-85, §§ 3(b), 4(d), (e), 2-11-85; Ord. No. 1-90, § 4(d), 2-5-90; Ord. No. 1-91, § 4(c), (d), 4-23-91)

Sec. 134-229. - Requirements for granting.

The requirements for granting a special exception *use* under this chapter are as follows:

(1) The *use* is a permitted special exception *use* as set forth in article VI of this chapter.
(2) The *use* is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
(3) The *use* will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
(4) The *use* will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
(5) The *use* will comply with yard, other open space, and any special requirements set out in article VI for the particular *use* involved.

(6) The *use* will comply with all elements of the comprehensive plan.
(7) The *use* not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district. (8)
Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
(10) Location, availability and compatibility of utility service for the *use* shall be satisfactory to ensure health and safety.
(11) Refuse and service areas for the *use* shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare *uses*, the proposed special exception *use* will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed *use* will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The

submittal shall include a description of the types of information *used* and the methodology employed to arrive at the conclusion. Information *used* shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception *use* is continuing to be town-serving.

(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

(14) The proposed *use* will not place a greater burden than would be caused by a permitted *use* on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

(Ord. No. 2-74, § 6.40(a)—(m), (r), 3-26-74; Ord. No. 3-77, § 11, 3-29-77; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 12, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 1-85, §§ 3(b), 4(d), (e), 2-11-85; Ord. No. 1-90, § 4(d), 2-5-90; Ord. No. 1-91, § 4(c), (d), 4-23-91; Ord. No. 1-96, § 7,

Non-Compliance with the Town's Comprehensive Plan

There are a number of citations in the Comprehensive Plan (CP) that are incompatible with the request to open a Club as a Special Exception in the C-TS Zoned District.

For example, the Executive Summary within the FUTURE LAND USE ELEMENT of the Town's Comprehensive Plan clearly states that : "the Town of Palm Beach is essentially "built-out", that we have developed into a "premiere residential community" with a focus on its protection while "maintaining the culture, serenity and the unique character". Page I-3.

Additionally, under Land Uses: (page I-3)

> Palm Beach has grown more gracefully than most Florida communities. Decades of careful planning and the dedication of its Townspeople to preserving community values have resulted in a unique and highly desirable quality of life. However, the very aspects of the Town that appeal to most of its citizenry—superlative stores and restaurants, grand architecture and landscaping, and beautiful homes—also attract tourists and other visitors. As a result, during the peak season, the Town's traffic and limited availability of parking reach critical levels that threaten the community's identity, character, and quality of life.

If 4,000 sf is still the maximum allowable GLA, this applicant should not /could not get a waiver since there is no parking to support the proposal and there is no hardship per the Comp Plan (page I-4)

The Town's Zoning Ordinance has established 4,000 square-feet as the maximum gross leasable area for commercial establishments in certain districts. To be granted a waiver from this provision, the applicant must demonstrate that the business is Town-serving; that adequate parking is available to support the request for increased floor area; and, that a hardship exists which prevents them from conducting their Town-serving business within 4,000 square-feet or less. The most common waivers have been for financial institutions and professional office space.

Additional portions of the Comp Plan. (Page I-5) speaks to minimizing impact to the Town as it relates to traffic and minimizing the change from low density to more intensive use:

The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth:

> To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

There has been no increase or decrease in the land area of Palm Beach since the last Evaluation and Appraisal Report (EAR). Further, practically all construction in the Town since the last EAR has been the result of redevelopment of the same type of use that existed prior. ~~Consequently, the~~

The application for the Club is new use, not " the same type of use that existed prior" (I-8). Also, on (page I-13):

However, in order to maintain the Town's predominantly residential character, no additional lands for commercial uses are considered necessary or appropriate. The Town's inventory of recreational lands and facilities is more than adequate to provide for anticipated needs throughout the planning period. Given the small amount of population growth projected, no additional land will be needed for governmental or institutional uses.

Page I-16 states that the

Comprehensive Plan suggests that the ~~lynchpin of what makes the~~ special physical character of the Town of Palm Beach ~~so special~~ is the Town's long standing commitment to gradual and graceful evolution of development within the Town - as opposed to significant departures from the existing fabric of development.

Contrary to the Town's Comprehensive Plan, this proposed use is not a gradual and graceful evolution of development.

There are many other flaws with this application which have not been included in this letter. We trust you will agree that this application should not be heard, in any form, on August 9th. And, if and when any new application for the property is submitted to you in the future, it is imperative that the burden of proof for the granting of any approvals must be satisfied by the applicant.

Sincerely yours,

Lory and John Volk

Please ask the Town Clerk to read this into the recorded record after the meeting as well as place our letter in the file as part of the backup record for the Aug. 9th, 2017 TC meeting.

Exhibit A:

Departmental Review Comments (DCR)

For Carriage House Application Z-17-00020

264 and 270 South County Road

PLANNING, ZONING & BUILDING DEPARTMENT
DEPARTMENTAL COMMENTS MEETING

Z-17-00020 Date of Meeting: 8/13/17

Address: 264 S. County Rd

Please provide comments in the designated space, along with a detailed explanation.

POLICE DEPARTMENT
NO COMMENT ✓ COMMENTS

Name Ben Hunt Position Code Signature [signature] Date 6/29/17

FIRE-RESCUE DEPARTMENT
NO COMMENT COMMENTS proposal shows a increase in occupancy with table. We need a life safety plan with exit corridors + travel distance parking concerns for Emergency Vehicle access

Name Marvin DeLorah Position Fire Marshal Signature [signature] Date 6-29-2017

PUBLIC WORKS DEPARTMENT
NO COMMENT COMMENTS

Name Position Signature Date

COMPREHENSIVE PLAN & ARCOM/LPC
NO COMMENT ✓ COMMENTS

Name John Lindgren Position Plan. Admin Signature [signature] Date 7/7/17

BUILDING
NO COMMENT ✓ COMMENTS

Name William Bucklew Position Building Official Signature [signature] Date 6/29/17

ZONING
NO COMMENT_____ COMMENTS The principle of equivalency calculations are incorrect. The applicant cannot use previously granted relief for a different landuse in its calculations

Name Paul Castro Position Zoning Admin. Signature Paul Castro Date 6/29/17

TOWN MANAGER
NO COMMENT ✓ COMMENTS_____

Name JAY BOODHESHWAR Position Deputy TM Signature [signature] Date 7-13-17

PLANNING, ZONING & BUILDING DEPARTMENT
NO COMMENT_____ COMMENTS_____

Conversion of "restaurant" to "Club" = intensification of use. Absence of off-street parking will create constant traffic circulation problems.

John Page 6/29/17
DIRECTOR, PLANNING, ZONING & BUILDING DATE

OTHER: The application also is also difficient as there is no reference to who the representative of "Carriage House" is on the applicant line. I believe there will be significant negative impacts to South County Road in that area and Phipps Plaza. There is absolutely no off-street parking for this use and ~~[illegible]~~ assembly of Club members for events will increase parking demand in that area. Staff will be requiring concurrency and a parking and traffic circulation study by the Town's Consultant as part of the Town's review of the application.

In addition, Exhibit C of the application related to the Parking Statement is not completed. The application requires a detailed parking statement which includes details of all available off-street parking. There ~~is~~ no information regarding the number of employees per shift nor any indication where employees would park. The attorney wrote "N/A" not applicable.

Exhibit B:

Delegation of Use Agreement

Created out of the Special Exception #36-97

An agreement between the Town and the then property owners of 264 South County Road.

Filed with the Palm Beach County Clerk of Courts on Nov. 20, 1997 and reaffirmed in the backup for use with Special Exception #14-2005.

Note the on page 2 of the 1997 DUA under Recitals #6 in part says:

Any proposed new Restaurant operator at this location shall be required to obtain all new zoning approvals from the Town Council.

Victor de MARINIS
264 So. County rd
Palm Beach, Fla
33480

NOV-20-1997 10:45am 97-415725
ORB 10094 Pg 1390

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF AGREEMENT ("Agreement") is made and entered into as of this 19th day November, by and between 264 the Grill, Inc ("Owner") and the TOWN OF PALM BEACH, a municipal corporation existing under the laws of the State of Florida("Town").

RECITALS

WHEREAS, Owner has a Leasehold Estate in the following described property situated, lying and being in the Town of Palm Beach, Palm Beach County, Florida ("Leasehold Property").

A portion of Lot L, Phipps Plaza, as recorded in Plot book 20, Page 72, of the public records of Palm Beach County, Florida.

WHEREAS, the Town has granted the Owner a special exception (#36-97) to allow the Owner to expand its restaurant space at the Leasehold Property from 2,461 sq. ft. to 3,407.1 sq. ft. and add 15(fifteen) more seats; and

WHEREAS, as part of granting such approvals, the Town requires that the Owner comply with certain use requirements at the Leasehold Property.

NOW, THEREFORE, in consideration of Ten and 00/100($10.00) dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the Town agree as follows:

1. The passenger loading and unloading zones can not be moved or relocated without prior Town council approval.

2. The applicant shall be limited to only the 15(fifteen) additional seats above the 103(one hundred three) seats previously approved.

This is not a certified copy

3. The existing main entrance on the southeast corner of the restaurant shall be converted to use only as fire exit and shall be equipped with panic hardware.

4. Phipps Plaza or the entrance thereto shall not be used as a passenger loading and unloading zone or for turn around movements by the restaurant's parking attendants.

5. The Declaration of Use Agreement required for the approval of Special Exception #30-95 shall also apply to this approval.

6. This approval is specifically for the operation of 264 The Grill, Inc. by Victor de Marinis, owner. Any proposed new restaurant operator at this location shall be required to obtain all new zoning approvals from the Town Council.

This Agreement shall be a covenant running with the Leasehold Property and shall be binding upon the Owner, Its successors and assigns, and shall constitute notice to all persons whomsoever of the terms and provisions herein set forth.

This Agreement shall be recorded in the public records of Palm Beach County, Florida.

IN WITNESS WHEREOF the parties have executed and entered into this agreement as of the date set forth above.

Signed, sealed and delivered
in the presence of:

Witness

Pamela J. Cristiano
Print Name

OWNER:

264 The Grill, Inc.

By: Victor de Marinis
Victor de Marinis
Its: President

This is not a certified copy

TOWN OF PALM BEACH

Witness

By: Robert J. Doney
Robert J. Doney, Town Manager

LINDA L. GEORGE
Print Name

ATTEST:

Mary Pollitt, Town Clerk
Susan Eichhorn, Acting Town Clerk

Witness

Cindy Cousins
Print Name

APPROVED AS TO LEGAL SUFFICIENCY:

John C. Randolph, Town Attorney

Reviewed by Robert L. Moore
Director of Planning Zoning & Building

This is Not a Certified Copy

CONSENT OF LANDLORD

Carriage House, Inc is the Landlord of that certain property equally described under "Leasehold Property". The Landlord hereby consents to the terms and provision of the Declaration of Use Agreement entered into by Owner. Landlord shall have no liability whatsoever with respect to the compliance (or non-compliance) by Owner with requirements set forth in said Declaration of Use.

Carriage House, Inc
Landlord

By: [signature]

Its: President

Dated: 11-10-97

This is not a certified copy

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 10th day of November, 1997, by Victor de Marinis, President of 264 The Grill, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me or has produced Florida Driver's License Number _____ as identification and who did not take an oath.

Signature of Notary Public

Pamela J. Cristiano
Printed Name of Notary Public

Commission No.: _____

Commission Expires:

PAMELA J. CRISTIANO
My Comm Exp. 8/1/2000
Bonded By Service Ins
No. CC585103
[ ] Personally Known [ ] Other I.D.

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 10th day of November, 1997, by A. Jeanne Marks, President of Carriage House Inc., a Florida corporation, on behalf of the corporation. She is personally known to me or has produced Florida Driver's License Number _____ as identification and who did not take an oath.

Signature of Notary Public

Pamela J. Cristiano
Printed Name of Notary Public

Commission No.: _____

Commission Expires:

PAMELA J. CRISTIANO
My Comm Exp. 8/1/2000
Bonded By Service Ins
No. CC585103
[ ] Personally Known [ ] Other I.D.

This is not a certified copy

ORB 10094 Pg 1395
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19 day of NOVEMBER, 1997, by Robert J. Doney, the Town Manager of The Town of Palm Beach, a Florida municipal corporation. He is personally known to me or has produced Florida Driver's License Number PERSONALLY KNOWN as identification and who did not take an oath.

Mary P McQuaig
Signature of Notary Public

OFFICIAL NOTARY SEAL
MARY P MCQUAIG
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC597742
MY COMMISSION EXP. OCT. 31,2000

McQuaig, Mary P
Printed Name of Notary Public

Commission No. CC597742

Commission Expires: Oct 31, 2000

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19 day of NOVEMBER, 1997, by Robert L. Moore, the Director of Planning, Zoning & Building of The Town of Palm Beach, a Florida municipal corporation. He is personally known to me or has produced Florida Driver's License Number PERSONALLY KNOWN as identification and who did not take an oath.

Mary P McQuaig
Signature of Notary Public

OFFICIAL NOTARY SEAL
MARY P MCQUAIG
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC597742
MY COMMISSION EXP. OCT. 31,2000

McQuaig, Mary P
Printed Name of Notary Public

Commission No. CC597742

Commission Expires: Oct 31, 2000

This is not a certified copy

Exhibit C:

Zoning application Z-17-00020

Carriage House Application for 264 and 270 South County Road

Submitted by the applicant:

1. The application itself.
2. Submitted Arial showing parking count in the adjacent area.
3. Proposed interior plans for the application, A-1.0, A-1.1 and A-1.2.

ZONING APPLICATION
TOWN OF PALM BEACH

Z-17-00020
(Zoning Case Number)

This application includes requests for:
_X_ Site Plan Review
_X_ Special Exception
___ Variance

TO BE HEARD BY THE TOWN COUNCIL ON AUGUST 9, 2017 AFTER 9:30 A.M., IN THE TOWN OF PALM BEACH COUNCIL CHAMBERS LOCATED ON THE 2ND FLOOR, 360 SOUTH COUNTY ROAD, PALM BEACH.
Pursuant to the Town Zoning Code of Ordinances, Sections 134-172 (Special Exceptions and Variances) and/or 134-328 (Site Plan Review), this application is being sent to all property owners within 300' of the location of the subject zoning application. A copy of this application along with all exhibits such as large drawings and other supporting documents that are not attached to this application are available for inspection at the Town's Planning, Zoning & Building Department, 360 S. County Rd., east entrance, weekdays between the hours of 8:30 a.m. and 4:30 p.m.

All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing. If any person decides to appeal any decision made by the Town Council with respect to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

I. SUBJECT ADDRESS: 264 and 270 South County Road Zoning District: C-TS

Fee Simple Property Owner's Name: Carriage House Properties Partners LLC, a Delaware limited liability company

Legal Description: Lots K and L of PHIPPS PLAZA, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and For Palm Beach County, Florida, recorded in Plat Book 20, Page 72.

Name and address of person who can receive service of process for purposes of litigation in Palm Beach County: Maura Ziska, Esq. 222 Lakeview Ave, Suite 1500 West Palm Beach, FL 33401

Applicant Name: Carriage House

Contact phone: c/o Maura Ziska 561-802-8960

II. **DESCRIPTION OF THE REQUEST TO BE HEARD BY TOWN COUNCIL, citing applicable Town Zoning Code Section Number(s):**

A. Applicable Zoning Code Section Number(s):

1. Section 134-329 Review by Town Council.

2. Section 134-1109 Special Exception (4) Private social, swimming, golf, tennis and yacht clubs.

3.

Z-17-00020
Zoning Case Number

Respectfully submitted,

Maura Ziska

Applicant's Signature

Maura Ziska, Attorney for Carriage House
Typed name & telephone # 561-802-8960

Maura Ziska

Property Owner's Signature
(or his/her duly authorized attorney)
Maura Ziska, Attorney for Carriage House
Typed name & telephone # 561-802-8960

Z-17-00020
Zoning Case Number

EXHIBIT A - REQUEST FOR SPECIAL EXCEPTION

1. The use is a permitted special exception use as set forth in article VI of this chapter.

A private club is a special exception use in the C-TS Zoning District. The building is a Town of Palm Beach Historic Landmark designed by Addison Mizner. It was previously a restaurant before it was abandoned and left vacant for the last several years. The proposal is to do an extensive renovation and upgrade to the building to bring it back to its landmarked character and use it for a private club for Palm Beach residents.

2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

The proposed Club will not adversely impact the public health, safety, welfare or morals of the Town as the Carriage House will be an exclusive, upscale club with a small membership that will cater to Town of Palm Beach residents and their guests and offer breakfast, lunch and dinner to their members as well as some special events. The club use will not create any additional noises or other nuisances then the previous restaurant and will not be a negative impact on the neighborhood. The building will be renovated to restore its landmarked design as well as be upgraded to meet current building codes.

3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

The proposed Club will not affect the value of other properties in the neighborhood as the property is in a commercial zoning district.

4. The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

The proposed Club will be compatible with the neighborhood as a Club is a contemplated special exception use in the C-TS Zoning District. All of the requirements to meet concurrency have been met.

5. The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

The proposed Club will comply with all other yard, other open space and any special requirements set forth in Article VI.

6. The use will comply with all elements of the comprehensive plan.

The proposed Club will comply with the comprehensive plan, if applicable.

7. The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

The proposed Club will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district, as there will be limited changes to the exterior of the space except signage.

8. Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Adequate ingress, egress and parking is provided on site and on South County Road and surrounding streets where there is open parking. There are approximately 66 open parking spaces in the vicinity and the Club will have valet parking with pick upon South County Road.

9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

The proposed signage will meet with the Town's requirements and be permitted as required by the Town of Palm Beach building department.

10. Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

The utility service will be upgraded if necessary.

11. Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

The refuse and service areas will be upgraded if necessary.

12. The proposed use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be townpersons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine its credibility and the appropriateness of the applicant's conclusions. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant.

The Club will be Town Serving as the members selected will account for 50% or more of the members are "townpersons". A town serving report will be submitted herein as further support.

13. If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

N/A

14. The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

The proposed Club should not place a greater burden on Town services as there is ample parking on the surrounding streets and the use as a Club is a less intense use as compared to other commercial operations such as restaurants.

Z-17-00020
Zoning Case Number

EXHIBIT B – SITE PLAN REVIEW

THE FOLLOWING ARE THE REASONS WHY THE SITE PLAN SHOULD BE APPROVED PURSUANT TO SECTION 134-329:

1. Sufficiency of statements on ownership and control of the subject property and the sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for the intended purpose and to ensure that such common facilities will not become a future liability for the Town.

The owner of the property is Carriage House Properties Partners LLC, a Delaware limited liability company and is the entity in control of the property. The property does not have any common open space, common facilities or common lands which would become a future liability for the Town.

2. Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon.

There are no site plan changes planned with this application.

3. Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

Ingress, egress, utilities and refuse collection will remain the same.

4. Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe or emergency.

The valet parking will be in the same location as was implemented by the previous restaurant.

5. Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

No permanent external site plan changes are proposed.

6. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacity.

Drainage will remain the same or be upgraded if required.

7. Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

The utility hook ups will remain the same or be upgraded if required.

8. Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and the uses within the property, and the relationship to community-wide open spaces and recreation facilities.

N/A

9. Such other standards as may be imposed by this chapter for the particular use or activity involved.

N/A

10. Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

The building and site remain the same and there is no change to the height of the commercial structures.

11. Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single story building at the minimum required setback.

The building and site remain the same and there is no change to the visible bulk or site.

Z-17-00020
Zoning Case Number

EXHIBIT C - PARKING STATEMENT

Please provide a detailed parking statement which includes details of all available off-street parking, including information regarding the number of parking spaces designated for service use (for example: lawn service, pool service, etc), staff/employee use, etc.

COMMERCIAL PROPERTIES MUST:

PROVIDE NUMBER OF OFF-STREET PARKING SPACES AVAILABLE
FOR EMPLOYEES ON THE SUBJECT PROPERTY:

PROVIDE NUMBER OF EMPLOYEES/STAFF PER SHIFT:

INDICATE LOCATION WHERE EMPLOYEES PARK OFF SITE:

N/A



GLIDDENSPINA + PARTNERS

Architecture + Interior Design
207 Sixth Street
West Palm Beach, FL 33401
561.684.6844

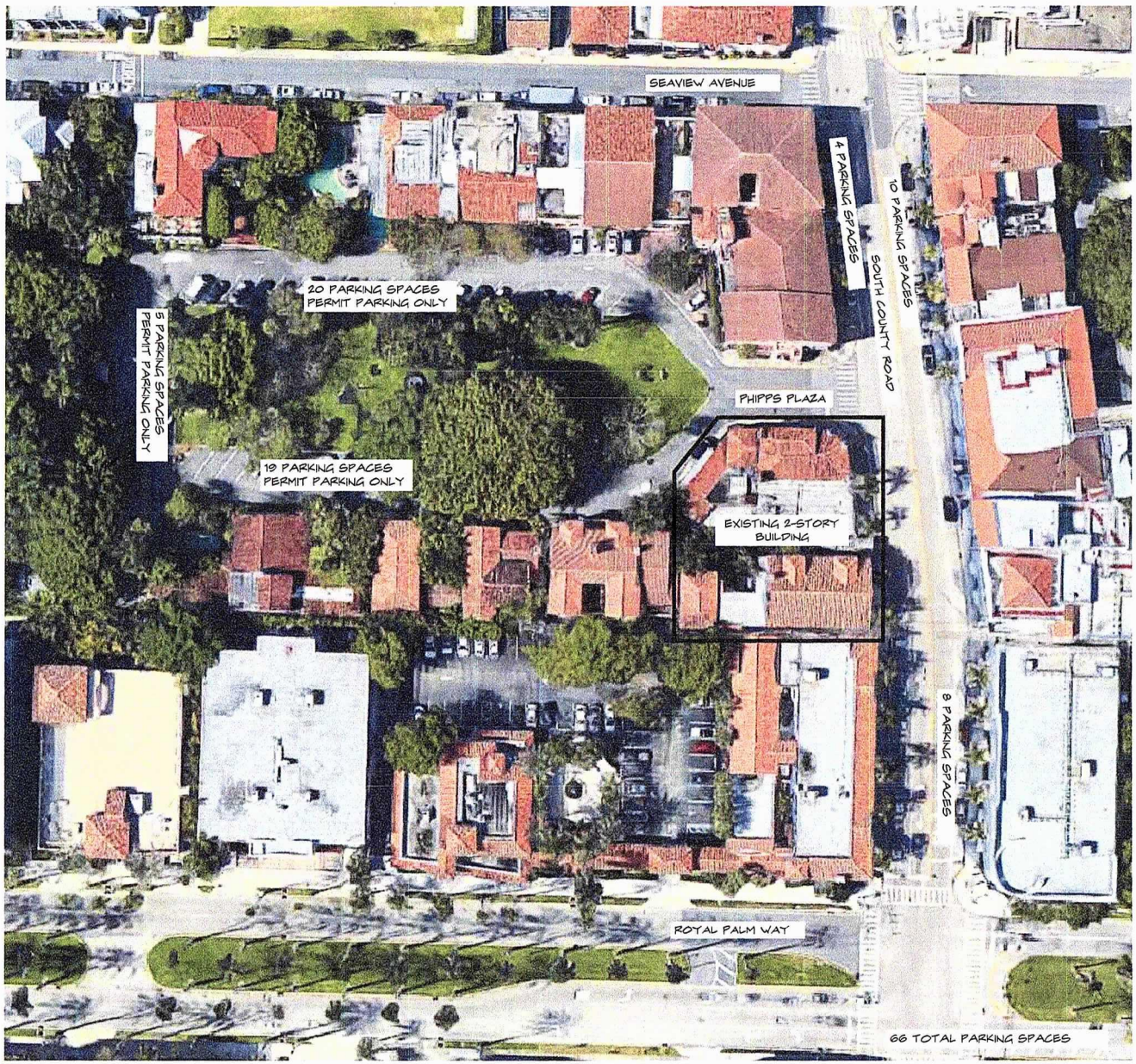
SUBJECT

264/270 S County Rd

LOCATION MAP

N

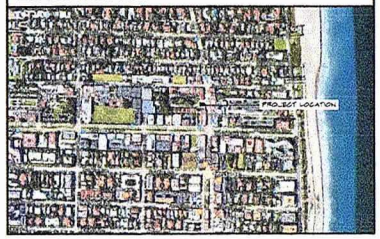
CARRIAGE SP.DWG



1 SITE PLAN
SCALE: 1" = 40'-0"

ZONING CASE # Z-17-00020

LOCATION MAP



GLIDDEN SPINA + PARTNERS

Architecture • Interior Design
Keith M. Spina • AR13476

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116

Town Council Submittal for:
264 +270 South County Road
Palm Beach, Florida

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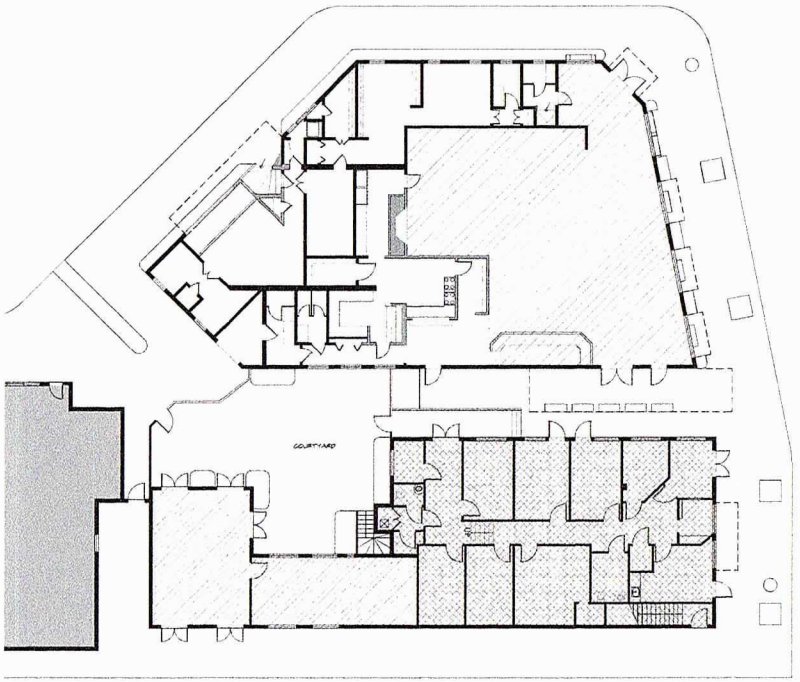
Revisions:

Project no:	17007
Date:	06.23.17
Drawn by:	PD
Project Architect:	JAG

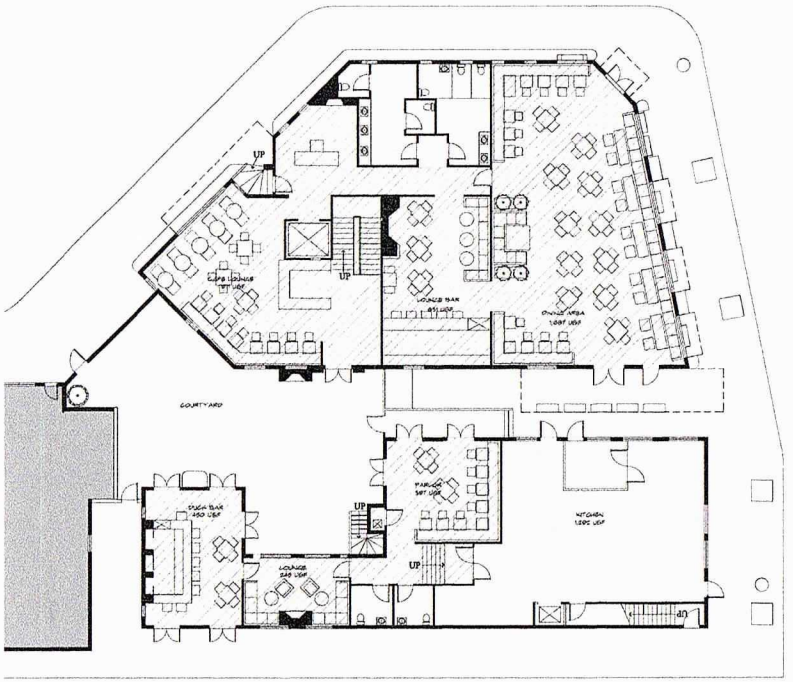
SITE PLAN

SP-1

CARRIAGE FP.DWG



1 EXISTING FIRST FLOOR PLAN
SCALE 3/32" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN
SCALE 3/32" = 1'-0"

CARRIAGE HOUSE - ANALYSIS OF EXISTING FOR REQUIRED PARKING

	SPACE	AREA	PARKING RATIO	PARKING COUNT
	1ST FLOOR - DINING AREA	2,081 SF (118 SEATS)	1:3	39.3 SPACES
	1ST FLOOR - RETAIL AREA	2,101 SF	1 : 200 GROSS	10.5 SPACES
	1ST FLOOR - BACK OF HOUSE	2,490 SF	1 : 300 GROSS	8.3 SPACES
	2ND FLOOR - BACK OF HOUSE	309 SF	1 : 300 GROSS	1.2 SPACES
	1ST FLOOR - RESIDENTIAL UNITS EACH UNIT TOTAL 1 UNITS	938 SF -	2 SPACES/UNIT	2.0 SPACES
	2ND FLOOR - RESIDENTIAL UNITS EACH UNIT TOTAL 2 UNITS	3,185 SF -	2 SPACES/UNIT	4.0 SPACES
	TOTAL			66 SPACES

CARRIAGE HOUSE - ANALYSIS PARKING TO SEATING

PARKING/SEATING COUNT CALCULATION

66 SPACES X 4 PERSONS PER SPACE = 264 PERSONS

ZONING CASE # Z-17-00020

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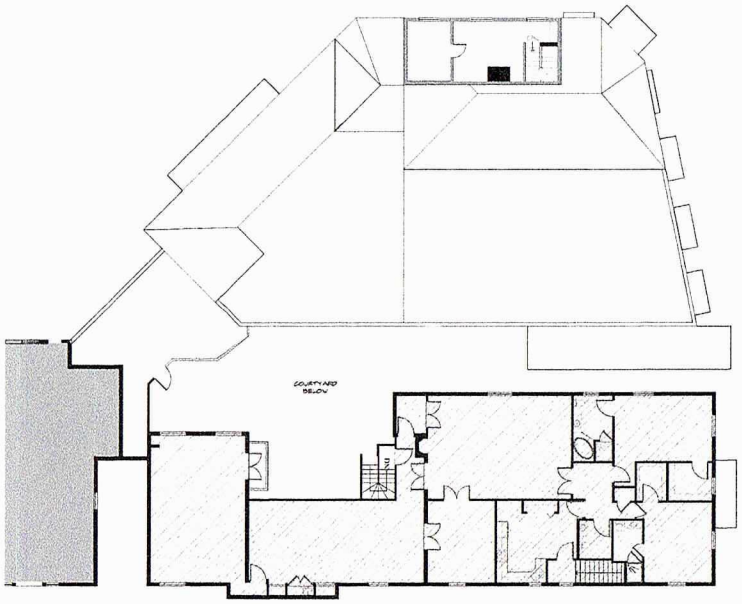
Revisions:

Project no: 17007
Date: 06.23.17
Drawn by: PD
Project Architect: JAG

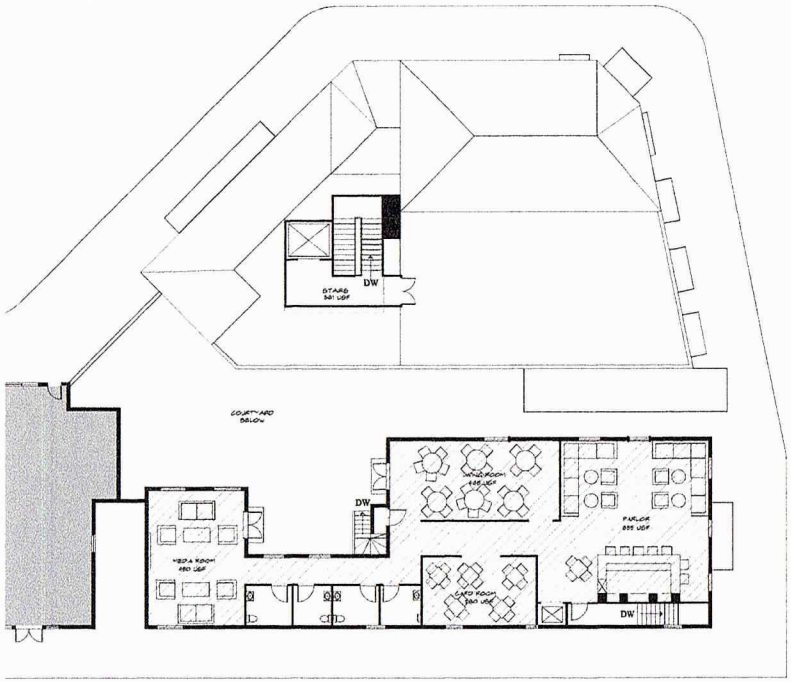
EXISTING AND PROPOSED FIRST FLOOR PLANS

A-1.0

CARRIAGE FP.DWG



1 EXISTING SECOND FLOOR PLAN
SCALE 3/32" = 1'-0"



2 PROPOSED SECOND FLOOR PLAN
SCALE 3/32" = 1'-0"

CARRIAGE HOUSE - ANALYSIS OF EXISTING FOR REQUIRED PARKING

	SPACE	AREA	PARKING RATIO	PARKING COUNT
	1ST FLOOR - DINING AREA	2,081 SF (118 SEATS)	1:3	39.3 SPACES
	1ST FLOOR - RETAIL AREA	2,101 SF	1 : 200 GROSS	10.5 SPACES
	1ST FLOOR - BACK OF HOUSE	2,490 SF	1 : 300 GROSS	8.3 SPACES
	2ND FLOOR - BACK OF HOUSE	389 SF	1 : 300 GROSS	1.2 SPACES
	1ST FLOOR - RESIDENTIAL UNITS EACH UNIT TOTAL 1 UNITS	938 SF -	2 SPACES/UNIT	2.0 SPACES
	2ND FLOOR - RESIDENTIAL UNITS EACH UNIT TOTAL 2 UNITS	3,185 SF -	2 SPACES/UNIT	4.0 SPACES
	TOTAL			66 SPACES

CARRIAGE HOUSE - ANALYSIS OF REQUIRED PARKING TO SEATING COUNT

PARKING/SEATING COUNT CALCULATION

66 SPACES X 4 PERSONS PER SPACE = 264 PERSONS

ZONING CASE # Z-17-00020

EXISTING AND PROPOSED SECOND FLOOR PLANS

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FL LIC # AA26002339

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Town Council Submittal for:
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Palm Beach, Florida

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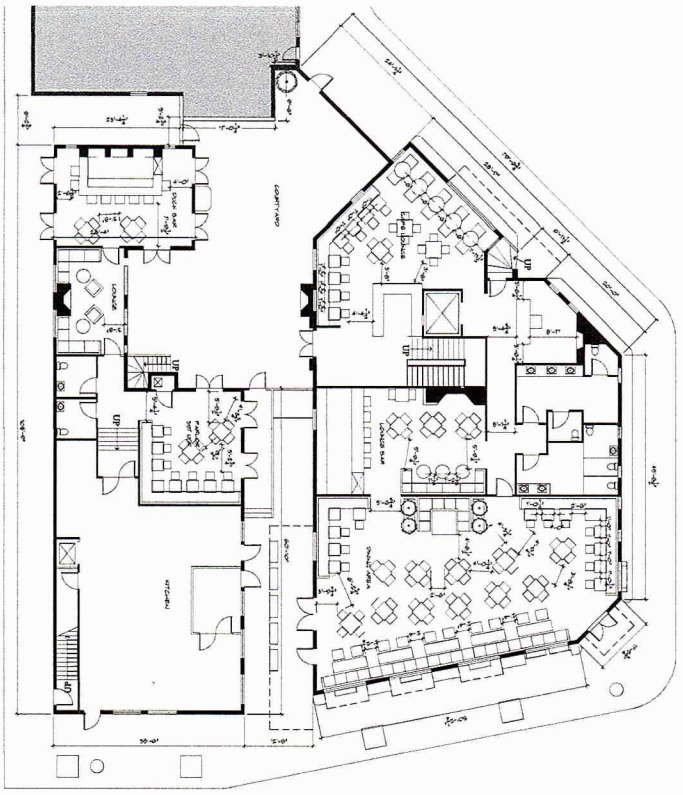
Revisions:

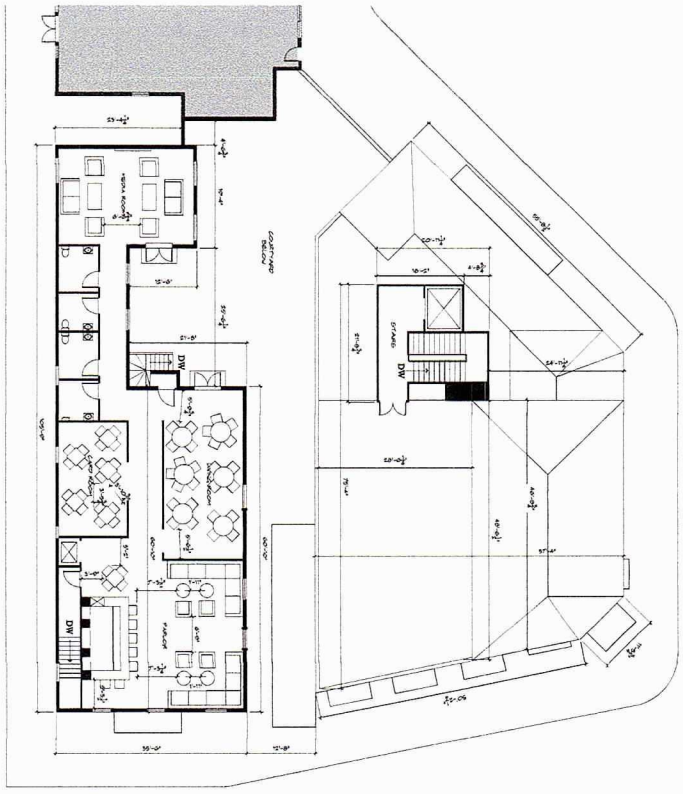
Project no: 17007
Date: 06.23.17
Drawn by: PD
Project Architect: JAG

A-1.1

CARRIAGE FP.DWG



1 PROPOSED FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"



2 PROPOSED SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

ZONING CASE # Z-17-00020

PROPOSED DIMENSIONED FLOOR PLANS

A-1.2

Project no: 17007
Date: 06.23.17
Drawn by: PD
Project Architect: JAG

Revisions:

Town Council Submittal for:
264 +270 South County Road
Palm Beach, Florida

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Architecture • Interior Design
Keith M. Spina # AR13619

From: Maura Ziska
To: Kelly Churney; Kathleen Ruderman
Subject: Fwd: Carriage House on County Road
Date: Wednesday, August 02, 2017 2:03:08 PM

See below support letter to add to the back up. Tx Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)
This electronic message transmission contains information from the law firm of Kochman & Ziska PLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

Begin forwarded message:

From: Bob Wright <bwright@leeequity.com>
Date: August 2, 2017 at 12:22:06 PM EDT
To: "maribel@altimapalmbeach.com" <maribel@altimapalmbeach.com>
Cc: "Susan G. Keenan - Palm Beach Civic Association (sgkpb@me.com)" <sgkpb@me.com>
Subject: Carriage House on County Road

Maribel,

I think the effort that Michael Bickford is taking to create a Carriage House Club on South County Road is an excellent idea. I've just been in London for a number of days and I am constantly made aware how well their restaurant style clubs do year after year. I think the Carriage House Club would add greatly to its location on South County Road and would also be a wonderful spot for participants to spend time for breakfast, lunch or dinner. We don't have any smaller clubs in Palm Beach that are set up to handle that full meal schedule.

Bob

Please refer to our disclaimer for important disclosures regarding this electronic communication.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00021 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B

Low Density Residential The application of 211 PINE STREET LAND TRUST &, Owner, relative to property located at **225 ARABIAN RD**, legal description on file, is described below. Request for special exception and site plan review approval to permit construction of a 4,247 square foot two-story single family residence on portions of platted lots with a width of 86 feet in lieu of the minimum 100 feet lot width requirement applicable to lots within the R-B District. [Applicant's Representative: Tim Hanlon, Esq.] [Architectural Commission recommendation: Implementation of the proposed site plan review and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.] **Request for Deferral to the October 11, 2017, Town Council Meeting Per Letter Dated August 2, 2017 from Tim Hanlon**

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Letter Dated August 2, 2017 From Tim Hanlon**

LAW OFFICES
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340 ROYAL POINCIANA WAY, SUITE 321
POST OFFICE BOX 431
PALM BEACH, FLORIDA 33480-0431
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ALAN LINDSAY
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WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044

August 2, 2017

Via Email: pcastro@townofpalmbeach.com

Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Attention: Paul Castro

Re: 225 Arabian Rd. / Z-17-00021

Dear Paul:

On behalf of the Applicants and because ARCOM deferred the application for two months, I hereby request a deferral of the above-referenced application to the October 11, 2017 Town Council meeting.

If you have any questions, please contact me.

Sincerely,

M. Timothy Hanlon

cc: Kelly Churney

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00022 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE

Zoning District: R-A Estate Residential The application of PBC REALTY, Owner, relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Site Plan Approval requested to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. 2. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 3. Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon, Esq.] [The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.]

Presenter

John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 9-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated July 28, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Ordinance No 9.2017**
- **Comprehensive Plan**
- **Water Supply Work Plan**
- **Letter Dated June 1, 2017 From James D. Stansbury**
- **E-Mail Dated April 27, 2017 From Deb Oblaczynski**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Ordinance No. 9-2017
Comprehensive Plan Update

Date: July 28, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council conclude its review of the updated Comprehensive Plan, approve on second reading Ordinance No. 9-2017, and transmit said ordinance to the Florida Department of Economic Development (DEO) for final adoption.

GENERAL INFORMATION

The Town's Comprehensive Plan has been updated (per direction originated by the Town Council in 2015) with assistance provided by each Town Department and the Town's planning consultant, Calvin Giordano & Associates. Plan updates have been reviewed and endorsed by the Planning & Zoning Commission, and have been discussed by the Council during its meetings on December 14, 2016, January 11, 2017, February 15, 2017, March 15, 2017, and March 30, 2017. Town Council approved the updates on first reading on March 30, 2017, and the comprehensive plan amendments were transmitted to DEO immediately thereafter.

The Town received DEO's Objections, Recommendations, and Comments (ORC) Report in June 2017 (see attached). The ORC Report contained one objection and one comment. The objection stated by DEO was that the Town's "Planning Horizon" did not extend out for at least 10 years, which would be to the year of 2027. This occurred because the Town's detailed review of the Comprehensive Plan amendments extended into 2017; therefore, the current and future dates ("Planning Horizon") needed to be changed from 2016 to 2017, and 2026 to 2027. The Comprehensive Plan has been revised to reflect this required change.

The comment received from DEO was in regard to the new "Peril of Flood" statutory requirement, which requires the Town to create methods to eliminate inappropriate and unsafe development in the coastal areas when opportunities present themselves, and to reduce or mitigate potential coastal flooding. DEO acknowledged that the Town's approach in the Comprehensive Plan meets the statutory requirements to address "Peril of Flood;" however, it suggested that the Town include additional language identifying "Adaption Action Areas." Town

staff feels that the existing language in the Comprehensive Plan more than adequately meets statutory requirements, and therefore no changes were made. Staff feels that the limitations currently within the Comprehensive Plan on coastal development are much stronger than the examples provided by the State. Furthermore, staff feels its Comprehensive Coastal Management Program (CCMP), which has been in place since 1986, coupled with strict policies and limitations already in place, address many of the components that would be included in an Adaption Action Plan (AAP).

Though not part of the DEO's report, the updated Comprehensive Plan has been expanded to address a comment from the South Florida Water Management District (SFWMD) regarding the need to update the Town's 10-Year Water Supply Facility Work Plan (Work Plan). The Town's Work Plan is dependent upon its water provider's Work Plan (i.e. City of West Palm Beach). During the Town's Comprehensive Plan amendment process, the City of West Palm Beach finalized their Work Plan update, providing an ideal opportunity for inclusion at this time. It should be noted that the Town's Work Plan was first created and adopted in 2010 using a template provided by SFWMD, and this plan has only been revised to reflect new population information, the update to the SFWMD's *Lower East Coast Water Supply Plan,* and changes in our water provider's Work Plan. Policy 11.2 in the Infrastructure Element, which references the Town's Work Plan, has been revised to reflect the update, and the Town's Work Plan is attached along with the City of West Palm Beach's Work Plan (Appendix A).

As a result of the Council's most recent review on March 30, all references to Neighborhood Improvement Districts was eliminated. Staff would like to stress that the critical principles of the existing Comprehensive Plan such as limiting density, avoiding over-commercialization, and maintaining existing residential character remain unchanged. Obsolete or outdated information has been refreshed, and the revised Plan continues to perpetuate the quality of life traditionally expected in Palm Beach.

Following Town Council adoption of Ordinance No. 9-2017 on second reading, staff shall submit the proposed updates to the DEO and other reviewing agencies within the required 10 days. The DEO has 30 days to determine if the adopted comprehensive plan amendments package is complete, and the revised comprehensive plan becomes effective 31 days after the package is determined to be complete.

TOWN ATTORNEY REVIEW

This ordinance has been reviewed by the Town Attorney for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Veronica Close, PZB Assistant Director
John Lindgren, Planning Administrator
Paul Castro, Zoning Administrator
Planning & Zoning Commissioners

ORDINANCE NO. 9-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH'S COMPREHENSIVE PLAN BY AMENDING THE DATA & ANALYSIS, AS WELL AS THE GOALS, OBJECTIVES AND POLICIES WITHIN THE PLAN BASED ON THE TOWN'S RECENT EVALUATION AND APPRAISAL OF THE COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on July 16, 2014 with the adoption of Ordinance No. 9-14; and

WHEREAS, the Town is amending the Data & Analysis as well as the Goals, Objectives, and Policies (GOPs) within the Plan based on the Town's recent evaluation and appraisal of the Comprehensive Plan; and,

WHEREAS, after a public hearing pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modifications to the Town's Comprehensive Plan; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at its March 15, 2017 meeting, considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and recommended that the Town Council approve on first reading the subject Ordinance amending the Town's Comprehensive Plan, and transmit said ordinance to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearings on March 15, 2017 and March 30, 2017, pursuant to notice as required by law, the Town Council did find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Comprehensive Plan, be amended as hereinafter set forth, and transmitted on first reading to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at its August 9, 2017 meeting, recommended that the Town Council approve and adopt on second reading the subject Ordinance amending the Town's Comprehensive Plan, and transmit said ordinance to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearing on August 9, 2017, pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Comprehensive Plan, be amended as hereinafter set forth, and transmitted on second reading/adoption to the Florida Department of Economic Opportunity (DEO).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals

The above recitals are incorporated as fully set forth herein.

Section 2. Findings

The proposed Comprehensive Plan amendments, as more particularly described in Exhibit A, have been determined by the Town Council to promote the public health, safety and welfare, and are consistent with the requirements in Florida Statutes, and all elements of the adopted Comprehensive Plan.

Section 3. Amendment of the Comprehensive Plan

The Town of Palm Beach Comprehensive Plan is hereby amended to incorporate those amendments set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. **Codification.**

This Ordinance shall be codified and made a part of the official Comprehensive Plan of the Town of Palm Beach.

Section 7. **Effective Date.**

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading on the 30th day of March, 2017, and for second and final reading/adoption on this 9th day of August, 2017.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Susan A. Owens, MPA, MMC, Town Clerk	Margaret A. Zeidman, Town Council Member

EXHIBIT A

TOWN OF PALM BEACH

COMPREHENSIVE PLAN

~~JULY 13, 2011~~ JULY 28, 2017

~~As Last Amended~~
~~By Ordinance 3-2011~~

TOWN OF PALM BEACH
PLANNING, ZONING & BUILDING DEPARTMENT
~~1/15/2015~~ 07/28/2017

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FUTURE LAND USE ELEMENT

BACKGROUND

The art of planning is no stranger in the Town of Palm Beach, and the beauty which Town residents now enjoy is due to the efforts of several generations of planning activity. In 1929, the Garden Club of Palm Beach joined the Town and formally sponsored the preparation of a Town Plan. This Plan was prepared by Bennett, Parsons and Frost, Consulting Architects of Chicago, and approved by the Town Council on December 19, 1929.

The overall goal of the 1929 Plan stated the following:

> *"One attractive and well managed public bath and beach, the concentration of general traffic upon a limited of number of streets, beautification without especial reference to main arteries of travel, and a system of leisurely and convenient byways free from automobiles, punctuated with gardens: this is a plan which will localize recreation seeking crowds, discourage trespassing, and provide safety and quiet for residents of Palm Beach."*

Under a section which dealt with "a review of tendencies", the following statement was made:

> *"There are many communities which can be said to be beautiful. The places in which charm is the additional attribute are very few. The element of charm is the thing which lifts a community out of the ordinary and makes it distinctive. The attribute of charm may be produced by an intelligent development of physical advantages in an unusual way."*

This planning process, which was started in 1929, was an important policy foundation for the Town of Palm Beach. Today's Comprehensive Plan builds on the early foundation as an effort to preserve the quality and beauty of Palm Beach.

INTRODUCTION

The purpose of the Future Land Use Element is to designate future land use patterns as reflected in the goals, objectives and policies of the other Comprehensive Plan Elements.

The future land use patterns proposed for the community are shown on the Future Land Use Map. The map, as well as other Elements of the Plan, is based upon the stated desires of the community to remain a high quality residential community. The Future Land Use Map provides for a variety of land use types suited to the Town's needs.

As shown in the table below, the Town's population continues to decline. In addition, the Town is experiencing the combination smaller lots in order to create a larger parcel for new single family homes; thereby reducing the overall number of housing units.

This Element of the Plan has been ~~developed and~~ revised based upon review and assessment of the ~~Town's Comprehensive Plan adopted in 2004, and~~ following:

1. Analysis of existing land use patterns prevailing as of ~~January 2009~~April 2017;

2. Estimates and projections of the resident and seasonal populations in the Town for the ~~2009-2019~~ 2017-2027 planning period;

3. Analysis of the availability of facilities and services to serve existing land uses, and those for which development orders have been issued;

4. Analysis of the character and magnitude of vacant and undeveloped lands and their suitability for use;

5. Analysis of the amount of land needed to accommodate the projected population;

6. Analysis of the need for redevelopment; and,

7. Analysis of the proposed development or redevelopment of flood prone areas.

8. ~~Recommendations of the Town's 2006 - Evaluation and Appraisal Report (EAR), which was found sufficient by the Department of Community Affairs (DCA) in March 2007.~~

EXECUTIVE SUMMARY

~~The Town of Palm Beach is at an important juncture in its planning history. About 97% of the Town has been developed. Thus, the stabilization and protection of the existing high quality of life has supplanted the past emphasis on ordering future growth.~~ The Town of Palm Beach is essentially "built-out." This unique island community has grown and developed into a premier residential community of exceptional beauty. As a result, the future of the island will be focused on preserving and protecting this residential island community while maintaining the culture, serenity, and the unique character of the Town.

The Future Land Use Element is the pivotal element of the Town's Comprehensive Plan. It recognizes the intrinsic value of the Town as a residential community, and takes on the challenge of setting management goals and techniques which will allow the community to control the type, distribution, and density of development and redevelopment.

The Existing Land Use Map portrays the location and distribution of land uses in Palm Beach as of ~~January 2009~~2017. The Future Land Use Map indicates the proposed location and distribution of land uses in the year ~~2019~~2027. All policies, land development regulations, zoning ordinances, and the zoning map must be consistent with the Future Land Use Map once the Comprehensive Plan has been adopted.

The current Existing Land Use Atlas is kept on file in the Office of the Town Clerk and provides detailed mapping of the pattern of land uses in the Town as of ~~January 2009~~ April 2017.

LAND USE ISSUES

Palm Beach has grown more gracefully than most Florida communities. Decades of careful planning and the dedication of its Townspeople to preserving community values have resulted in a unique and highly desirable quality of life. However, the very aspects of the Town that appeal to most of its citizenry—superlative stores and restaurants, grand architecture and landscaping, and beautiful homes—also attract tourists and other visitors. As a result, during the peak season, the Town's traffic and limited availability of parking reach critical levels that threaten the community's identity, character, and quality of life.

In addition, the impact of the world beyond the Town's limits has increased. Palm Beach County has grown immensely in the last several decades ~~ten years~~. ~~Literally h~~Hundreds of thousands ~~more~~ of people are now within a relatively easy drive of the world renowned Worth Avenue.

State Road A1A is more heavily traveled. Nearby Palm Beach County International Airport ~~has greatly~~ continues to expand~~ed~~ its service, with unhappy results for Town residents who live within ~~under~~ the flight path.

Intensive development occurring in downtown West Palm Beach is a concern as it relates to impacts on the Town public services. ~~Even the long-range availability of water from regional sources is in question.~~

The Town has also been experiencing a shortage of Town-serving services. As property values continue to climb, Town-serving commercial services find it increasingly difficult to pay the escalating rents. There is continual pressure from local retailers and businesses to cater goods and services to clientele beyond the Town's border. Commerce related traffic from off-island customers has therefore increased. The intensive development now taking place ~~on~~ in the West Palm Beach ~~lakefront~~ downtown will surely add to this problem.

There are remedial and preventative strategies that can be employed to cope with these basic problems. The three most basic land use protection strategies for Palm Beach are to:

- Discourage the amount and type of region-serving commercial development while encouraging Town-serving ones.

- Control the pace, type, and intensity of redevelopment activity in older areas of Town.

- Encourage development and redevelopment at lower density levels than existing zoning allows, except for redevelopment where maintaining previous densities and/or intensities are allowed after unintentional damage or destruction, such as by fire or other casualty, act of terrorism, war or act of God or nature (and with approval from FDEP if building east of the CCCL).

The tremendous pressure for expansion of commercial land use is a direct function of the economically valuable image of a Palm Beach address. It is imperative that region-serving, high traffic generating, commercial uses be prevented from further proliferating and be reduced wherever possible. To this end, the Town is committed to ensure that the existing businesses and commercial areas within the Town remain vital and continue to meet the needs of its residents.

The Town's Zoning Ordinance has established 4,000 square-feet as the maximum gross leasable area for commercial establishments in certain districts. To be granted a waiver from this provision, the applicant must demonstrate that the business is Town-serving; that adequate parking is available to support the request for increased floor area; and, that a hardship exists which prevents them from conducting their Town-serving business within 4,000 square-feet or less. The most common waivers have been for financial institutions and professional office space.

Residential redevelopment could play a major role in future land use. There is little open land remaining to develop, so developer interest will focus on large estates that will be tempting to sub-divide. Many estates can be subdivided without additional rezoning, since the existing densities are lower than present zoning allows. Measures that will slow or prevent such change include Historic Landmarks Regulations, strict application of the Town's Subdivision Regulations, and the Town's PUD-4 zoning provision which is intended to encourage preservation of historic residential structures and their adjoining grounds.

POLICIES REGARDING CHANGE

While many of the Town's concerns regarding growth control originated in a desire to maintain a high quality of life and a small town character, many issues are clearly related to State-wide efforts to curb growth when the facilities needed to serve new development are not available.

The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth:

> To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

INNOVATIVE APPROACHES

There is evidence of a trend to demolish smaller existing homes and replace them with new structures built to the maximum size permitted under the Town's Land Development Regulations, particularly in the R-B Zoning District. New construction is increasingly out-of-scale and character with the surrounding area. In order to maintain the existing character, regulations encouraging renovation and discouraging demolition and reconstruction, may be warranted.

POPULATION AND ECONOMY

The Town of Palm Beach experienced its greatest growth between 1950 and 1970, when its resident population increased from 3,886 to 9,086. Since then, population growth has actually declined ~~been less dramatic~~. According to the 2010 US Census, the Town had a population of 8,161. Table I-1 below shows US Census data from 1990, 2000, and 2010. The Town's 2000 and 2010 total

population and total housing units figures were corrected as shown. It important to note that other population information from 2000 and 2010 are based on the non-corrected figures. ~~Estimates by the~~ The University of Florida, Bureau of Economic and Business Research (BEBR) ~~place~~ estimates the 2015 ~~April 2005~~ population at 8,040 ~~9,735~~. ~~Future growth is severely limited by the small amount of undeveloped land left in the Town~~. Future population growth is expected to remain relatively flat.

Table I-1
Demographic Data 1990 to 2010
Town of Palm Beach

	2010	2000	1990	% Change (1990 to 2010)
Total Population	8,161[1] 8,348	9676[2] 10,468	9,814	-16.8%[1] - 14.9%
<18	572	989	657	-12.9
>18	7,776	9,479	9,157	-15.0
>65	4,657	5,501	5,163	-9.8
Median Age	67.4	66.6	66.2	
Total # of Households	4,799	5,789	5,421	-11.5
Avenue Household Size	1.74	1.81	1.81	
Total Housing Units	8,857[1] 9,091	9,004[2] 9,948	9,191	-3.6%[1] -1.08%

Source: US Census 1990, 2000, and 2010 [1] Town of Palm Beach Corrected 2010 US Census figures – only Total Population and Total Housing Units available. [2] Town of Palm Beach Corrected 2000 US Census figures – only Total Population and Total Housing Units available.

During the winter season, November through April, the Island's population swells to a peak double that of its year-round residential population as a result of the influx of seasonal residents and tourists. This estimate is based on full occupancy of all residential and transient lodging units, but does not include day tourists, shoppers, or employees in the Town. Table I-1 provides projections of the Town's permanent and seasonal populations through the year 20~~19~~25.

The Town's economy revolves around the provision of commercial goods and services to its year-round and seasonal residents and tourists.

It continues to be a major objective of the Town to inhibit further commercialization, contain commercial uses to limited geographic locations, and to promote commercial uses which are primarily oriented to serving the needs of residents, employees and visitors staying in accommodations in the Town, while discouraging those businesses that attract customers and clients from off the Island.

TABLE I-~~2~~1
RESIDENT AND SEASONAL POPULATIONS
Town of Palm Beach
~~2009-2019~~ 2010-2025

PEAK SEASONAL POPULATION						
	YEAR-ROUND ~~UNITS~~			SEASONAL & TRANSIENT ~~UNITS~~		
YEAR	Residents[1]	~~Additional Seasonal[2]~~	~~Total~~	Seasonal[2]	Transient[~~4~~3]	TOTAL
200910	~~9,815~~ 8,161	~~2,748~~	~~12,563~~	~~7,779~~ 6,311	3,000	~~23,342~~ 17,472
201416	~~9,947~~ 8,040	~~2,785~~	~~12,732~~	~~7,884~~ 6,233	3,000	~~23,616~~ 17,273
201925	~~10,080~~ 8,425	~~2,822~~	~~12,902~~	~~7,990~~ 6,531	3,000	~~23,892~~ 17,956

[1] At ~~1.81~~ 1.74/unit (year round occupied;4,690 units)
~~[2] At 2.32/unit (i.e., resident population plus another 28%)~~
[~~3~~ 2] ~~At 2.32/ unit~~ 1.74/unit(Seasonally vacant or held for occasional use; 3,627units)
[~~4~~3] Approximately 1500 units at 2/unit

~~SOURCE:~~ : 2010 U.S. Census corrected figure; 2010 U.S. Census; 2010 U.S. Census; Univ. of Florida, Bureau of Economic and Business Research, Palm Beach County, 2015 ~~2006 Brisson Planning Solutions, Inc., and~~ Town of Palm Beach~~, February 2009~~ April 2017

EXISTING LAND USE

The Town of Palm Beach lies on a coastal barrier which is separated from the mainland by Lake Worth, and the Lake Worth and South Lake Worth Inlets. The barrier is a low relief feature, consisting of beach and dune sand underlain by a ridge of coquina rock. Scattered outcrops of coquina extend into the waters of the Atlantic, where they provide substrate for various marine communities. The upland face of the barrier is characterized by a high ridge along the Atlantic which gradually slopes downward to the Lake.
The Town occupies an area approximately 12 miles in length, and varying in width from about one-quarter to three-quarters of a mile. It is surrounded by water on three sides: Lake Worth to the west, Lake Worth Inlet to the north, and the Atlantic Ocean to the east. The Town of South Palm Beach lies to the south. Expansion of the corporate limits of the Town is impossible. Thus, the Town has a finite area in which to accommodate its citizenry and the facilities to serve them.

Palm Beach is essentially built-out ~~nearing saturation~~. ~~Only about 51 acres, or two percent, of the land in the Town remain undeveloped.~~ Equally important, areas with potential for redevelopment are limited and require sensitive treatment to be fully compatible with the existing land use

distribution in the Town. It is helpful to view Palm Beach from an overall perspective because such a macro-view allows identification of relationships, historical patterns, and land use groupings. The following diagram provides a generalized view of the land use patterns in the Town today.

There has been no increase or decrease in the land area of Palm Beach since the last Evaluation and Appraisal Report (EAR). Further, practically all construction in the Town since the last EAR has been the result of redevelopment of the same type of use that existed prior. ~~Consequently, the amount of the various land uses in the Town remain essentially the same as recorded in 1996. However, the use of the County Property Appraiser data files coupled with GIS software allows a more accurate calculation of total area and allocation among the various uses. Further, current tabulation of property within the Town limits includes water and submerged lands, and identifies the general pattern of land uses for the contiguous upland areas of the island. Consequently, the estimated distribution of existing uses within the Town as of January 2009 is not directly comparable with the estimates for 1996 because water areas were not included, and submerged lands and spoil islands were not entirely accounted for~~. Maps titled Existing Land Use ~~2009~~ April 2017 graphically portray the identified existing land uses.

The Town encompasses approximately 2,509 acres, including street rights-of-way. Table I-2 summarizes existing land uses in the Town as of ~~January 2009~~ April 2017 by general range of density and intensity of use which remains unchanged since the last Evaluation and Appraisal Report. There are no agricultural, industrial, or mobile home uses in the Town; there are also no rivers, bays, fresh water lakes, harbors, waterwells, cones of influence, or economically feasible mineral deposits.

Residential is the predominant land use within the Town, accounting for 60% of all land area. The majority of single-family units are located in the north and south central portions of the Town. In contrast, most multi-family dwellings are located in the southernmost part of Town, south of Sloan's Curve, and were developed beginning in the 1960's. Because of the high cost of land, and the fact that Palm Beach is located in the coastal hurricane vulnerability zone, there are no mobile homes in the Town.

The acreage devoted to commercial uses including hotel/resort uses accounts for about 4% of all land area. This represents a ratio of about 11.8 acres per one thousand population. This ratio is somewhat high compared to other communities due to the high seasonal residency component. ~~As of January 2009, there was no undeveloped commercially zoned land in the Town.~~

TABLE I-3 ~~2~~
EXISTING LAND USE
Town of Palm Beach

LAND USE CATEGORY	~~2009~~ 2017 Acres*	Percent
Total Land and Water	5,434	
Water/Submerged Lands	2,878	
Spoil Islands	47	
Net Contiguous Land Area	2,509	100%
Single-family	1,162	46%
Multi-family	355	14%
Breakers Mixed-Use PUD	138	6%
Hotel/Resort Accommodations**	29	1%
Commercial	86	3%
Public	48	2%
Recreation	74	3%
Private Group Use	242	10%
Conservation	3	***
Vacant	51	2%
Rights-of-way	321	13%

* A Palm Beach acre (PB ac.) is 40,000 square feet
** Excludes the Breakers Hotel, which is part of the Breakers Mixed-Use PUD
*** Less than 1%

SOURCE: ~~Brisson Planning Solutions, Inc., September 2006, and the~~ Town of Palm Beach ~~January 2009~~ April 2017

Commercial uses are concentrated in three areas of the Town, as follows:

1. A small commercial node is located at the south end of Town, near the Lake Worth Bridge to the mainland, serving some of the needs of the residents in this part of Town as well as visitors staying in local hotels.
2. Worth Avenue is located near Town Hall in the center of Palm Beach. Worth Avenue shops cater to the desires of seasonal and year-round residents of the Town as well as tourists. While open year-round, the Avenue's principal business is conducted during the "season."

   The Town-serving commercial area, including the commercial areas of South County Road and Peruvian Avenue, serves as an adjunct to the more famous Worth Avenue shopping area, providing additional shops and services. The Town's objective is to retain and enhance the "Town-serving" character of this section of Palm Beach.

   Royal Palm Way, also in the Town center area a few blocks north of Worth Avenue, is a wide, palm-lined boulevard, dedicated primarily to offices, banking and professional uses.

3. The commercial concentration in the vicinity of Royal Poinciana Way, near the Flagler Memorial Bridge, is primarily oriented to the local retail and service needs of Town residents and visitors. However, the Royal Poinciana Plaza, a concentration of shops, restaurants, and offices just east of the Flagler Memorial Bridge, serves a broader clientele.

~~4.~~ The dominant character of the Town's commercial sector is one of small scale. The vast majority of the commercial uses in the Town each encompass 4,000 square-feet or less of gross leasable area. Despite the reputation of Worth Avenue and the presence of some large retail anchors and office uses in the Town, the overall character of the Town's commercial areas is one of small business concerns which, individually, would not normally be expected to draw the majority of its patrons from beyond the Town's limits.

Table I-4 below includes information regarding the Town's employment based on the US Census 2012 Economic Census. Based on the information from 2012, the largest employment sector in the Town was within the accommodation and food service sector where over 4,000 people were employed.

Table I-4
Employment Data from 2012
Town of Palm Beach

	North American Industry Code System (NAICS) Code	Number of Establishments	Number of Employees
1	Wholesale Trade	15	100-249
2	Retail Trade	177	1,345
3	Transportation and Warehousing	12	57
4	Information	3	16
5	Finance and Insurance	89	829
6	Real Estate and Rental and Leasing	101	522
7	Professional, Scientific, and Technical Services	140	668
8	Administrative and Support and Waste Management	23	100-249
9	Educational Services	3	57(a)
10	Health Care and Social Assistance	24	78
11	Arts, Entertainment and Recreation	24	1,181
12	Accommodation and Food Services	43	4,074
13	Other Services	97	1,129

Source: 2012 Economic Census of the United States; US Census 2016
(a) The 2012 Economic Census does not provide for a breakdown of employees, but rather gives a range of 0-19 employees for the two subcategories of establishments. Therefore, the highest number (19*3=57) assumed.

There are no industrial or agricultural uses within the Town of Palm Beach.

Fishermen's Island, Hunter's Island, and Bingham Isle are leased by the Audubon Society as rookeries and bird sanctuaries, and have been designated for conservation on the Town's Future Land Use Plan Map. Title to these islands is variously held by either the State Trustees of the Internal Improvement Fund or the Blossom Estate. In addition, a portion of the Blossom Estate Subdivision was designated for conservation in connection with the approval of this subdivision.

Lands devoted to public recreational use account for 5% of the land area in the Town (excluding rights-of-way). There are three types of public recreation areas in Palm Beach: major recreation areas (such as community parks), neighborhood/mini parks, and special use resources or facilities. All facilities are described in detail in the Recreation/Open Space Element.

Public uses include schools and governmental facilities such as Town Hall, police and fire stations, sanitary sewerage lift stations, etc. These constitute approximately 2% of the land area in the Town.

Private Group Uses account for 10% of the land in the Town. This category includes such uses as churches, private schools, golf and country clubs, other private clubs, museums, etc.

The Town has surveyed 1162 ~~identified 928~~ sites of potential historic or architectural significance. All are listed on the Florida Site File of the Florida Department of State, Division of Historical Resources. ~~To date,~~ tThe Town has designated 320 ~~206~~ landmark properties as of May 2017~~, vistas and districts~~. These are protected by ordinance.

FUTURE LAND USE NEEDS

Palm Beach is an intensely developed coastal community with almost no room left for growth. Expansion of the corporate area is likewise impossible. Significant population growth cannot take place unless major redevelopment occurs in existing single-family areas. These factors, combined with the fact that most of the Town's land area is already developed, and located on a barrier island limit the Town's ability to arrange, shape and allocate land uses to adjust to community needs, and limit the permissible density of population.

~~Palm Beach is growing at a minuscule rate when compared to other coastal communities. From 2000 to 2005, growth has amounted to only 0.6%, or about 59 persons annually. The Town now comprises just 1% of Palm Beach County's population. Future growth in the Town will be insignificant because most of the land is already developed.~~

~~Brisson Planning Solutions, Inc. estimates that there were about 50 acres of vacant residential land remaining in the Town in 2006 about six acres fewer than in 1996, and this same amount of vacant land was found by Town Staff to exist in 2009. All vacant and buildable residential parcels are zoned for single-family use at densities ranging from 1.5 units/PB acre to four units/PB acre. It is estimated that these lands could accommodate about 77 single-family units. In addition, the Breakers PUD was previously approved for up to another 251 multi-family units in proximity to the existing golf courses, although it is unlikely that the full complement of allowable units will actually be constructed. There is no vacant nonresidential land within the Town.~~

~~Between 1996 and 2006, total demand for single-family homes amounted to about 80% of total housing demand, or about 106 units (including allowances for seasonal residences and vacancy). At an average development density of 2.2 du/ac, the need for about 48 acres of land is indicated. There are still 48 acres vacant and zoned for single-family use in the Town. However, with the Town approaching "build-out," redevelopment of lands presently utilized at less than allowable densities is expected to continue to accommodate some of the anticipated demand for single-family housing. Therefore, there should be adequate lands available to serve anticipated housing needs through 2019.~~

~~The demand for multi-family housing (including allowances for seasonal residences and vacancy) amounted to about 27 units over the coming ten years which, at an expected density of about seven units per acre, would require just under four acres. There are about eight acres vacant and zoned for multi-family development.~~

There are presently about 112 acres of hotel, retail, service, office, pay parking, and mixed

commercial uses. This represents about 11 acres of commercial use per one thousand population. This is somewhat high compared to other communities, due to the unique character of the Town's year-round and seasonal residents, and the seasonal tourist influx.

However, in order to maintain the Town's predominantly residential character, no additional lands for commercial uses are considered necessary or appropriate. The Town's inventory of recreational lands and facilities is more than adequate to provide for anticipated needs throughout the planning period. Given the small amount of population growth projected, no additional land will be needed for governmental or institutional uses.

SUMMARY OF ANALYSIS

Provision of Public Services

Roadways and community facilities serve as support systems for the Town's land uses. Limitations in land area and a lack of potable water sources have resulted in the Town's dependence on mainland resources for several basic services. Consequently, the Town's plans for the future need to be in harmony with demands throughout the region for clean air and water, waste disposal facilities, and other limited resources.

The City of West Palm Beach supplies and distributes potable water to the Town~~. The City of West Palm Beach~~ and ~~the City of Lake Worth~~ also provide<u>s</u> ~~the Town with a fixed allotment for~~ wastewater treatment service.

The Town collects vegetative yard trash and provides for disposal at Town-owned sites on the mainland. Solid waste is also collected by the Town and transferred to the Jog Road landfill operated by the Palm Beach County Solid Waste Authority.

The Town's storm drainage system is old and contains a number of outfalls which discharge into Lake Worth. The Town is currently obtaining National Pollutant Discharge Elimination System (NPDES) permitting for its drainage system. Because the Town is almost entirely developed, future drainage strategies must be directed toward practical corrections, while mitigating the impacts of future development.

The Town foresees no shortage in the areas of public infrastructure facilities or services over the next ten years.

The recreational emphasis of the Town's residents has been on private golf courses, clubs, and various cultural activities. To a great extent, these activities supplant more typical public recreational and cultural facilities. Nevertheless, in addition to an abundance of private recreational facilities, the Recreation/Open Space Element shows that public recreation facilities in the Town far exceed minimum standards.

The Town's transportation system is rapidly being strained to capacity, and, in fact, is at a critical stage. The linear configuration of the Island has produced a "one-road Town" with all the limitations of this urban form. County Road/Ocean Boulevard/State Road A1A forms the major north-south arterial spine that serves the entire length of Town.

In some locations, this route serves primarily as a residential access road, and is, therefore, not able to function as a major thoroughfare for carrying tourists and commercial thru-traffic. In other locations, the roadway rides the crest of oceanfront dunes between the beach to the east, and fully developed residential areas to the west. This part of the roadway, particularly susceptible to damage from storms, is equally unsuited to improvements that would provide additional roadway capacity. Widening of the roadway in these locations would damage the quality of beach areas and the adjoining ~~expensive~~ residential properties.

A growing concern that will likely impact the Town's transportation system and recreational and park facilities is the amount of residential density and intensity being added within the City of West Palm Beach's downtown as well as potential growth in the City of Lake Worth. With limited recreation space and a Transportation Concurrency Exemption Area (TCEA) in place, expected spillover of that increased density and intensity into the Town will only exacerbate capacity concerns along County Road/Ocean Boulevard/State Road A1A.

Groundwater Aquifer Recharge

The Floridan Aquifer is typically the major source of potable water elsewhere in Florida, but is of only limited use in Palm Beach County due to its high salinity content. There are no recharge areas to the Floridan Aquifer in the Town.

Most potable water in the County comes from the surficial aquifer or surface water sources. The surficial aquifer in the Town of Palm Beach is unsuitable for potable consumption due to high salinity levels. There are no designated recharge areas to this aquifer. Any areas in the Town that might have been suitable as designated recharge areas have already been developed in urban uses.

Soils and Minerals

Native soils in the Town have been largely eradicated by the process of urbanization. With the exception of a narrow ridge of highly permeable sand along the coastal ridge, most soils are poorly drained urban fill types.

The Florida Mining Atlas identifies two potentially valuable mineral resources in Palm Beach: coquina and sand. However, the socio-economic profile of the Town and consequent high real estate values preclude mining of these resources, either now or in the foreseeable future.

Vegetation and Wildlife

Past development has dramatically altered the natural environment of the island and its surrounding waters. The little developable land remaining in the Town is scattered in relatively small tracts, most of which lack significant natural or environmental characteristics.

Development of Coastal and Flood-Prone Areas

The ~~definition for the~~ Coastal High Hazard Area (CHHA) ~~has been revised since the Town's last Evaluation and Appraisal Report (EAR), which was done in 1997. The CHHA~~ is ~~now~~ defined as "[t]he area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." This area is a narrow area along the coast of the island, and is delineated in the future land use map series. Future infrastructure and public and private development within the CHHA will be restricted except when doing so is not feasible. The Town is legally limited in its ability to restrict development of private properties located in the CHHA.

However, the Town has long recognized the wisdom of limiting development densities and discouraging inordinate growth. The Town will continue to do so through the implementation of this Comprehensive Plan, which has as one of its basic tenets the effort to lower the patterns of density wherever legally and practically possible. With the exception of some in-fill areas, lands within the 100-year flood zone have already been developed. The Town will continue to limit, through the land development regulations, the prohibition of structures, with the exception of docks and municipal owned and operated parks and essential services, as defined in Chapter 134 of the Town's Code of Ordinances, on or over submerged land. The Town will continue to enforce these regulations as has done so historically when Ordinance No. 3-60 was adopted in 1960.

Undergrounding of Utilities

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.

Redevelopment

There are no concentrations of deteriorated structures or blighted areas in the Town, nor are any expected during the planning period. The high value of real estate in the Town, its unique character and history, and the vigilance of the local government and residents will continue to maintain a high standard of property conditions within the Town.

On the other hand, there are a great many properties in the Town that were developed earlier at densities or intensities now considered inappropriate. Most, however, while inconsistent with the

Town's Future Land Use Plan Map, are not inconsistent with the Town's prevailing character. Therefore, there is no need to affirmatively encourage redevelopment or reduction of these situations. Future redevelopment will be required to conform to the intensities incorporated in the Town's Future Land Use Plan.

Future Redevelopment of Royal Poinciana Plaza/Royal Poinciana Way

There ~~is~~ has been ~~considerable~~ interest in the past in the redevelopment ~~not only~~ of the Royal Poinciana Plaza, ~~but~~ and nearby commercial areas, as well as in the reopening of the long-shuttered Royal Poinciana Theater. Given its size and highly visible location, redevelopment of this area would no doubt have a major impact on the character of the Town and the quality of life of its residents. ~~The future of redevelopment of this area of the Town has been studied through a Charrette process, sponsored by the Town and conducted by the Treasure Coast Regional Planning Council. A final report has been issued which makes recommendations based on a consensus developed at the Charrette hearings and workshop. The Town Council will decide whether or not to enter a second phase of the process which could include changes to the Comprehensive Plan and Zoning Ordinance.~~

Impacts of the Issue:
Redevelopment in this area~~, including the reconstruction of the Flagler Memorial Bridge,~~ will have a major impact on the character of the Town and the quality of life of its residents.

~~The Royal Poinciana Plaza site is highly visible, located at the very gateway to Palm Beach. It is the first thing residents and visitors see as they enter the island from the Flagler Memorial Bridge. It is a unique commercial center, the only area of Town that is set aside, according to the Town's Comprehensive Plan, "to serve a broader clientele" compared with other commercial and retail areas in Palm Beach.~~

Given its highly visible location, redevelopment of the Royal Poinciana Plaza has significant potential to affect the established community character of the Town of Palm Beach. The Comprehensive Plan suggests that the ~~lynchpin of what makes the~~ special physical character of the Town of Palm Beach ~~so special~~ is the Town's long standing commitment to gradual and graceful evolution of development within the Town - as opposed to significant departures from the existing fabric of development.

~~In addition, the commercial area north of Royal Poinciana Way between Bradley Place and North County Road is stagnating. While still attractive, maintenance in the area falls short of the high standards prevalent in Palm Beach and it is suspected that the disparity between allowable intensity of use and property values may contribute to future decline.~~

~~Unanticipated Changes in Circumstances:~~

On ~~at least two separate~~ multiple occasions the owner of the Royal Poinciana Plaza has proposed to redevelop this distinctive site in a manner that conflicts with the Town's Comprehensive Plan and its Zoning Code~~. In addition, there has been a recent proposal for redevelopment in the area along Royal Poinciana Way between Bradley Place and North County Road. Each of these redevelopment proposals has been described as being necessary to ensure the continued economic viability of the commercial concentrations in the area. In addition the Flagler Memorial Bridge is the subject of a planned reconstruction project by the Florida Department of Transportation.~~

~~Resulting Problems and Opportunities:~~
~~Without forethought and planning, redevelopment in the area will suffer from a piecemeal approach. Property owners will compete with each other to obtain approval from the Town for redevelopment of individual parcels without an overall guiding theme or vision.~~

~~Rather than reacting to developer-driven proposals, the recent interest in redevelopment of the area offers the opportunity to develop comprehensive and cohesive redevelopment guidelines for this important area of the Town.~~

~~Needed Actions to Address the Issue:~~
~~The Town is sponsoring a design process for redevelopment within this area, with substantial input from the public and property owners. Issues such as land use mix, densities, architectural themes, signage, street furniture, and other elements will be addressed in the public forum with public input before major redevelopment is undertaken. The process will include consideration of elements from the Breakers Planned Unit Development (vested development rights on the south side of Royal Poinciana Way), the Royal Poinciana Plaza, commercial interests on the north side of Royal Poinciana Way, the future Flagler Bridge reconstruction planned by the Florida Department of Transportation, and the relationship between these uses and surrounding properties, including Bradley Park. These investigations and ultimate redevelopment guidelines should also be directed towards reducing or eliminating the traffic level congestion at the intersection of Royal Poinciana Way and Bradley Place/Cocoanut Row.~~

~~Since design is a powerful tool for preserving a shared community vision, community-wide input will be sought from residents at Town workshops at which design concepts for a future redevelopment of this area are discussed. The community-wide workshops will also provide feedback loops after design concepts are proposed, reviewed, changed, and resubmitted for further review. The design planning process will take into account the needs and aims of Palm Beachers as well as those of the owner, the financial implications of proposed design concepts, development of the surrounding area, land use mixes, densities, architectural themes, signage, dimensional requirements, vehicular traffic flow, and parking, among others.~~

~~The study process will also address the problem of traffic congestion at the intersection of Royal Poinciana Way and Bradley Place/Coconut Row, and propose remedial steps. The design planning process may culminate in a set of "buildable" guidelines, addressing the future overall design and~~

~~use of the properties in this area, vehicular traffic flow and parking.~~

Preservation of Residential Neighborhoods

As far back as 1990, the Town Council and the Zoning Commission have been evaluating those portions of the Town's Zoning Code that regulate the size of homes in the R-B zoning district, the predominantly single-family areas in the North End of the Town. Nevertheless, during the past several years, the issue of "~~monster~~ excessively large homes" has become increasingly controversial in Palm Beach, as it has in other areas of the country.

Building norms for home sizes in the North End averaged 2,500 to 3,000 square feet (or less) in the decades of the 1930's to the 1970's; well below the 6,000 square feet allowed in the Town's Zoning Code at that time. Today these historic norms have become the reference point, as housing construction evolves to reflect changing residential tastes and real estate markets. In 1980, for example, a 6,000 square foot house could be built on a 10,000 square foot lot. The house was allowed 3,000 square feet on the first floor, and 3,000 square feet on the second floor, comprising total lot coverage of 30%. However, at that time, very few homes were built to the maximum allowable size. Most were single-story homes and were designed as second homes intended for seasonal occupancy.

During the 1980's and 1990's, a number of factors changed, resulting in the construction of significantly larger homes. New homes were designed for use as primary residences, with more living space, larger rooms, and other amenities, in response to changing market demands. During that time, the Town's Zoning Code underwent modifications to reduce the size of a house allowed on a typical lot in the R-B zoning district. ~~Today a two-story house with an average second floor beam height of 22 feet is allowed a variable maximum of square footage limitation of around 34,000 to 42,000 square feet (based on an average 10,000 to 12,000 s.f. lot).~~

~~The Town Council and the Planning and Zoning Commission have considered and adopted various modifications over the past twelve years to attempt to address the size, mass, and location of new homes in parts of Town where homes have been built much larger than surrounding homes. Those adopted regulations include:~~

1) ~~the building height plane (which was later eliminated) and angle of vision in 1990;~~
2) ~~the floor area ratio (FAR) and the averaging of the front yard setback of neighboring properties in 1991 (both eliminated at later dates); and,~~
3) ~~the cubic content ratio (CCR) adopted in 1993 which limits the size of homes in the R-B district. In 1998, the CCR regulation was modified with the intention of lowering the maximum size of homes based on a sliding scale.~~

~~In late 1998, the Town initiated a study to review the use of architectural patterns and design guidelines for the R-B zoning district. The concept dealt with indoor and outdoor living spaces and~~

~~the spatial and architectural relationships of homes in different neighborhoods. After review of the concept, the Town decided to pursue a different approach: one embracing zoning regulations intended to be more consistent with the existing development patterns of a neighborhood.~~

~~In the fall of 1999, the Town's consultants developed a concept of prototype neighborhood zoning guidelines for four streets in the North End of Palm Beach. The proposed prototype concept for those streets, which included a proposal for design incentives to allow for zoning flexibility, was later eliminated from consideration. However, staff was asked to complete its own study incorporating many of the identifiable characteristics derived from a report prepared by Duncan & Associates to create possible overlay districts.~~

~~In 2001, staff collected and analyzed lot, yard and area data on R-B lots in five distinctly different areas of the Town. These areas were selected because of their varied character. After considering the proposal it was decided that the sliding scale CCR that was implemented in 1998 should remain in place for additional time to determine its true effectiveness on scaling down the size of new and renovated homes. In addition, staff was asked to study a proposal that would create a historic or conservation zoning district for one unique area of Town. That area, which encompasses Seaview, Seaspray, and Seabreeze Avenues, is currently being evaluated to create zoning regulations based on existing lot, yard, and area characteristics.~~

~~During a series of community forums in 2001, numerous residents expressed a concern that the Town Council might be granting too many variances, facilitating the construction of "monster homes". The Strategic Planning Board reviewed this concern in substantial detail and concluded that variances were granted for only 5 of 62 new homes (8%) constructed in the R-B district between January 1, 2000 and October 31, 2002. Four of these 5 variances addressed technical issues; only one addressed "lot, yard and bulk" design issues. The Board concluded that variances were not allowing homes out-of-scale with the character of surrounding homes. In fact, the judicious granting of variances for expanded use of existing homes can be an effective means by which to allow contemporary needs to be met while retaining the character of established neighborhoods.~~

~~Change in the Town is inevitable. It has been, and will continue to be,~~ ~~t~~The Town's zoning regulations ~~that~~, when combined with the required reviews by the Architectural Commission and Landmarks Preservation Commission, ensure that change is controlled and gradual. The Town reviews the existing regulations each year and makes changes that it believes will ensure the preservation of the Town's distinctive ambiance and character.

~~Impacts of the Issue:~~
~~This basic issue revolves around the concern that when new single-family residential construction is significantly larger in terms of mass, bulk, and height than surrounding homes, it disrupts the established character of the area. In some instances such construction may result in new two-story structures "looming" over existing one-story homes with attendant "overshadowing," loss of privacy and reduction of light afforded the adjacent structure.~~

~~However, during community meetings held in 2005 and 2006, the most common concern among property owners in the areas most likely to be affected by further reductions in the allowable size of homes was the potential economic impact upon the owners. Among those in opposition, it was commonly held that further reductions would reduce property values. Some saw the newer, larger homes as an improvement in the neighborhoods, replacing out-of-date structures no longer capable of providing for the needs of young families. It was also noted that not everyone was interested in perpetuating the character established in these residential neighborhoods when bungalows and smaller winter homes were the norm.~~

~~Assessment of Related Plan Objectives:~~
~~Objective 1 of the Future Land Use Element states: *"Future growth and development within the Town shall be managed to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses..."*~~

~~Unanticipated Changes in Circumstances:~~
~~In recent years, the trend toward ever larger and more massive homes in the North End of Town has escalated. However, the strong reaction of some of the residents in the North end in opposition to further reductions in the allowable size of homes was unexpected.~~

Resulting Problems or Opportunities:
It is still important that the Town's regulations allow and encourage development of a size and character that is consistent with the desires of the residents – whether that desire is to perpetuate the existing character or to encourage evolution to accommodate new trends in residential construction and occupancy within the different geographic areas of the Town. Where the desire is to maintain the existing character of an area, the land development regulations for that area should be structured so as to reduce the extent of nonconformities created over years of regulatory change.

~~In this regard, the Town Council has directed the staff to explore modifying the development regulations for three distinct areas of Town: Ibis Isle, the Middle Road area, and the "Sea Streets."~~

FUTURE LAND USE PLAN

It is the purpose of the comprehensive planning process to effectively manage growth and proceed toward the improvement of the community for the future. Goals, objectives and policies are developed to provide measurable performance standards or "milestones" by which to measure progress. Unfortunately, some communities deteriorate in their structural and aesthetic condition despite meeting the goals and objectives of their approved plan. Many factors can contribute to the demise of a community, such as a change in social values, economics, or deterioration of physical elements.

Often in the planning process the maintenance factor is forgotten. Many cases exist where overwhelming maintenance costs place a burden on the community in such a manner that deterioration and blight occur. Although it is a difficult task to properly plan for the development

and growth of a community, it is equally important and difficult to maintain high quality standards once they have been achieved. Palm Beach is a community that has achieved a high standard of quality. Retaining its unique atmosphere and quality of life is the overall goal of the Plan.

Maintenance of high quality standards requires not simply upkeep of Town-owned infrastructure, but also an enormous private capital investment. The upkeep investment by the Town, via ad valorem and non-ad valorem revenues, must be complemented by funds invested by individual homeowners and businesses to expand, improve and rehabilitate their properties.

~~**Framework of the Plan**~~

~~This Land Use Plan represents the extension of existing land use concentrations, and the in-fill of remaining undeveloped, or partially developed, areas.~~

~~The Future Land Use Plan addresses the pattern, intensity and timing of land use. Although it is concerned only with the physical interrelationships of residential, commercial, public, private group, and recreational uses, it reflects social and economic considerations. While the planning period is through the year 2019, and in this time frame it is likely that the Town will achieve its "saturation" population somewhat in excess of 10,000 residents, it is emphasized that:~~

~~(1) The Land Use Plan is never "final"; and,~~
~~(2) The Land Use Plan is not a "zoning plan."~~

~~These points recognize that as the unforeseen occurs, or Town policy changes, the Plan must be capable of change; and, that the Land Use Plan Map is a graphic statement of land use policy to be used as a guide for applying a variety of land use controls, including zoning, to shape the Town to a desired pattern of land uses, densities and intensities.~~

Summary of the Future Land Use Plan

The land use categories defined in this Element are compatible with the Town's individual zoning districts. Specific uses, dimensional regulations, and other requirements are identified in the Zoning Ordinance. Since industrial uses and mobile homes are prohibited in the Town, they are excluded from discussion in the Plan. Table I-3, following, summarizes the Future Land Use Plan Map in tabular form:

TABLE I-~~5~~3
Future Land Use
Town of Palm Beach

FUTURE LAND USE CATEGORY	ACRES	PERCENT
Single-family Residential (up to 4 du/gross Palm Beach acre)	1,103	53
Multi-family Moderate Density (up to 6 du/gross Palm Beach acre)	117	6
Multi-family High Density (up to 13 du/gross Palm Beach acre)	226	11
Commercial	93	5
Public	4	0
Recreation	106	5
Private Group Use	219	11
Approved PUD (up to 13 du/gross Palm Beach acre)	168	8
Conservation	39	2
TOTAL*	2,076	100

* Parts may not add to 100% nor to total acreage of 2,076, due to internal rounding.

All references throughout this Comprehensive Plan to an "acre" or density in units per "acre" shall be construed as referring to a "Palm Beach acre" which is equal to 40,000 square feet.

Single-Family Uses

This is the most predominant land use in the Town. The Future Land Use Plan Map designates 1,103 acres of land for this use ~~of which about 48 acres are vacant~~. The preferred locations are those with good visual qualities, buffered from annoying traffic influences with easy access to shopping and recreation.

Appropriate uses include estates, single-family homes, residential PUD's and cluster development up to a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet). Public uses and facilities, public and private schools, group homes and foster care facilities, essential services, and private group uses and cultural uses are also permitted within this category on a limited basis.

~~**FUTURE LAND USE, 2008**~~

~~It is estimated that another 85 single-family dwelling units can be accommodated at an average density~~

~~of 1.8 units per acre. A developed single-family lot can exceed the density that is permitted by code if the density exists, and will not be increased through redevelopment. For a vacant single-family lot in existence for at least 30 years, a single-family home can be built subject to meeting all land development regulations.~~

Multi-Family Uses

Two multi-family categories, permitting varying densities and uses, are shown on the Future Land Use Plan. In total, the Future Land Use Plan designates about 343 acres of land for this use. ~~of which about 8 acres are vacant. Some of these lands are undevelopable, or have been committed to open space associated with other residential units, and most cannot be developed at maximum allowable density due to limited parcel sizes. Consequently, it is estimated that these vacant lands can accommodate about 35 additional multi-family units.~~

~~The preferred locations are adjacent to high accessibility corridors; areas with good visual qualities; near commercial centers, and recreation and open space areas to offset effects of higher density.~~

Multi-Family Moderate Density: Appropriate uses include single-family and two- family homes, townhouses, multi-family units, and residential and mixed-use PUD's up to a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services. The Plan designates about 117 acres of land for this use.

Multi-Family High Density: Appropriate uses include single-family and two-family homes, town-houses, multi-family units, and residential and mixed use PUD's up to a maximum density of thirteen dwelling units per gross Palm Beach acre (40,000 square feet). Hotels up to 26 units/gross Palm Beach acre along with associated accessory commercial uses and time-sharing uses up to 9 units/gross Palm Beach acre may be appropriate under carefully controlled conditions. Other appropriate uses include public uses and facilities, public and private schools, private group uses, group homes and foster care facilities, and essential services. The Plan designates about 226 acres of land for this use. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Commercial Uses

While only one commercial category is specifically identified on the Future Land Use Plan Map, the Town provides for commercial uses at varying intensities under different zoning categories. The

Plan designates about 93 acres for commercial uses, ~~of which only about one-half acre remains vacant~~. Appropriate uses include a wide range of commercial retail, service, professional and business uses largely intended to serve Town persons; hotels, motels and time-sharing uses; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Public Uses

The Plan designates approximately four acres of land for this use. Appropriate uses include public schools, low intensity public facilities at a scale and intensity necessary to primarily serve the needs of Town persons, and owned, operated, franchised, or supervised by a governmental agency. The designation of a property for Public Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Recreation Uses

The Plan designates approximately 106 acres of land for this use. This category is intended for low intensity public recreational uses or activities at a scale and intensity necessary to primarily serve the needs of Town persons, and to preserve the natural and scenic resources of the Town. Only public facilities, owned, operated, franchised or supervised by a public governmental entity, are given this designation. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined

in the land development regulations.

Private Group Uses

The Plan designates approximately 219 acres of land for this use. Appropriate uses include low intensity private clubs, golf and country clubs, houses of worship, museums and noncommercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, indicates that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed or prohibited. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Approved PUD

This category represents Planned Unit Developments that have been approved by the Town Council. The Plan designates approximately 168 acres of land for this use. Only the Breaker's PUD contains remaining development potential. If built to maximum density, this PUD could hold another 251 multi-family units and some commercial development. Densities in new PUD's shall be limited to the maximum density allowable in the land use category and zoning district in which they are located prior to their approval, but shall not exceed thirteen units per acre. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Conservation

This category is intended primarily for the spoil islands in Lake Worth and submerged lands located within the Town's boundary and located west of the MHWL in Lake Worth and which comprise about 39 acres. An additional 3-acre conservation parcel is located south of Southern Boulevard in the Blossom Estate subdivision. Both areas are unique, and will be preserved and protected from development and the negative impacts of public use.

Maps I-1 through I-7, comprising the Town's Future Land Use Map Series, provide mapping of future land use, recreation areas and their general service areas, historic sites and districts, beaches and shores, wetlands and estuarine areas, flood plains, and soils, follow. There are no existing or planned waterwells, cones of influence, rivers, bays, fresh water lakes, harbors, or economic mineral deposits in the Town of Palm Beach.

GOALS, OBJECTIVES AND POLICIES

GOAL 1

TO MAINTAIN THE TOWN'S UNIQUE IDENTITY AND ITS HIGH QUALITY OF LIFE THROUGH THE EFFICIENT DISTRIBUTION OF COMPATIBLE LAND USES.

OBJECTIVE 1

Future growth and development within the Town shall be managed to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses. The measurement of this objective shall be the extent to which the following policies are implemented.

POLICY 1.1

Continue enforcement of the Town's Charter and Code of Ordinances containing specific and detailed provisions which are required to implement the adopted Comprehensive Plan, and which, at a minimum:

~~1.1~~ a Regulate the subdivision of land;

~~1.1~~ b Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;

~~1.1~~ c Protect lands designated for Conservation;

~~1.1~~ d Regulate signage;

~~1.1~~ e Regulate areas subject to seasonal or periodic flooding and provide for drainage and stormwater management;

~~1.1~~ f Ensure safe and convenient on-site traffic flow and vehicle parking needs; and,

~~1.1~~ g Provide that no development order or permit shall be issued which results in a reduction of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan; and

~~1.1~~ h Reasonably ensure that newly planted trees are located in a manner that will require no more than minimal trimming in order to avoid contact with power lines.

POLICY 1.2

Conduct a staff review of each proposed new development or redevelopment project for the purpose of determining compliance with the Town's Code of Ordinances.

~~POLICY 1.3~~

~~By the end of 2008-2009 Zoning Season, the Town will develop zoning regulations appropriate to maintaining the existing character of the Ibis Isle, the Middle Road proposed area, and the "Sea Streets". Such regulations may include overlay districts, flexible or alternative development standards, or other innovative measures appropriate to the task.~~

~~POLICY 1.4~~

~~Town is sponsoring a design process with substantial input from the public and stakeholders for redevelopment within Royal Poinciana Plaza/Royal Poinciana Way area. The process shall:~~

~~1.4a. Address issues such as land use mix, densities, architectural themes, economic feasibility, signage, street furniture, and other elements in public workshops.~~

~~1.4b. Examine elements from the Breakers Planned Unit Development (vested development rights on the south side of Royal Poinciana Way), the Royal Poinciana Plaza, commercial interests on the north side of Royal Poinciana Way, the future of Flagler Bridge reconstruction planned by the Florida Department of Transportation, and the relationship between these uses and surrounding properties, including Bradley Park.~~

~~1.4c. Investigate the possibility of reducing or eliminating traffic level congestion and providing pedestrian and bicycle safety at the intersection of Royal Poinciana Way and Bradley Place/Cocoanut Row.~~

~~1.4d. Evaluate various design concepts for the possible future redevelopment of this area, including drawings and models (building uses and types, public space and amenities, and so) in community-wide public workshops.~~

~~1.4e. Provide feedback loops after design concepts are proposed, reviewed, changed, and resubmitted for further review.~~

~~1.4f. Take account of the needs and aims of Palm Beachers as well as those of the owner, the financial implications of proposed design concepts, development of the surrounding area, land use mixes, densities, economic feasibility, architectural themes, signage,~~

~~dimensional requirements, vehicular traffic flow, and parking, among others.~~

~~1.4g. Address the problem of traffic congestion and safety issues at the intersection of Royal Poinciana Way and Bradley Place/Coconut Row, and propose remedial steps. The design planning process shall culminate in a set of "buildable" guidelines, addressing the future overall design and use of the properties in this area, vehicular traffic flow and parking.~~

OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.1

The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate.

2.1.1 Where essential services are indicated as an appropriate use, essential services shall include public utility facilities related to water supply, telephone (excluding wireless telecommunication facilities), cable television, gas, electrical distribution systems and town-owned services such as sanitary sewer, stormwater drainage, and solid waste collection and disposal systems, including any necessary appurtenant structures serving the Town.

POLICY 2.2

Development orders shall be issued by the Town only for new residential development or redevelopment that is consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies.

2.2.1 Single-Family Residential – Intended to accommodate and preserve estates and single- family residential development at a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories.

Appropriate uses include single-family dwellings, residential PUD's as set forth in Policies 11.1.1 and 11.1.4, cluster development, public uses and facilities, public and private schools, private group uses, group homes and foster care facilities, and essential services.

2.2.2 Multi-Family Moderate Density – Intended to accommodate and preserve residential development at a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

2.2.3 Multi-Family High Density – Intended to accommodate residential development at a - maximum density of 13 dwelling units per gross Palm Beach acre (40,000 square feet) and, under limited circumstances, a maximum height of five stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; hotel and motel uses up to 26 rooms per gross Palm Beach acre (40,000 square feet) and associated accessory commercial uses (hotel and motel rooms are considered to be equivalent to 0.5 dwelling units); timesharing uses up to nine units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies:

a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-feet or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition.

b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.

2.3.2 Conservation – Intended to preserve and protect unique natural areas and submerged land from development and the negative impacts of public use. No ~~urban~~

development or redevelopment is permitted on or over land designated in this category, with the exception of docks, essential services or parks owned and operated by the Town.

2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/ residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.

a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.

b. Except for uses located in the Worth Avenue zoning district (C-WA), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met.

c. Maximum lot coverage for non-residential uses shall be 75%.

d. In limited circumstances, the maximum building height shall be three stories.

2.3.4 Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.

a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc, of a scale and intensity necessary to primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.

b. The designation of a property for Public use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential and Commercial land use categories.

c. Maximum lot coverage shall be 40%.

d. In limited circumstances, the maximum building height shall be three stories.

2.3.5 Public Recreation – Intended to provide for low intensity public recreational uses or activities, natural resource and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons. Only public facilities owned, operated, franchised, or supervised by a public governmental entity are given this designation.

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non- commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential, Multi-family Moderate Density, and Commercial future land use categories.

b. Maximum lot coverage shall be 40%.

c. In limited circumstances (Commercial Worth Avenue (C-WA) zoning district), the maximum building height shall be three stories.

2.3.7 Approved PUD – Intended to recognize existing or previously approved PUD's and provide for new PUD's within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed 13 dwelling units per gross Palm Beach acre.

POLICY 2.4

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

POLICY 2.5

Continue to enforce the provisions of the Town's Zoning Ordinance which are directed toward the encouragement of Town-serving commercial uses and the discouragement of those uses which are likely to attract patronage on a regional level.

POLICY 2.6

The Town shall provide the amount, location, and type of on-street parking and street

furniture, signage, beautification measures and traffic control that is sufficient to assure efficient functioning of the Town's business centers at Town-serving levels, and shall require off-street parking as necessary

OBJECTIVE 3

Development orders or permits for new development or redevelopment shall be issued for construction in the floodplain or coastal high hazard area only if they meet the building elevations identified in the Flood Insurance Rate Maps (FIRM) ~~and the requirements of the Florida Department of Environmental Protection (FDEP)~~.

POLICY 3.1

Prior to the issuance of a development order or permit, the Town shall make and record the following determinations:

~~3.1~~ a. The proposed building elevations meet or exceed elevations identified on the Flood Insurance Rate Maps (except when sufficient justification of extenuating circumstances may be shown~~); and,~~.

~~3.1 b. The FDEP has approved any proposed construction seaward of the Coastal Construction Control Line, and the proposed project complies with any conditions imposed by the FDEP.~~

OBJECTIVE 4

No new ~~urban~~ development shall be permitted on or over submerged lands or lands predominantly characterized by Tidal Swamp (TM) soils as identified in the Soil Survey of Palm Beach County.

POLICY 4.1

Areas identified as predominantly characterized by Tidal Swamp (TM) soils or identified as submerged lands shall be designated on the Town's Future Land Use Map for Conservation, and the Town's land development regulations shall prohibit urban development on such lands.

OBJECTIVE 5

Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

POLICY 5.1

A concurrency analysis shall be conducted prior to the approval of any application for a development order, and no final development order shall be issued unless:

a. Existing facilities and services meet the Town's adopted level of service standards as set forth in the Capital Improvements Element, or
b. The final development order is conditioned on such facilities and services being available at the time the impact of development will occur, consistent with the Town's Concurrency Management System and implemented policies of the Capital Improvements Element.

POLICY 5.~~1~~2

~~i~~In order to ensure the availability of public facilities and services necessary to support development concurrent with its impacts, prior to the issuance of a development order or permit, the Town shall make and record the following determinations:

a. ~~5.1a~~ Flooding will not occur during a one-year storm for systems served by pumping stations or during a three-year storm for systems with gravity outfalls, and the minor flooding associated with a five-year storm shall be carried off within sixty minutes.

b. ~~5.1b~~ Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system; or, the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater; or,

c. ~~5.1c~~ For all commercial, or residential development or redevelopment where: ~~the proposed work falls into one of the following categories:~~

i. The proposed value of the improvement ~~work~~ exceeds 25% of the market value of the property;

ii. ~~The proposed work includes the construction of a~~ A new swimming pool is constructed;

iii. ~~The proposed work includes the~~ There is redevelopment of more than 20% of landscaped open space, 20% of the impervious area of the site including buildings, patios, etc. or a combination thereof which exceeds 20%;

iv. ~~The proposed work includes n~~New driveways or parking areas are constructed;

v. The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or

vi. Other development ~~as~~ may be deemed appropriate by the Town Engineer.

d. ~~5.1d~~ There is adequate potable water supply capacity to continue providing the level of service standard established by the City of West Palm Beach, the Town's water provider. The City's current Potable Water Level of Service (LOS) is 272 ~~at least 295~~ gallons/per person/day (gppd);

e. ~~5.1e~~ There are adequate recreation facilities to maintain a standard of 6 acres/1000 population;

f. ~~5.1f~~ The traffic generation of the project will not reduce the level of service on roadways in the Town to a category lower than that established in this Plan;

g. ~~5.1g~~ There is adequate sanitary sewer capacity to continue providing the level of service standard established by the City of West Palm Beach, the Town's water provider. The City's current LOS is as follows:

Waste Water Collection

Development Type	**Avg. Daily Water Water Flow, gallons per day (gpd)**
Single Family	350 gpd/DU
Multifamily	250 gpd/DU
Commercial	0.20 gpd/SF
Industrial	0.15 gpd/Sf
Hotel	100 gpd/room

DU=dwelling unit	gpd=gallons per day
SF=Square feet	AC=acre

Pumping Station

Peaking Factor	**Avg. Daily Flow Million Gallons per Day(MGD)**
3.5	0.01 to 0.05
3.0	0.05 to 0.25
2.5	0.25 to 2.0
2.0	>2.0

Peaking factors for other facilities shall be determined using historical flow record.

~~treating at least 246 gallons/person/day, and a maximum peak flow through the Lake Worth force main will not exceed 0.941 mgd over a rolling three-month average, and the maximum peak flow through the Town's northern force main will not exceed 5 mgd;~~

h. ~~5.1h~~ There is adequate capacity to continue collecting and disposing of least 2.55 pounds of solid waste per person per day;

i. ~~5.1i~~ The project will not increase the time necessary to evacuate the Town, in the event of a hurricane, to greater than twelve hours; or,

j. ~~5.1j~~ The development order or permit is specifically conditioned on the availability of the necessary facilities and services for each of the above and that said facilities are authorized when the project is authorized.

POLICY 5.~~2~~3

Prior to the issuance of a development order or permit, the Town shall make and record a determination that the project provides open space, on-site traffic flow and parking commensurate with the requirements of the Town's land development regulations.

OBJECTIVE 6

Efforts shall continue to be made to control blighting influences or other negative impacts to the Town, and redevelopment will be encouraged in areas experiencing deterioration, when appropriate. ~~While no areas in the Town are in need of redevelopment, at least once a year the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.~~

POLICY 6.1

The Town's Code of Ordinance proactively allows potential problems to be cited and requires property owners of cited property to take remedial action. ~~If greater than 25% of structures in a neighborhood are determined to be substandard, that neighborhood will be considered in danger of deterioration, and the Town will develop a plan for stabilization and/or redevelopment within two years of such identification. This plan will include provisions for innovative land development regulations, including mixed land uses, to accomplish redevelopment as well as provisions for eliminating unsafe conditions and inappropriate uses.~~

OBJECTIVE 7

The number of uses incompatible with the range and location of land uses, identified in the Town's Future Land Use Plan Map, shall be reduced by attrition; and, no new uses shall be permitted that are inconsistent with the community's character and the Town's Future Land Use Plan Map.

POLICY 7.1

The Town shall amend its land development regulations, when necessary to be compatible

and consistent with the range and location of land uses identified on the Town's Future Land Use Plan.

POLICY 7.2

The Town shall prohibit replacement or expansion of uses found to be incompatible or inconsistent with the range and location of land uses identified on the Town's Future Land Use Map and Official Zoning Map.

POLICY 7.3

The Town shall continue to allow designated landmark structures, single-family dwellings, two-family, townhouse, multi-family, commercial, and public structures or public/private group uses which are unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature to be rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced provided FDEP standards are met when building east of the CCCL. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

OBJECTIVE 8

The Town shall protect its natural resources. The measurement of this objective is the extent to which natural resources are preserved and the degree to which the following policies are implemented.

POLICY 8.1

The Town shall protect the quality of its air from degradation by continuing to prohibit industrial uses within the Town.

POLICY 8.2

The Town shall protect designated native vegetation~~al communities~~ areas and their associated wildlife by prohibiting removal of vegetative species listed as threatened or endangered by State or Federal agencies on publicly owned property and new private development; and, by prohibiting planting of pestilent exotics and requiring removal of pestilent exotic species from sites of new construction or development.

POLICY 8.3

The Town shall stipulate that no development or construction which destroys wetland vegetation, including seagrass beds, shall be permitted in the Town unless loss is 100%

mitigated.

POLICY 8.4

The Town shall require that all new development and redevelopment on the Atlantic shore restore dunes, where restoration potential exists and is necessary, as determined by the Town and FDEP.

POLICY 8.5

The Town will require soil erosion control techniques be used during construction.

POLICY 8.6

~~Pursuant to F.S. 163.3177 & 163.3178, the Town shall devise regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in F.S. 342.07.~~ No development or redevelopment shall occur on or over submerged land other than docks, essential services or parks owned and operated by the Town.

OBJECTIVE 9

The Town shall protect its inheritance of structures and neighborhoods having historic or architectural merit. The measurement of this objective is the extent to which historic or architectural structures or neighborhoods are preserved, and the degree to which the following policies are implemented.

POLICY 9.1

Continue to protect the Town's historically significant properties and aesthetic character through the active participation of the Architectural and Historic Landmarks Preservation Commissions in the development review and approval process, as authorized ~~under Chapter 5, Article IX, Sec. 5-378 and Chapter 16, Article III, Sec. 16-33 of~~ by the Town's Code of Ordinances.

POLICY 9.2

~~By December 2008, the Town shall adopt an archeological preservation ordinance to protect pre- historic resources or sites of archaeological significance with specific guidelines regulating construction activities. Concurrently, community awareness shall also be advanced to educate the public about the advantages of having an archeological ordinance.~~ The Town

shall enforce its archaeological requirements as authorized by the Town's Code of Ordinances.

OBJECTIVE 10

The Town will coordinate and comply with any resource planning and management plan prepared pursuant to Chapter 380 FS, as amended ~~and approved by the Governor and Cabinet. The measurement of this objective will be the extent to which the Town coordinates and cooperates with the adoption and implementation of an approved plan and the degree to which the following policy is implemented~~.

POLICY 10.1

~~Within one year of the approval by the Governor and Cabinet of a resource planning and management plan under Chapter 380 FS, the Town will incorporate into its land development regulations measures that will further the intent of such plan.~~ Coordinate with State, regional, county and local agencies to ensure mutual cooperation in the development of all appropriate resource planning and management plans prepared pursuant to Chapter 380, F.S. as amended. The Town will continue to monitor all other local governments' activities when notice is provided. The Town will continue to provide notice as required to other local governments and agencies on upcoming large development projects. The Town will continue to work closely with the Treasure Coast Regional Planning Council, Palm Beach County and School Board and the State of Florida on regional issues. The Town will continue to maintain mutual aid agreements with other local governments with reference to fire service, police and disaster preparedness.

POLICY 10.2

Continue to coordinate with other governments in securing full resources by the State and other agencies for programs of their design, creation and/or benefit, and continue to ensure the protection of local self-determination in matters which are not demonstrated to be of actual regional significance.

OBJECTIVE 11

Provide for Planned Unit Developments, and other innovative regulations and techniques that will assist the Town in maintaining its high standards, quality of life, and appropriate mix and location of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

POLICY 11.1

The following types of Planned Unit Developments shall be allowed in the

Town:

11.1.1 Single-family PUD's located within the Single Family Residential Land Use Category not exceeding four dwelling units per gross Palm Beach acre.

11.1.2 Mixed residential development located within the Multi-Family Moderate or Multi-Family High Density Land Use Categories, not exceeding the maximum density allowable within the Land Use Category.

11.1.3 Mixed-use development within the Multi-Family Moderate Density or Multi-Family High Density Land Use Categories, allowing for a mix of residential uses not exceeding the maximum allowable density within the Land Use Category and nonresidential development not exceeding 20% of the gross floor area of the PUD.

The following equivalencies shall be used in determining the intensity of the nonresidential components:

Land Use Type	**Unit of Measurement**	**Equivalence to One Dwelling Unit of Gross Density**
Hotels, motels or similar transient facilities	Number of bedrooms	Two bedrooms
Principal Commercial Uses	Total floor area	750 square feet
Accessory Commercial Uses	Total floor area	1,500 square feet
Other Nonresidential Uses	Total floor area	1,000 square feet

11.1.4 In order to encourage preservation of historic residential structures, such single-family structures may be permitted to be converted through a historic preservation PUD to contain multiple residential units, within the confines of the existing structure, provided the density does not exceed four dwelling units per gross Palm Beach acre.

OBJECTIVE 12

The Town shall coordinate its coastal area population with the Regional Hurricane Evacuation Plan. The measurement of this objective will be the degree to which the Town coordinates with the appropriate Evacuation Plan, and the extent to which the following policy is implemented.

POLICY 12.1

~~Upon completion of the Treasure Coast Regional Planning Council's Hurricane Evacuation Plan,~~ ~~t~~The Town will review, and revise if necessary, its coastal area densities to ensure that

they do not result in hurricane evacuation or shelter capacity deficiencies ~~as contained in the TCRPC's Plan~~.

~~POLICY 12.2~~

~~By the beginning of the 2008 hurricane season, the Town shall consider implementing a "reverse 911" type system. Such a system shall allow residents to automatically receive notifications and information from the Town on their home phone. In addition, a resident may register to receive such notifications on their cell phone.~~

~~POLICY 12.3~~

~~By the beginning of 2008 hurricane season, the Town shall consider working with contractors/builders to develop a list of simple things to do at construction sites during the hurricane season to ensure that they can be adequately secured prior to the arrival of a storm. This could include guidelines for the placement and storage of construction material during the hurricane season.~~

POLICY 12.4

The Town shall expand the Town's education and notification process to emphasize the unpredictability of the power of an approaching storm and the need to evacuate early upon an evacuation warning~~.~~

OBJECTIVE 13

~~To coordinate the location of new and expanded sites for Public Educational Facilities in order to ensure compatibility and consistency with the Town's Comprehensive Plan, in accordance with 235.193, F.S. and to maintain and enhance joint planning processes and procedures for coordination and development of public school facilities concurrent with residential development and other services. The Town of Palm Beach shall support and facilitate coordination of planning with the Palm Beach County School District (hereinafter referred to as the District) for the location and development of public education facilities. The Town of Palm Beach shall coordinate with the School District staff in the siting of school facilities so that their locations are consistent with and further the Goals, Objectives and Policies of the Town's Comprehensive Plan. The Town of Palm Beach shall identify sufficient available land in the adopted future land use element to accommodate Public Educational Facilities as necessary to serve the current and projected student population. The measurement of this objective will be the degree to which the following policies are implemented.~~

~~Definition:~~

~~Public Education Facilities are defined herein as elementary schools, special education~~

~~facilities, alternative education facilities, middle schools, high schools and area vocational schools of the School District of Palm Beach County.~~

~~POLICY 13.1 - Compatibility~~

~~The proposed public school facility use shall be compatible with adjacent existing land uses.~~

~~13.1.1 Public educational facilities of the School District shall be an allowable use within the following land use categories: Single Family Residential, Multi-Family Moderate Density, Multi-Family High Density, Commercial, Public, Public Recreation, and Private Group Use.~~

~~13.1.2 The location and construction of new public educational facilities or the expansion of an existing site shall be allowed upon a determination of the Town of Palm Beach that the proposed school development is consistent with the future land use categories listed above and compatible with adjacent land uses.~~

~~POLICY 13.2 - Coordination [235.193 F.S.]~~

~~In accordance with the adopted Capital Improvements Plan(s) of the School District and the Capital Improvement, Intergovernmental Coordination and other related elements of the adopted Comprehensive Plan, public services and facilities required to support all public educational facilities shall be facilitated and coordinated in time and place with plans for residential development.~~

~~POLICY 13.3 - Site Development Standards:~~

~~In addition to overall consistency with the future land use categories, the proposed location of a new, or expansion of an existing Public Educational Facility shall be evaluated based on the following statutory requirements and planning criteria:~~

~~13.3.1 The proposed site shall, at a minimum, meet the State Requirements for Educational Facilities (SREF), plus a fifteen percent (15%) capacity flexibility allowance in conformance with the District's adopted level of service (LOS). In addition, the site shall be sized to accommodate all needed utilities, support facilities and adequate buffering of surrounding land uses.~~

~~13.3.2 There shall be no significant environmental conditions on a proposed site that cannot be mitigated or would otherwise preclude development of the site for a Public Educational Facility.~~

~~13.3.3 There shall be no adverse impacts upon sites listed in the National Register of Historic Places or those sites designated as Landmarks by the Town of Palm Beach Landmarks Preservation Commission. In addition, any changes, modifications, expansions or~~

major landscaping revisions to any designated Landmark structures and/or identified archaeological resources require the issuance of Certificate(s) of Appropriateness for said modifications.

13.3.4 The proposed site shall be suitable or adaptable for development in accordance with applicable water management standards, and shall not be in conflict with the South Florida Water Management Surface Water Management Plan or any applicable storm water utility or drainage district plans.

13.3.5 The proposed site shall be capable of accommodating adequate parking and on-site traffic circulation requirements to satisfy current and projected site generated vehicular demand.

13.3.6 The proposed location of new facilities shall meet the requirements of the Coastal Management/Conservation Element of the Comprehensive Plan.

13.3.7 There shall be adequate setbacks, buffering and zoning controls to eliminate or decrease any negative externalities such as noise affecting neighboring developments.

13.3.8 The location of the proposed site shall comply with 333.03(3), F.S. as it relates to the construction of public education facilities in the vicinity of the airport.

13.3.9 The proposed design must be approved by the Town of Palm Beach Architectural Commission or Landmarks Preservation Commission for its aesthetic compatibility in the community. Also, the proposed design shall, at a minimum, meet the standards established by SREF.

POLICY 13.4 – Access Standards

The following additional conditions shall apply to the proposed sites of the specific school types to ensure that they are consistent with the Town of Palm Beach Comprehensive Plan.

13.4.1 Elementary schools, special education facilities, and alternative education facilities, shall have direct access to at least a minor collector road or as otherwise approved by the Town of Palm Beach after determination of acceptable traffic impacts on adjacent roads of lesser classification.

13.4.2 Middle schools sites shall have direct access to at least a minor collector road or as otherwise approved by the Town of Palm Beach after determination of acceptable traffic impacts on adjacent roads of lesser classification. Outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on the adjacent properties.

~~13.4.3 High schools sites shall have direct access to at least a major collector road or as otherwise approved by the Town of Palm Beach after determination of acceptable traffic impacts on adjacent roads of lesser classification. Stadiums, outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on the adjacent properties.~~

~~POLICY 13.5 - Infill Development Standards~~

~~It is the policy of the Town of Palm Beach to encourage a comprehensive range of design and site planning solutions that will cost effectively meet the capacity needs of the School District and the compatibility needs of the community. In the existing urbanized areas, recommendations for increased capacity will consider the cost-benefits of expanding existing facilities as well as the provision of new facilities on vacant land that would meet projected capacity needs. This analysis will include factors such as community impact, neighborhood vitality and relocation costs, as well as the impact on coastal redevelopment efforts. Innovative and efficient designs that meet the performance standards of the Architectural Commission and SREF will be fully considered.~~

~~POLICY 13.6 - Performance Standards~~

~~Nothing herein shall preclude the School District and the Town of Palm Beach from developing alternative development standards based on mutually acceptable performance criteria, that would meet the intent of the provisions listed above.~~

~~POLICY 13.7 - Co-location to Public Facilities~~

~~To the extent possible, the Town will encourage the location of school facilities proximate to urban residential areas; and, seek to collocate public facilities, such as parks, libraries, and community centers with schools.~~

~~OBJECTIVE 14~~

Public access shall be maintained to all recreational facilities, including recreational and commercial working waterfronts as defined in F.S. 342.07, under the jurisdiction of the Town of Palm Beach.

POLICY 13~~14~~.1

The Town of Palm Beach shall ~~identify inadequate access to its recreation facilities within one year of the adoption of the Comprehensive Plan EAR-Based amendments.~~ establish priorities for siting appropriate water dependent and water related land uses consistent with F.S. 342.07, while at the same time protecting shoreline and conservation areas from degradation.

POLICY 13~~1~~4.2

The Town of Palm Beach shall continue to implement corrective measures on all access points identified by the Town as inadequate.

POLICY 13~~1~~4.3

The Town will, on an annual basis, inspect public access points at public facilities located within the Town of Palm Beach, but not under the Town's jurisdiction, to identify any impediments to access. It will notify respective governing agencies of impediments within three months of their identification.

POLICY 13~~1~~4.4

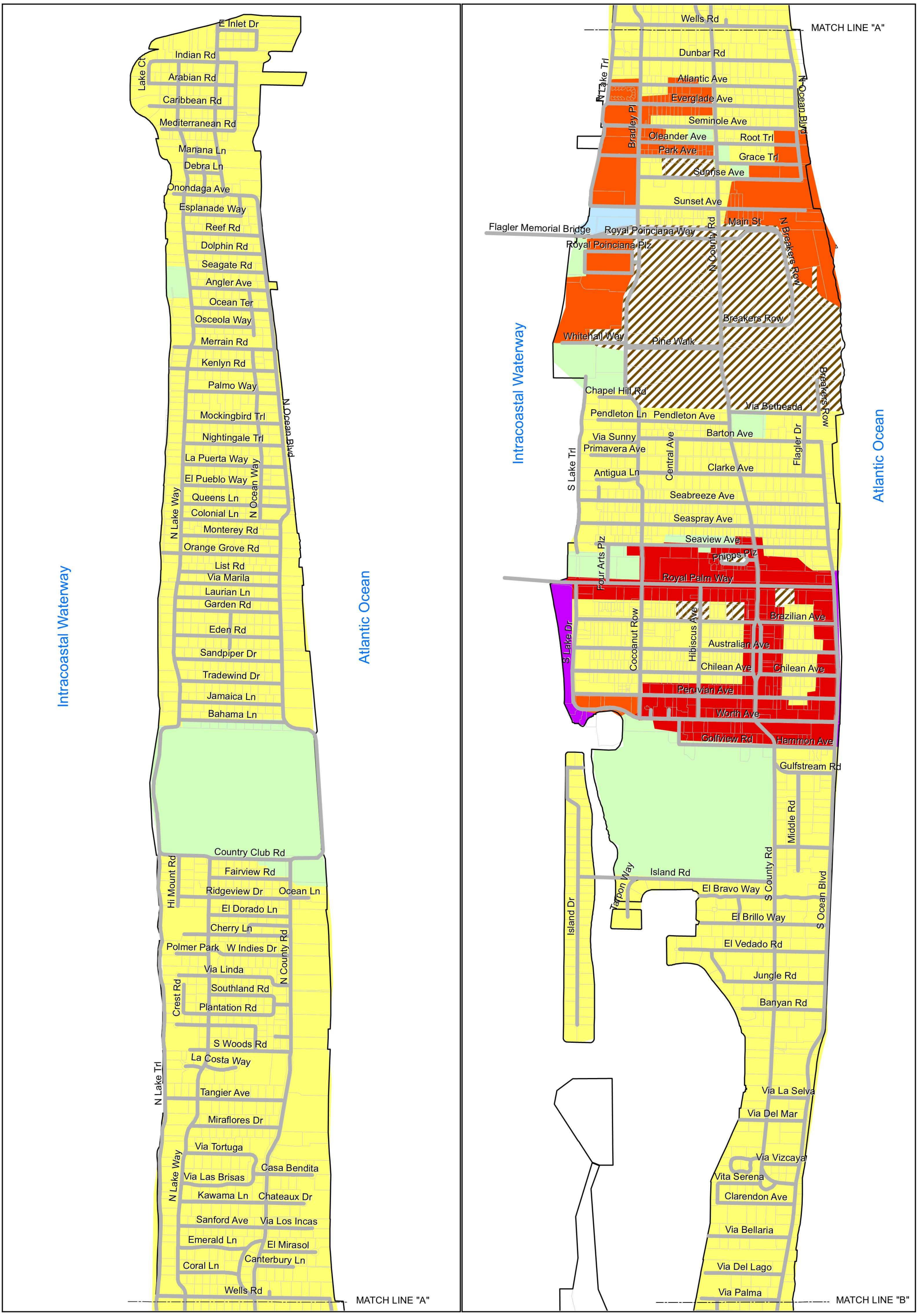
~~Pursuant to F.S. 163.3177 & 163.3178, the Town shall devise regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in F.S. 342.07.~~In evaluating applications for marinas or marina siting all of the following shall be addressed: land use compatibility; availability of upland support services; existing protective status or ownership; hurricane contingency planning; protection of water quality; water depth; environmental disruptions and mitigation actions; availability for public use; and, economic need and feasibility. The criteria shall be reviewed by the Planning Department on an annual basis and updated as necessary.

OBJECTIVES AND POLICIES NOT APPLICABLE

No objectives or policies pertaining to the discouragement of the proliferation of urban sprawl are necessary or applicable in the Town of Palm Beach because it is virtually fully developed, and the only areas for potential development are located on "in-fill" parcels.

No objectives or policies encouraging the availability of suitable land for utility facilities are necessary or applicable. The City of West Palm Beach provides the potable water supply to the Town from its facility on the mainland. Wastewater treatment is provided by the East Central Regional Sewage Treatment Plant, also located on the mainland. Solid waste disposal sites are all located on the mainland with the North County Regional Resource Recovery plant, also located on the mainland, to come on line in the near future.

No policies are necessary or applicable to the protection of potable water wellfields since there are now no such facilities in the Town, nor are any expected in the future.



TOWN OF PALM BEACH EXISTING LAND USE MAP - 2017

Planning, Zoning & Building Department

COMMERCIAL
MULTI-FAMILY
PRIVATE GROUP USE
PUBLIC
RECREATION
SINGLE-FAMILY
TRANSIENT/RESORT
VACANT

Feet
0 1,000 2,000

N
W E
S

Map Created: July 28, 2017
Town of Palm Beach
Information Technologies GIS Department
Planning, Zoning & Building Department
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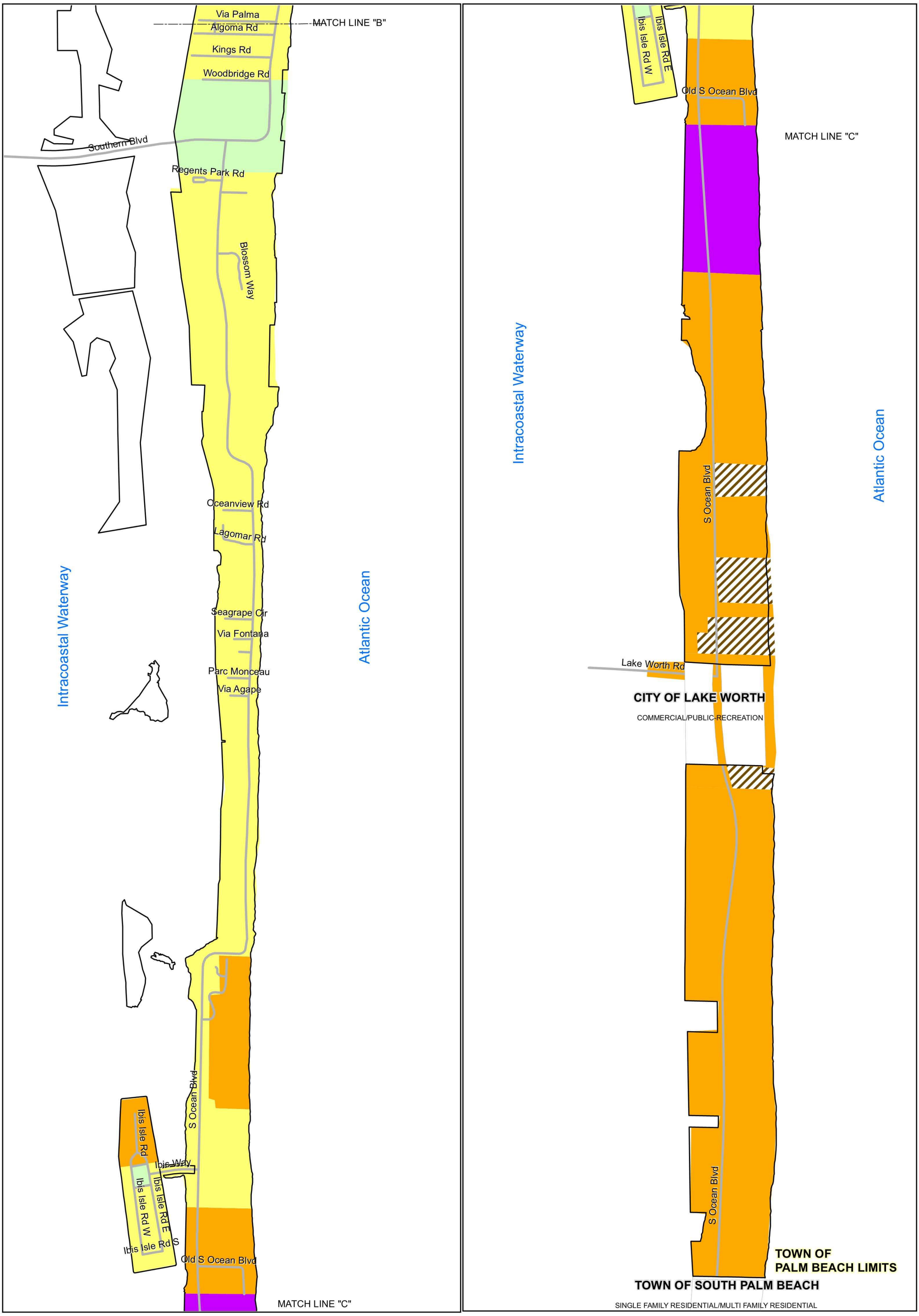
MAP I - 1
186



TOWN OF PALM BEACH EXISTING LAND USE MAP - 2017

Planning, Zoning & Building Department

COMMERCIAL
MULTI-FAMILY
PRIVATE GROUP USE
PUBLIC
RECREATION
SINGLE-FAMILY
TRANSIENT/RESORT
VACANT

0 1,000 2,000 Feet

N W E S

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TOWN OF PALM BEACH FUTURE LAND USE MAP - 2027

Planning, Zoning & Building Department

- APPROVED PUD
- COMMERCIAL
- CONSERVATION
- MULTI-FAMILY
- MULTI-FAMILY- HIGH DENSITY
- PRIVATE GROUP USE
- PUBLIC
- RECREATION
- SINGLE-FAMILY

0 1,000 2,000 Feet

N W E S

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MAP I - 1
188

Via Palma
Algoma Rd
MATCH LINE "B"
Kings Rd
Woodbridge Rd
Southern Blvd
Regents Park Rd
Blossom Way
Oceanview Rd
Lagomar Rd
Seagrape Cir
Via Fontana
Parc Monceau
Via Agape
Intracoastal Waterway
Atlantic Ocean
Ibis Isle Rd
Ibis Way
Ibis Isle Rd E
Ibis Isle Rd W
Ibis Isle Rd S
S Ocean Blvd
Old S Ocean Blvd
MATCH LINE "C"

Ibis Isle Rd E
Ibis Isle Rd W
Old S Ocean Blvd
MATCH LINE "C"
Intracoastal Waterway
Atlantic Ocean
S Ocean Blvd
Lake Worth Rd
CITY OF LAKE WORTH
COMMERCIAL/PUBLIC-RECREATION
S Ocean Blvd
TOWN OF
PALM BEACH LIMITS
TOWN OF SOUTH PALM BEACH
SINGLE FAMILY RESIDENTIAL/MULTI FAMILY RESIDENTIAL

TOWN OF PALM BEACH FUTURE LAND USE MAP - 2027

Planning, Zoning & Building Department

- APPROVED PUD
- COMMERCIAL
- CONSERVATION
- MULTI-FAMILY
- MULTI-FAMILY- HIGH DENSITY
- PRIVATE GROUP USE
- PUBLIC
- RECREATION
- SINGLE-FAMILY

0 1,000 2,000 Feet

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MAP I - 1
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TOWN OF PALM BEACH PARKS & RECREATIONAL FACILITIES - 2017
Planning, Zoning & Building Department

- TOPB PATHWAY
- RECREATIONAL FACILITIES
- MUNICIPAL PARKS
- RECREATION NEIGHBORHOOD PARK SERVICE AREA

Feet
0 1,000 2,000

N W E S

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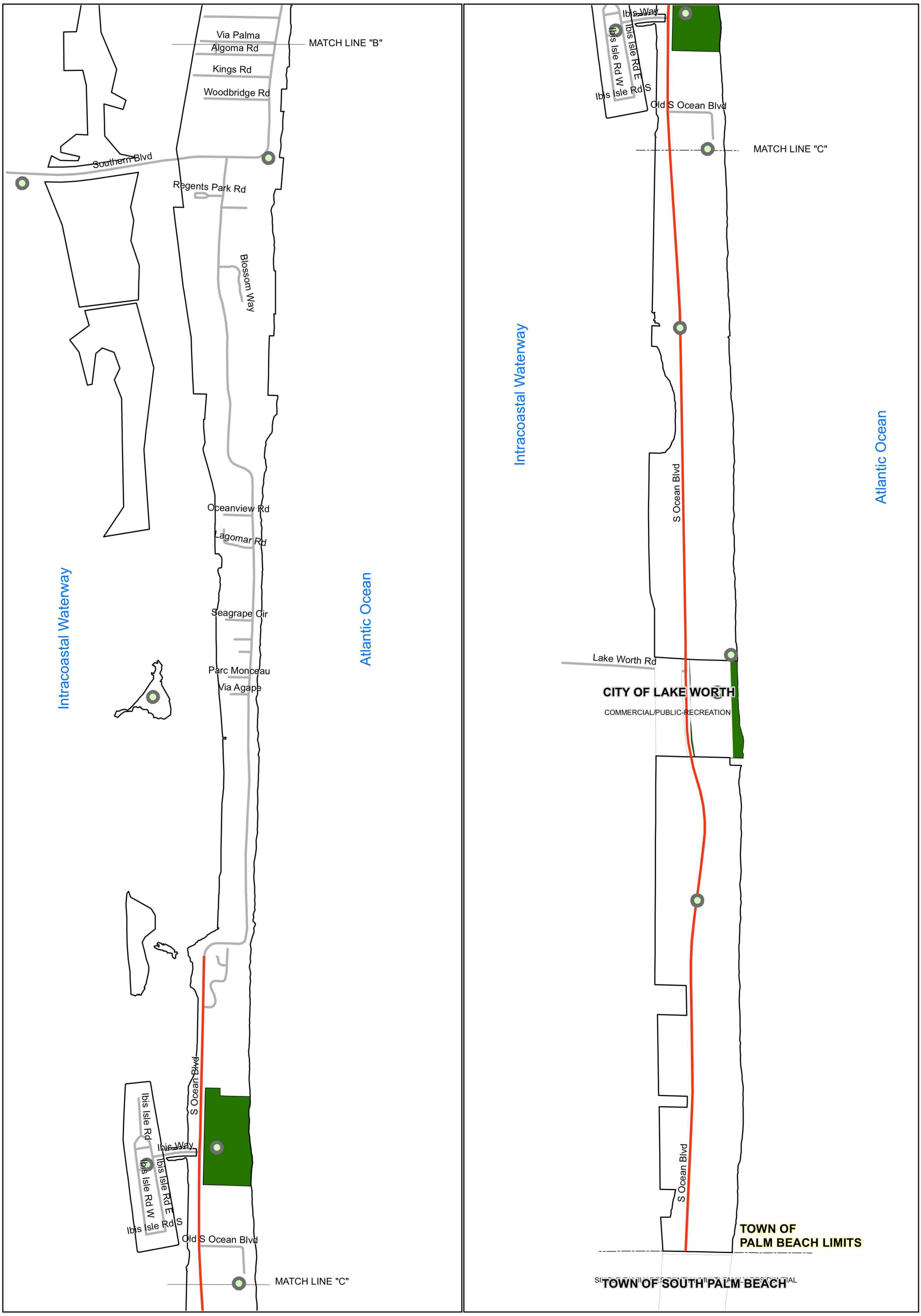
MAP I - 2



TOWN OF PALM BEACH PARKS & RECREATIONAL FACILITIES - 2017
Planning, Zoning & Building Department

- RECREATIONAL FACILITIES
- TOPB PATHWAY
- Municipal
- MUNICIPAL PARKS
- RECREATION NEIGHBORHOOD PARK SERVICE AREA

Feet
0 1,000 2,000

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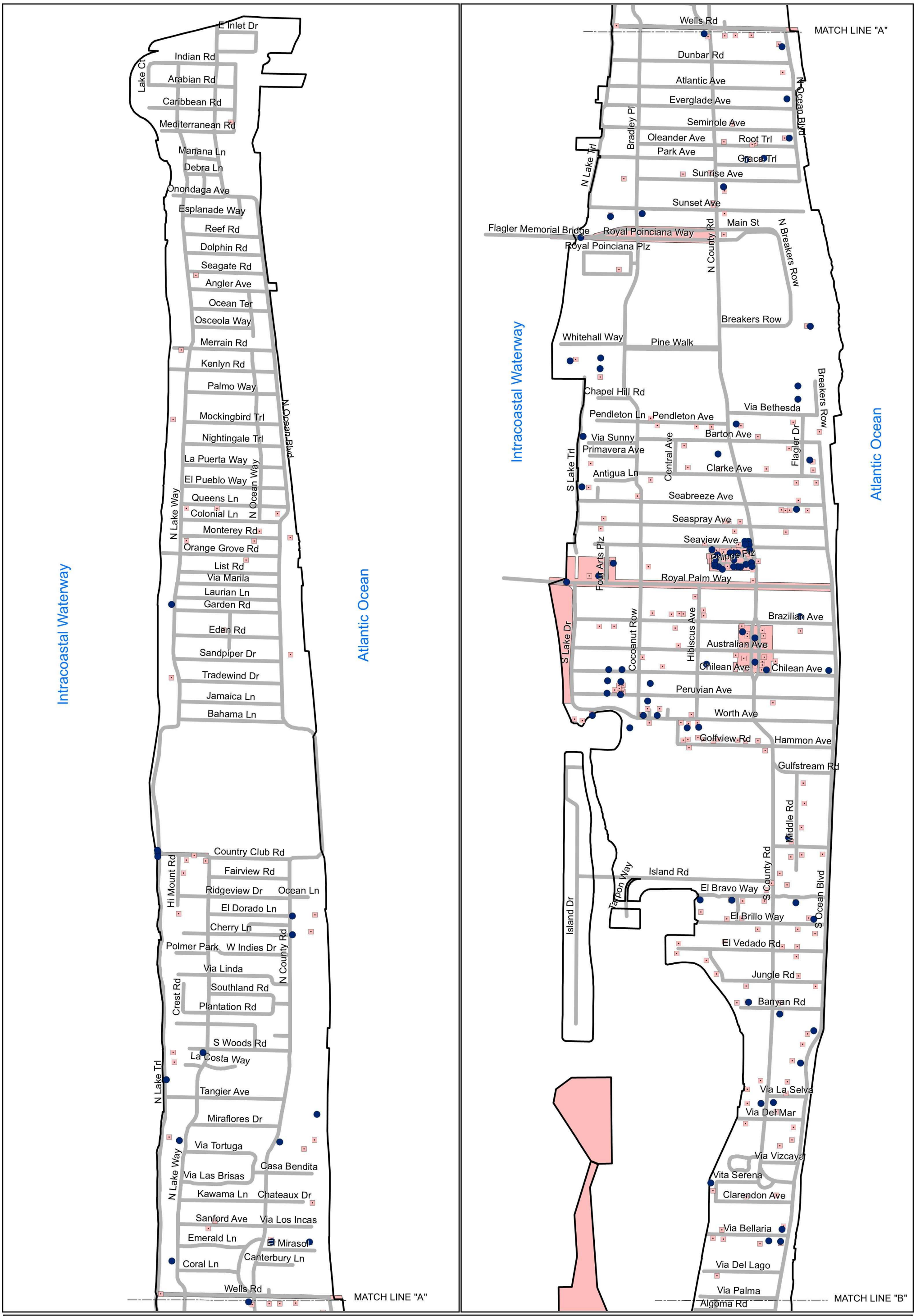
MAP I - 2



TOWN OF PALM BEACH HISTORIC SITES MAP - 2017

Planning, Zoning & Building Department

- OTHER HISTORIC
- LANDMARKS
- HISTORIC DISTRICTS

0 1,000 2,000 Feet

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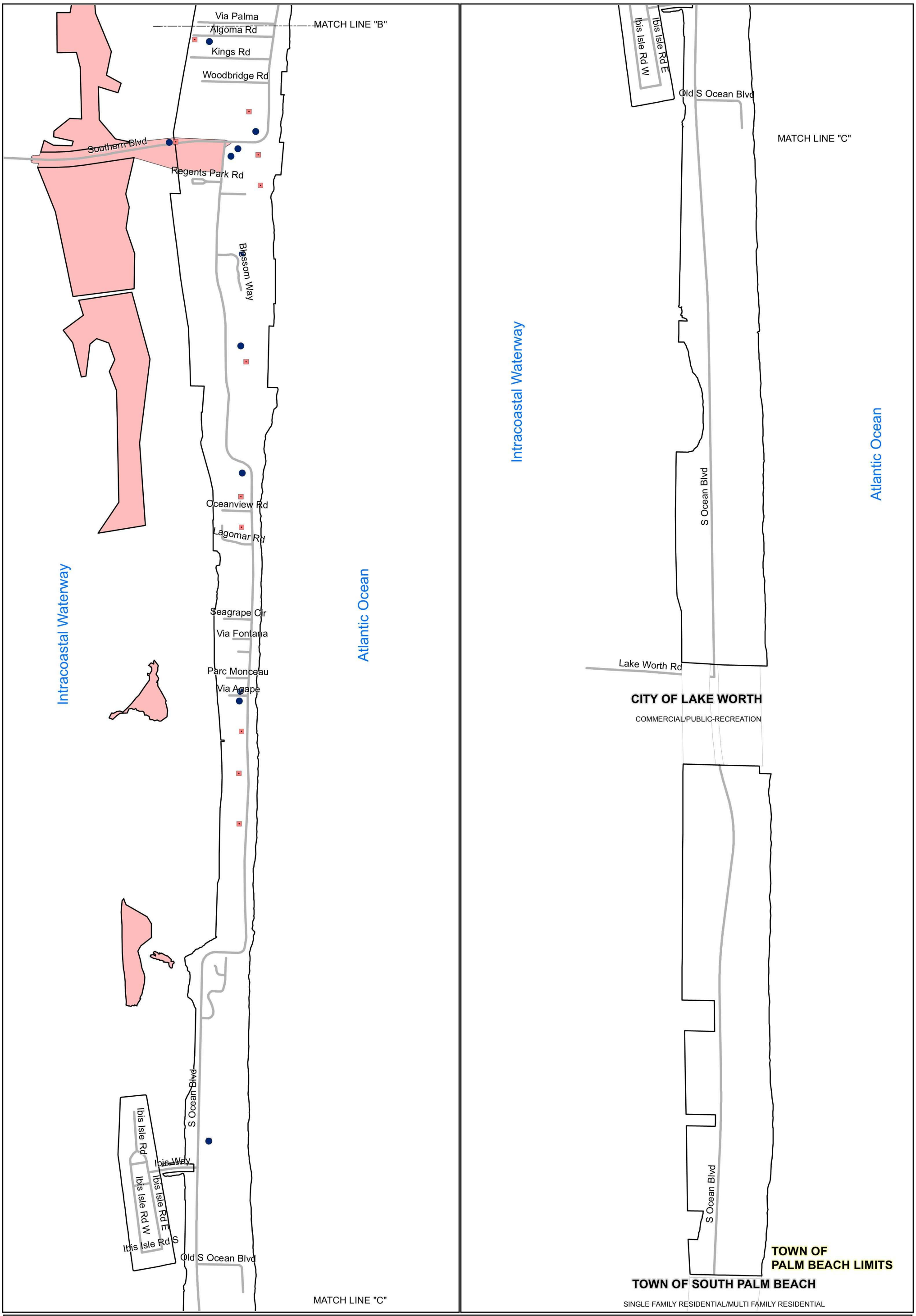
MAP I - 3



TOWN OF PALM BEACH HISTORIC SITES MAP - 2017

Planning, Zoning & Building Department

- OTHER HISTORIC
- LANDMARKS
- HISTORIC DISTRICTS

Feet

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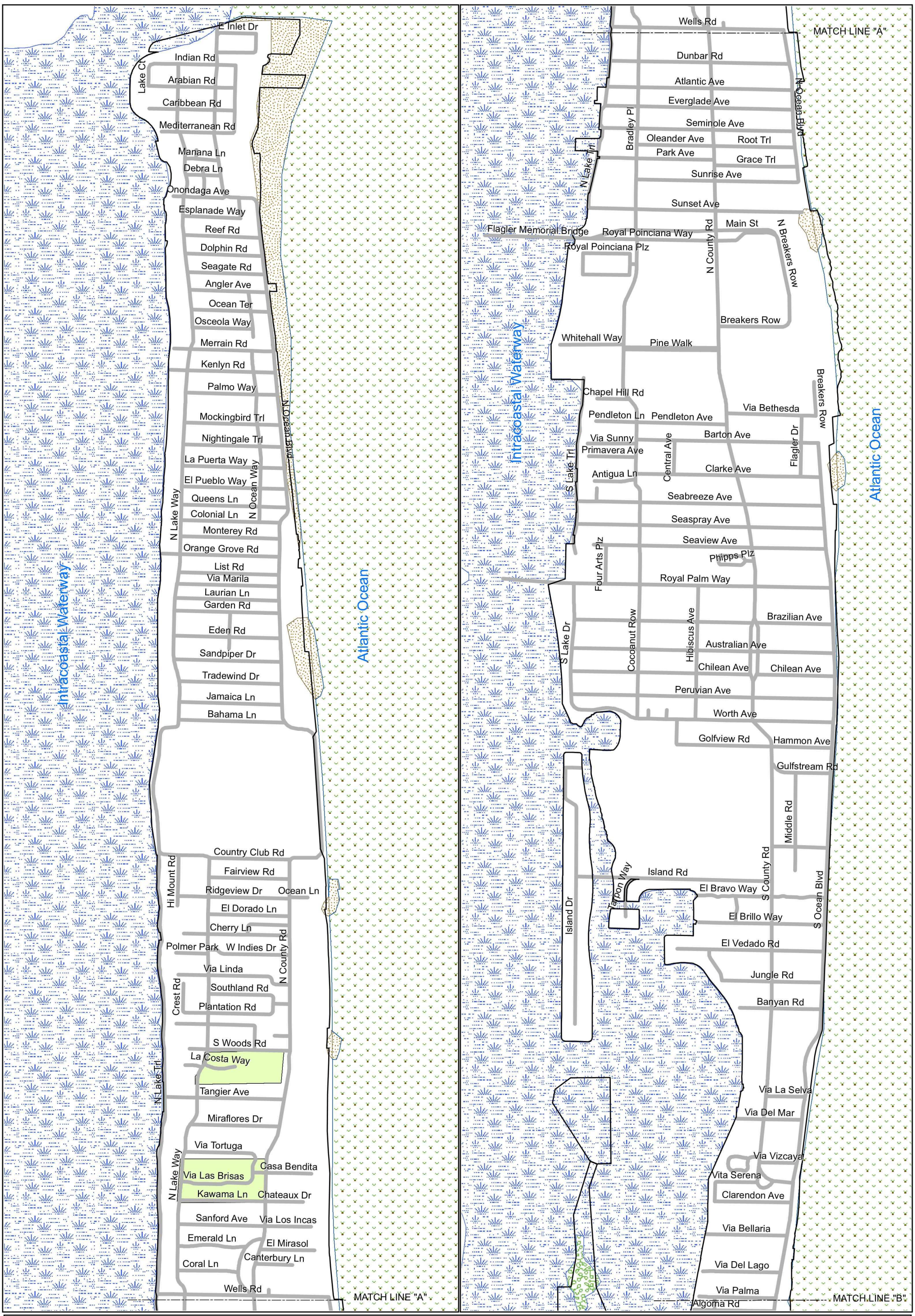
MAP I - 3
193



TOWN OF PALM BEACH BEACHES, SHORES, AND WILDLIFE MAP - 2017

Planning, Zoning & Building Department

- Atlantic Marine Wildlife
- Beach and Dune
- Lagoon
- Lagoonal Waters Edge/Mangrove Isles
- Upland/Urban Barrier Island Interior

0 1,000 2,000 Feet

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MAP I - 4

TOWN OF PALM BEACH BEACHES, SHORES, AND WILDLIFE MAP - 2017

Planning, Zoning & Building Department

- Atlantic Marine Wildlife
- Beach and Dune
- Lagoon
- Lagoonal Waters Edge/Mangrove Isles
- Upland/Urban Barrier Island Interior

Feet

0 1,000 2,000

N W E S

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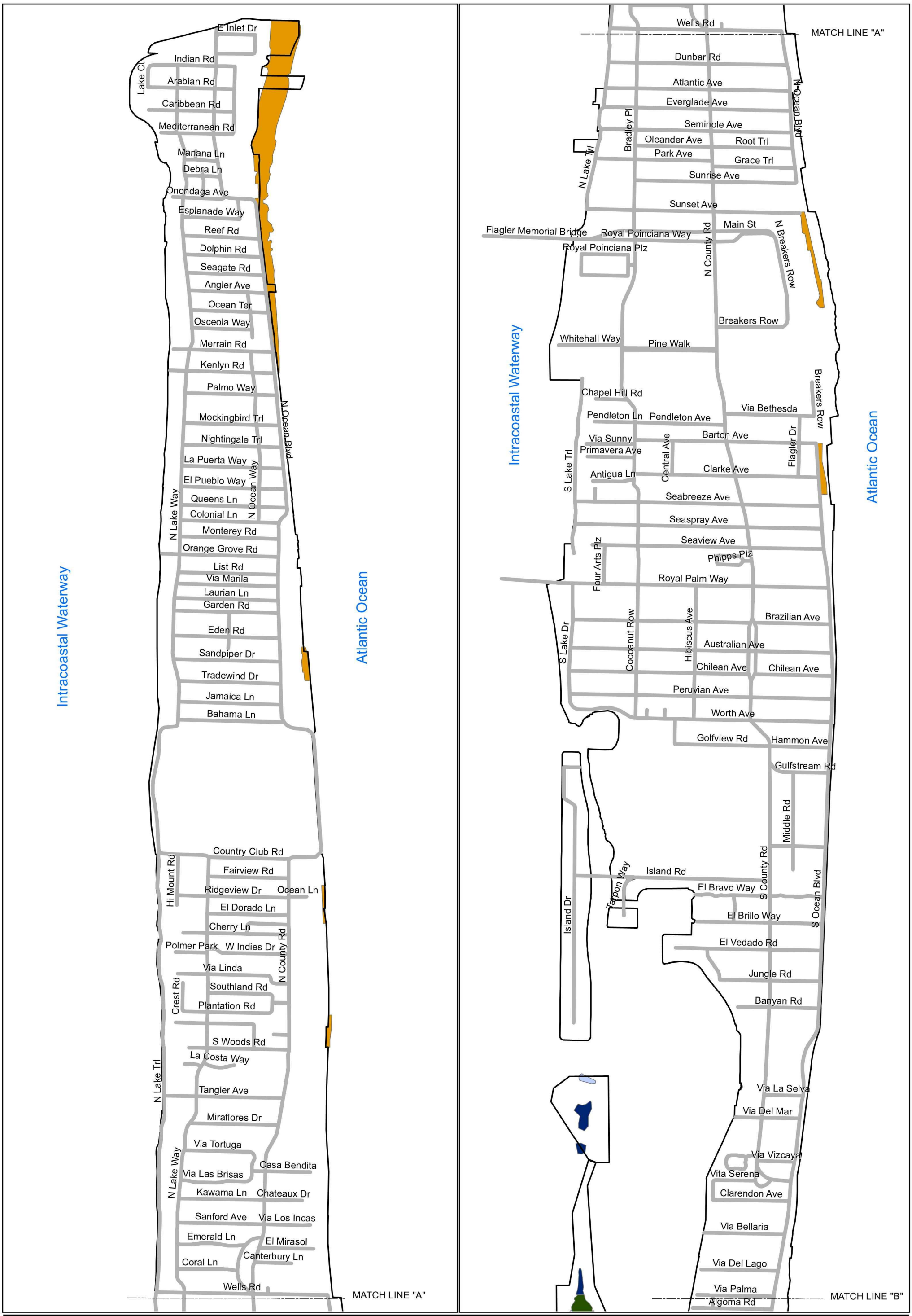
MAP I - 4



TOWN OF PALM BEACH ESTUARINE AREAS, WETLANDS AND VEGETATIVE COVER MAP - 2017

Planning, Zoning & Building Department

- Austrailian Pine
- Brazilian Pepper
- Coastal Scrub
- Estuarine Beach
- Mangrove
- Mixed Hardwood
- Pine and Pepper
- Tidal Flat

Feet

0 1,000 2,000

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MAP I - 5



TOWN OF PALM BEACH ESTUARINE AREAS, WETLANDS AND VEGETATIVE COVER MAP - 2017

Planning, Zoning & Building Department

- Austrailian Pine
- Brazilian Pepper
- Coastal Scrub
- Estuarine Beach
- Mangrove
- Mixed Hardwood
- Pine and Pepper
- Tidal Flat

Feet

0 1,000 2,000

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MAP I - 5



TOWN OF PALM BEACH 100-YEAR FLOODPLAIN MAP - 2017

Planning, Zoning & Building Department

100-YEAR FLOODPLAIN

Feet

0 1,000 2,000

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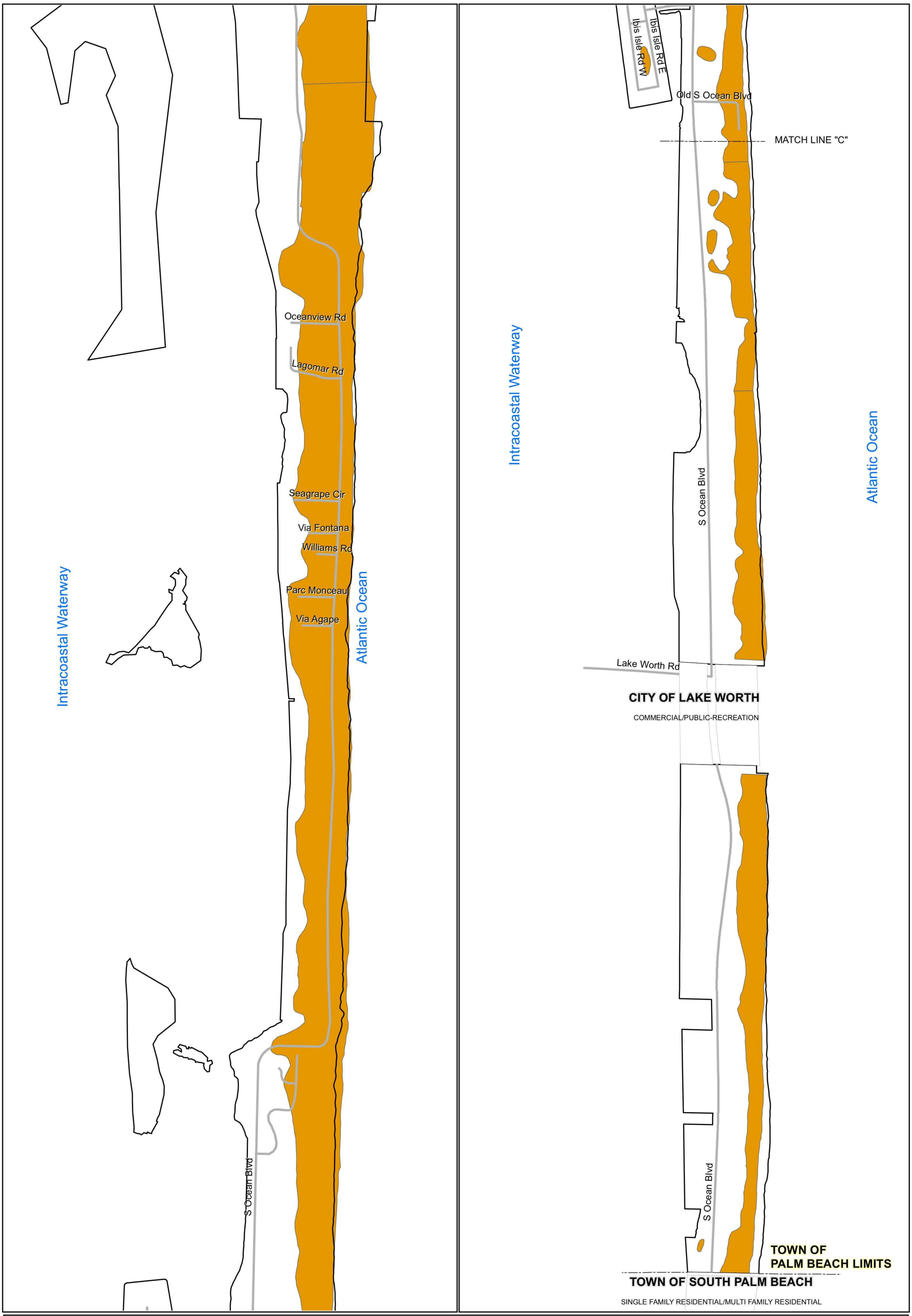
MAP I - 6
198



TOWN OF PALM BEACH 100-YEAR FLOODPLAIN MAP - 2017
Planning, Zoning & Building Department

100-YEAR FLOODPLAIN

Feet
0 1,000 2,000

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MAP I - 6



TOWN OF PALM BEACH COASTAL HIGH HAZARD AREA MAP 2017 - 2027

Planning, Zoning & Building Department

Coastal High Hazard Area CHHA

0 1,000 2,000 Feet

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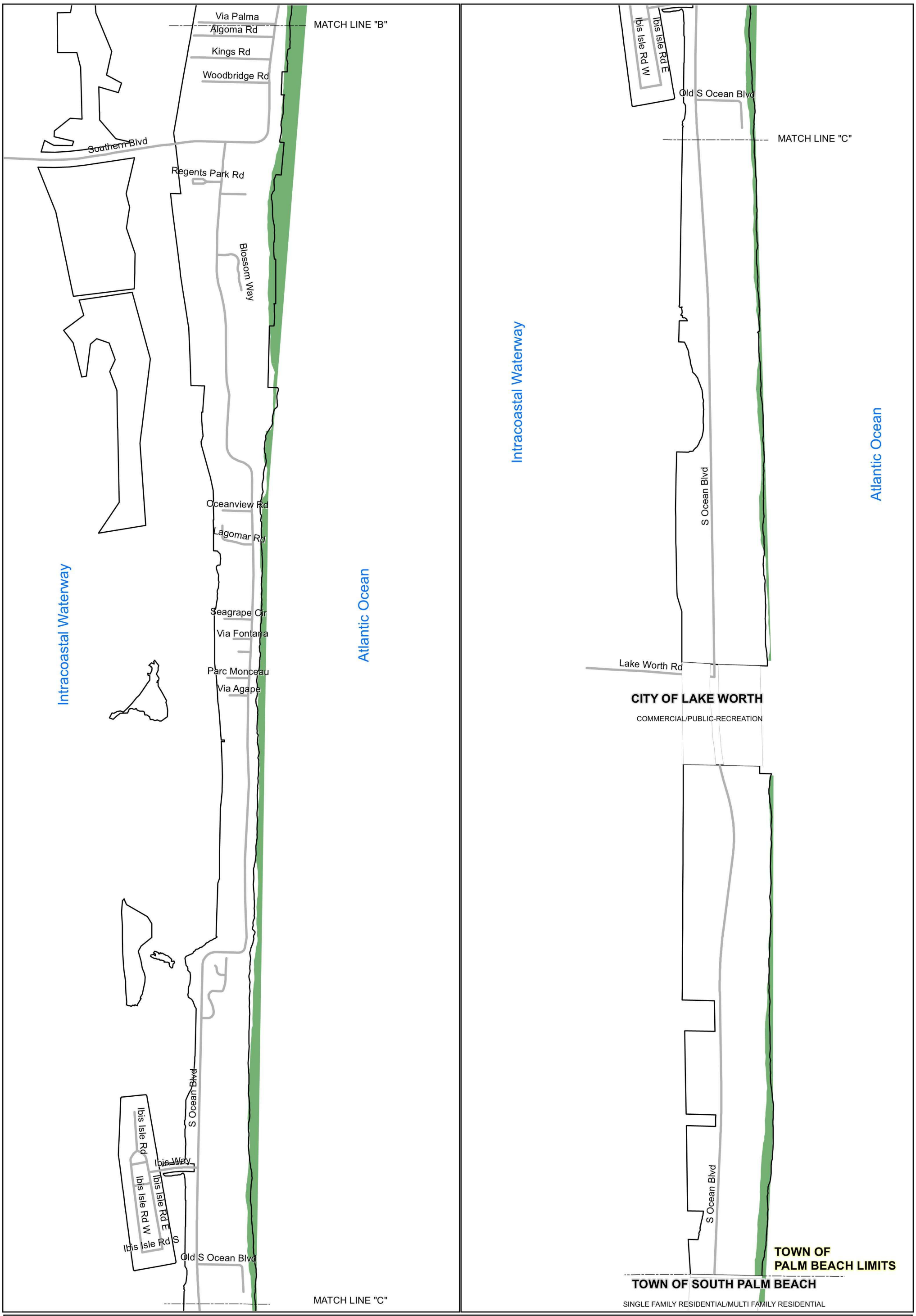
MAP I - 6



TOWN OF PALM BEACH COASTAL HIGH HAZARD AREA MAP 2017 - 2027

Planning, Zoning & Building Department

Coastal High Hazard Area CHHA

0 1,000 2,000 Feet

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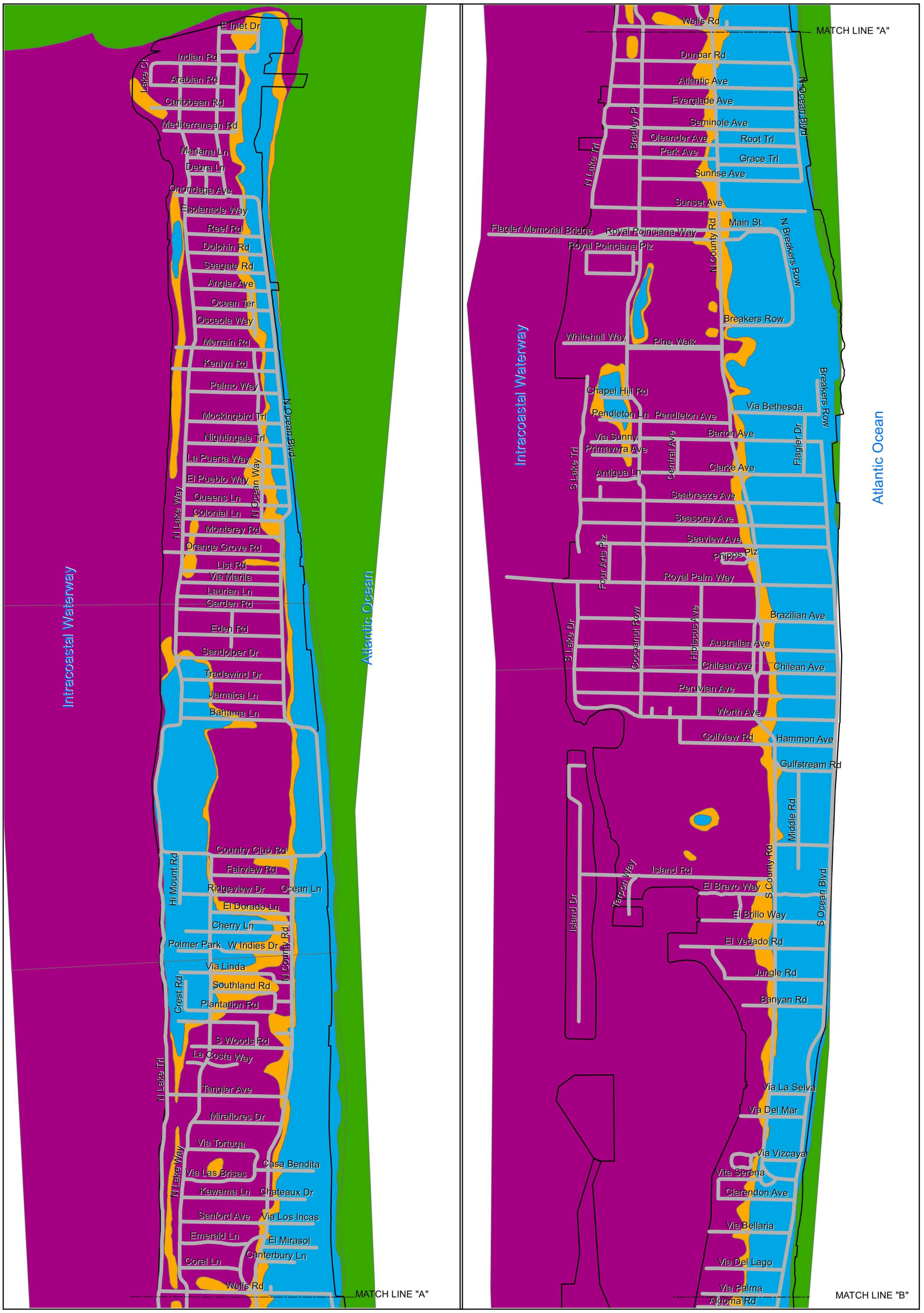
MAP I - 6



TOWN OF PALM BEACH FLOOD ZONE MAP - 2017
Planning, Zoning & Building Department

- ZONE A = Special Flood Hazard Area Subject to 100-Year Flooding
- ZONE B = No Base Flood Elevation Required
- ZONE C = No Base Flood Elevation Required
- ZONE V = Special Flood Hazard Area Subject to Wave Action

Feet
0 1,000 2,000

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TOWN OF PALM BEACH FLOOD ZONE MAP - 2017

Planning, Zoning & Building Department

- ZONE A = Special Flood Hazard Area Subject to 100-Year Flooding
- ZONE B = No Base Flood Elevation Required
- ZONE C = No Base Flood Elevation Required
- ZONE V = Special Flood Hazard Area Subject to Wave Action

0 1,000 2,000 Feet

N W E S

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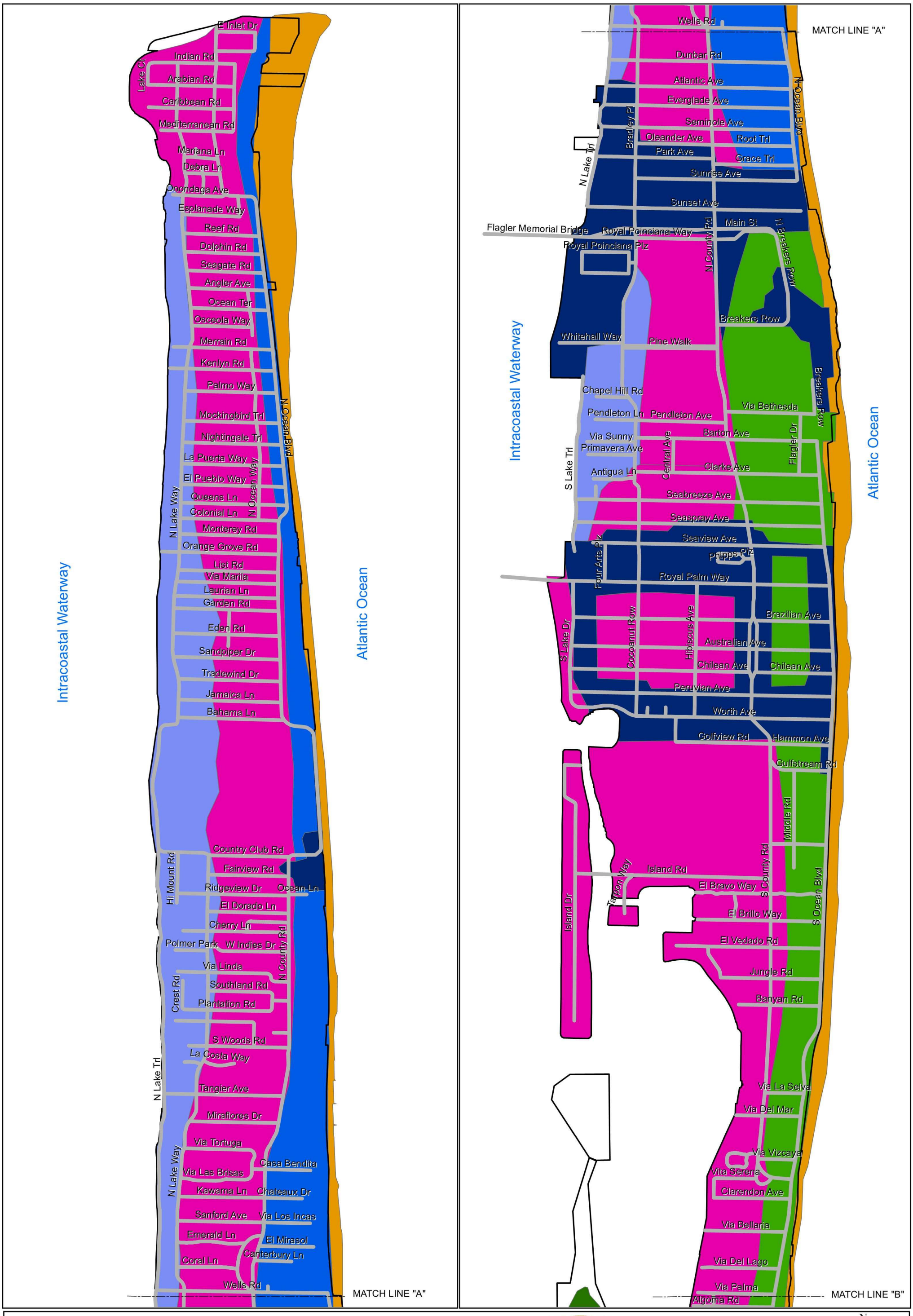
MAP I - 6
203



TOWN OF PALM BEACH MINERALS & SOILS MAP - 2017

Planning, Zoning & Building Department

Au Bn Cc CuB PbB PhB Tm Ur

0 1,000 2,000 Feet

N W E S

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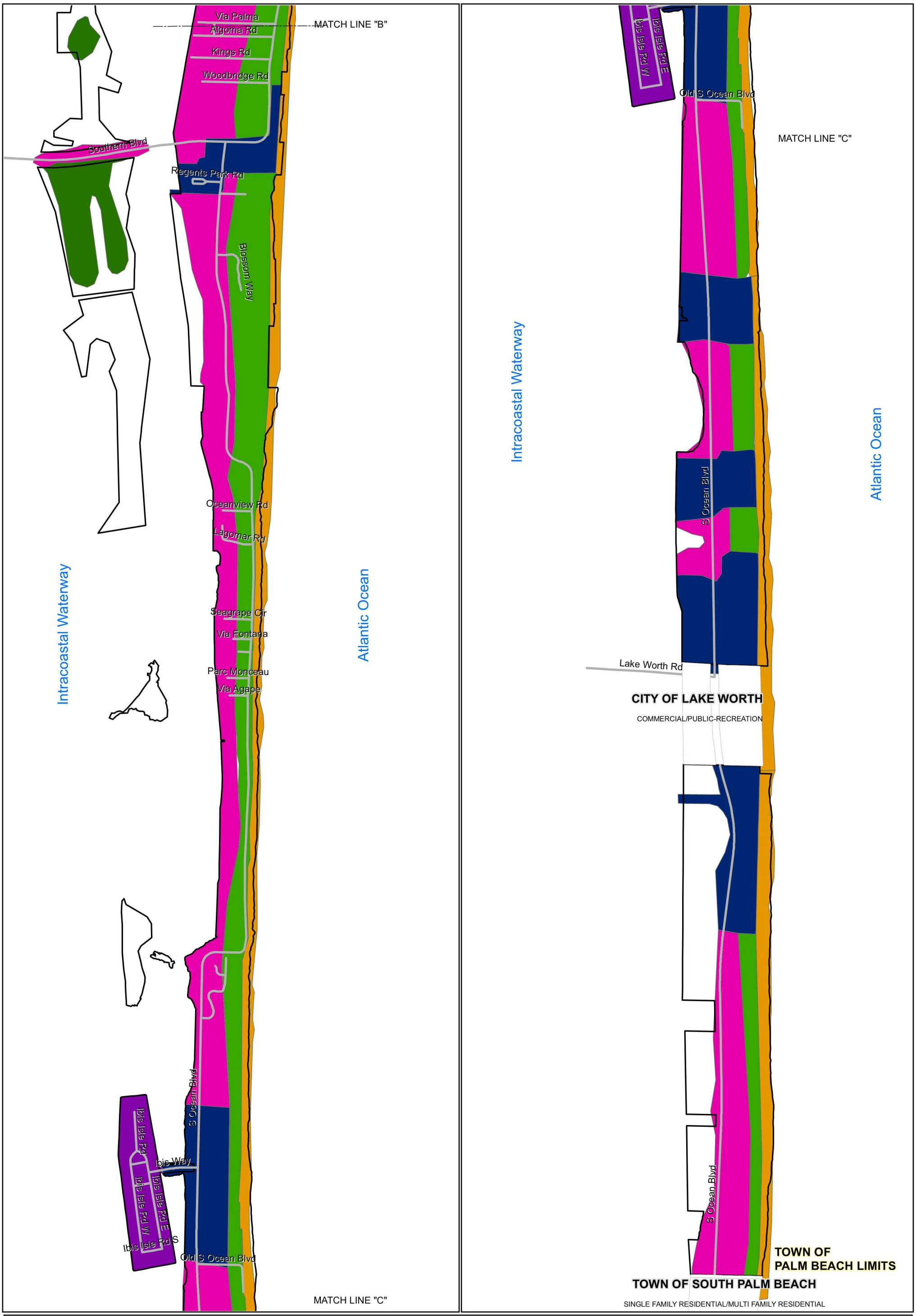
MAP I - 7
204



TOWN OF PALM BEACH MINERALS & SOILS MAP - 2017

Planning, Zoning & Building Department

Au Bn Cc CuB PbB PhB Tm Ur

Feet

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MAP I - 7
205



TOWN OF PALM BEACH
EXISTING PUBLIC BUILDINGS & GROUNDS MAP - 2017
Planning, Zoning & Building Department

PUBLIC BUILDINGS & GROUNDS

NOTE: No existing or planned public potable water wells or wellhead protection areas exist within the Town.

0 1,000 2,000 Feet

Map Created: July 28, 2017
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MAP I - 8
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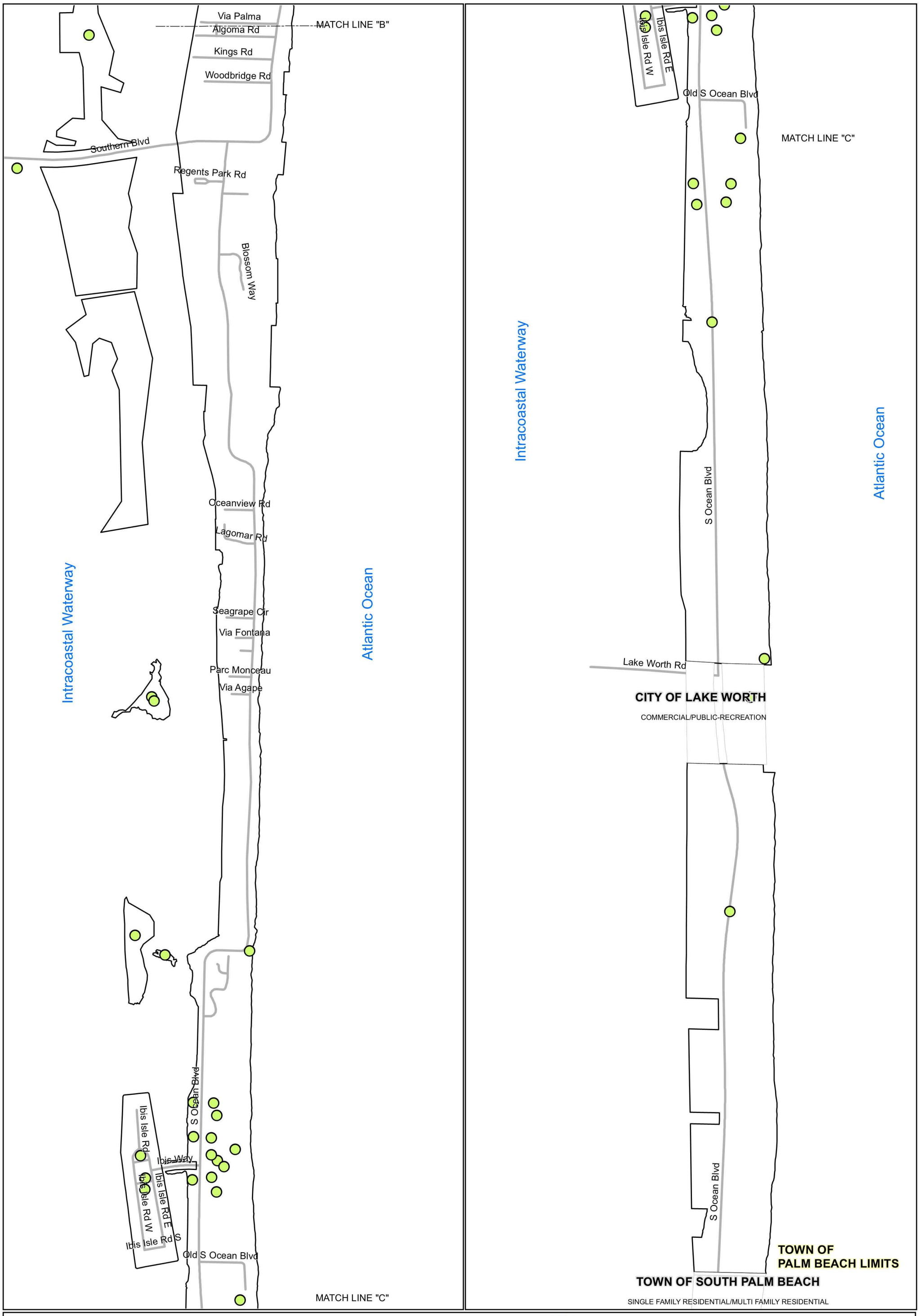

TOWN OF PALM BEACH
EXISTING PUBLIC BUILDINGS & GROUNDS MAP - 2017
Planning, Zoning & Building Department

PUBLIC BUILDINGS & GROUNDS

NOTE: No existing or planned public potable water wells or wellhead protection areas exist within the Town.

Feet
0 1,000 2,000

N W E S

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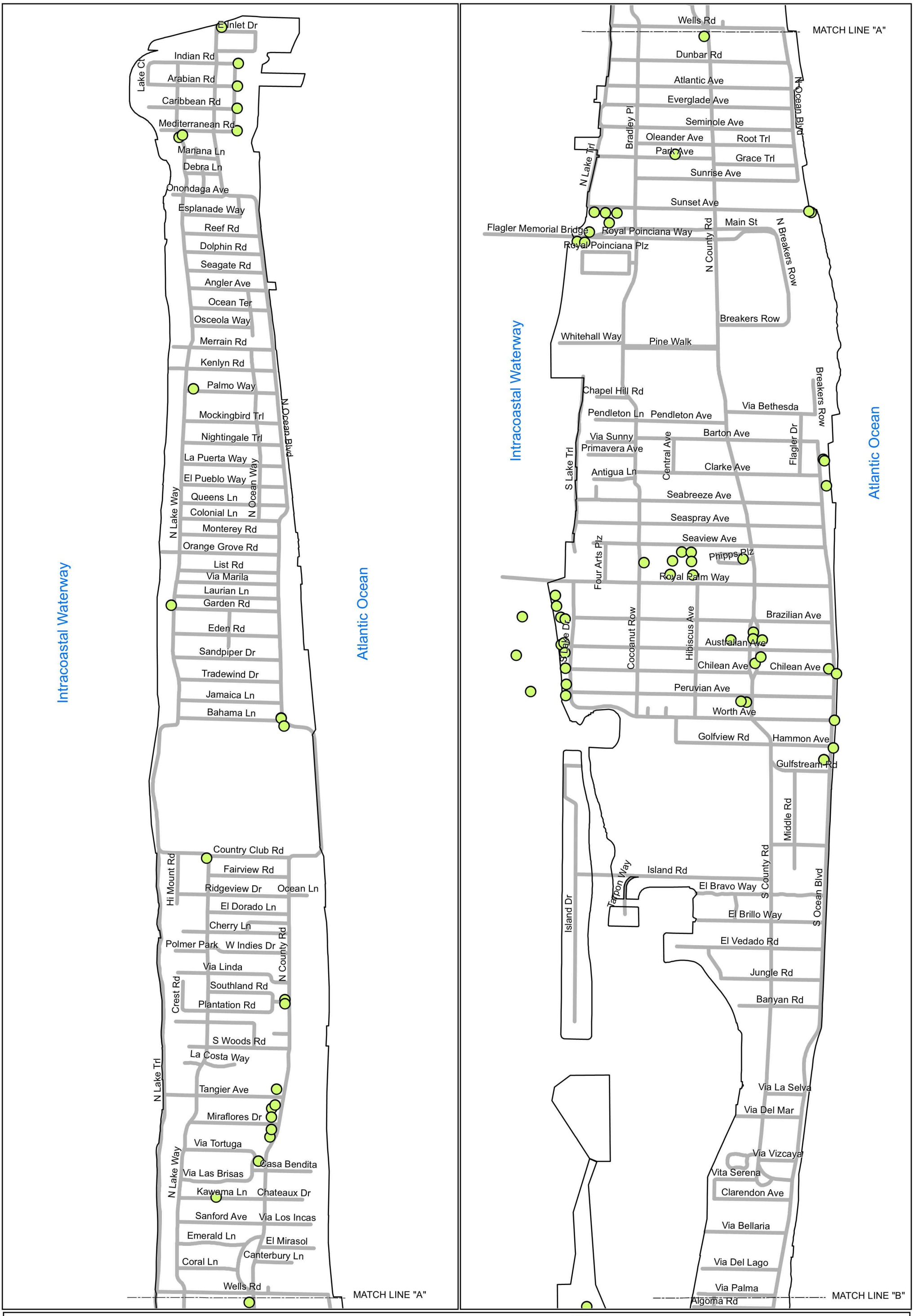
MAP I - 8



TOWN OF PALM BEACH
FUTURE PUBLIC BUILDINGS & GROUNDS MAP - 2027
Planning, Zoning & Building Department

PUBLIC BUILDINGS & GROUNDS

NOTE: No existing or planned public potable water wells or wellhead protection areas exist within the Town.

Feet
0 1,000 2,000

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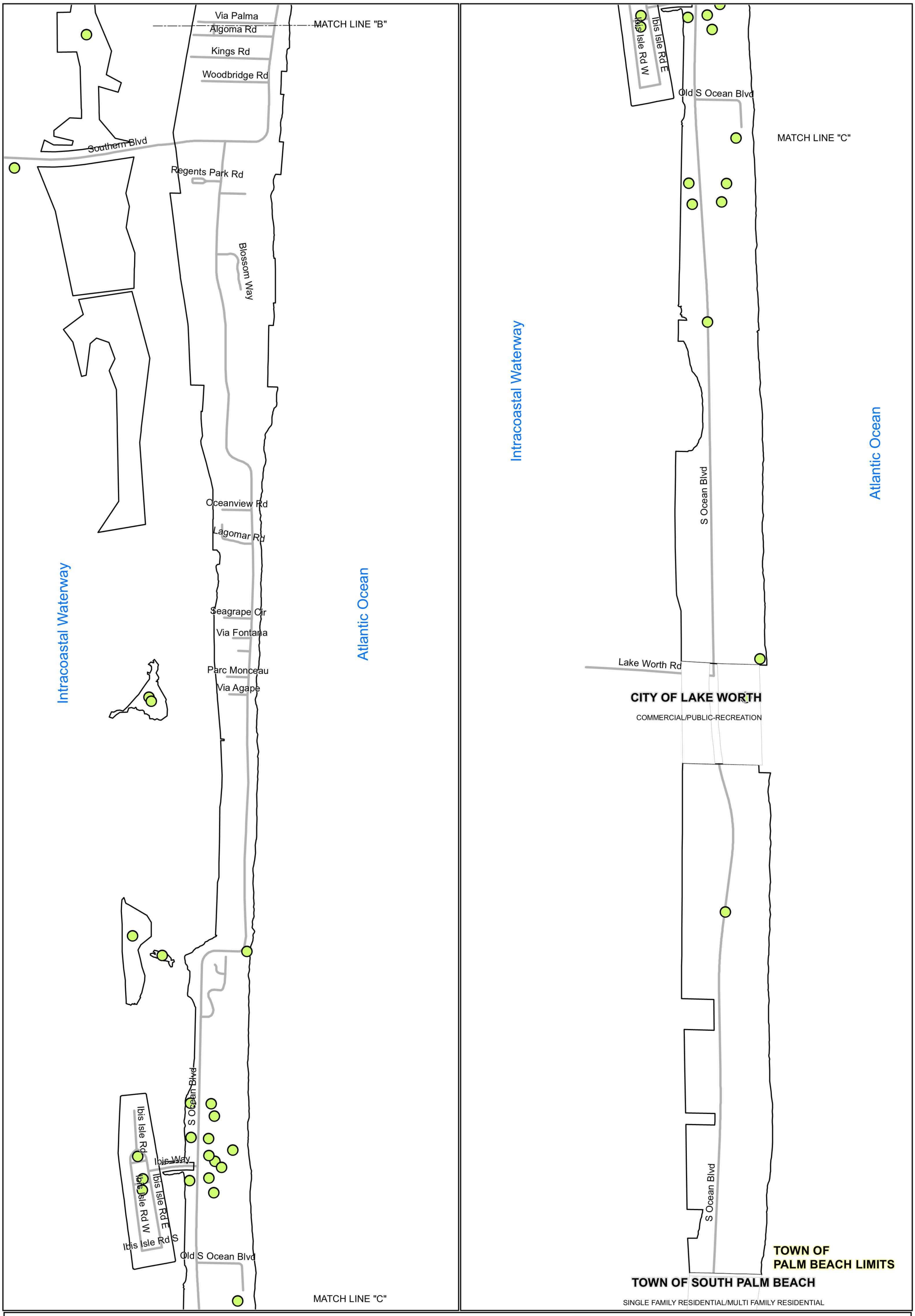
MAP I - 9



TOWN OF PALM BEACH
FUTURE PUBLIC BUILDINGS & GROUNDS MAP - 2027
Planning, Zoning & Building Department

PUBLIC BUILDINGS & GROUNDS

NOTE: No existing or planned public potable water wells or wellhead protection areas exist within the Town.

0 1,000 2,000 Feet

N W E S

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TRANSPORTATION ELEMENT

INTRODUCTION

The purpose of the Town's Transportation Element is to provide the framework for establishing its desired transportation system; and, in particular, to plan for its future motorized and non-motorized traffic circulation needs.

This Element relies upon and supports the basic philosophy expressed throughout the Town's planning efforts since its first Plan was adopted in 1929. The principal goal at that time, and one that has remained the primary philosophical basis for this Transportation Element, was:

> *"To preserve the town's quality of life through retention of an essentially residential character and unique historic personality."*

Further, the Town's 1929 Plan expressly sought to achieve, as one of its objectives:

> *"The concentration of general traffic upon a limited number of streets, a system of leisurely and convenient by/ways free from automobiles, discourage trespassing, and provide safety and quiet for the residents of Palm Beach."*

More recently, in its Comprehensive Plan adopted in 1983, the Town set forth the following as one of its primary land use objectives, and one that this Element strives to further:

> *"To maintain the quality of life which has given the Town its unique physical and historical character and, towards this objective, to take all legally and technically available measures to stabilize the Town's land use and reduce residential density patterns where possible."*

In most communities the Future Land Use Map will clearly indicate where new roadways must be provided; but, Palm Beach is unusual in that it is virtually fully developed with no opportunity for construction of new streets to relieve pressures on its major north-south arterial thoroughfare -- SR A1A, North County Road, and North Ocean Boulevard.

This Element of the Plan has been developed based upon:

1. Analysis of the existing transportation system;

2. Analysis of existing transportation levels of service and system needs; and,

3. Analysis of projected transportation levels of service and system needs, based upon the future land uses shown on the Future Land Use Map, and pertinent plans of the Florida Department of Transportation.

EXECUTIVE SUMMARY

The Town of Palm Beach is essentially built-out ~~growing at a slow rate~~ compared with other coastal communities. The most critical demographic condition affecting demands on the traffic circulation system is the annual fluctuation of population that occurs when numerous transient visitors and seasonal residents come to Palm Beach for the winter season. This seasonal fluctuation is as important as the rate of population growth. It requires that systems be designed to handle recurring seasonal demands not present the rest of the year.

In addition, Town roadways are subject to traffic impacts resulting from developments in neighboring communities. Recent land use changes will result in increased density and intensity within the Transportation Concurrency Exemption are (TCEA) in downtown West Palm Beach. As a result it is expected to negatively affect traffic circulation both on and off the island.

EXISTING ROADWAY FUNCTIONAL CLASSIFICATION

~~The~~ Map II-1 ~~map series~~ following the Transportation Goals, Objectives and Policies includes the functional classifications of the roadways within the Town for the current year (2017 ~~2009~~) and the 10-year planning time-frame (2027 ~~2019~~). There are divided major arterials (Royal Poinciana Way/SR A1A and Royal Palm Way), undivided major arterials (North and South County Roads/SR A1A, South Ocean Boulevard/SR A1A, Southern Boulevard, and Bradley Place), and undivided collectors (Cocoanut Row and South Ocean Boulevard). The remaining roads within the Town are local streets. ~~The~~ Map II-1 ~~map series~~ also includes information regarding existing (2017 ~~2009~~) and future (2027 ~~2019~~) bicycle/pedestrian facilities, roadway responsibility, and number of lanes.

Level of Service (LOS) is a representation of the traffic congestion on a roadway. The town sets the level of service standard for town roads. Palm Beach County has the Palm Beach County Transportation Performance Standards Ordinance that applies countywide to County thoroughfares and State roads that are not part of the Florida Intrastate Highway System (FIHS). The State sets the standards for FIHS roads. The Town may set levels of service higher than the County or State for County and State roads, but it may not adopt a lower standard without State and/or County agreement.

Maintaining concurrency is a term used to describe the situation where there is always enough room on the road (capacity) to accommodate traffic without reducing the level of service below the adopted standard. This requires predicting

how proposed development will affect traffic congestion. Studies have been conducted to develop formulas for predicting the number of trips various land uses will generate. Computer models have been created to try and predict how many vehicles will use which roadways to get between various land uses. Short term predictions can be fairly accurate, but long term predictions often are not. By convention, level of service is written as "LOS" when accompanying a letter standard.

LOS "A": Highest LOS which describes primarily free-flow traffic operations at average travel speeds. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at intersections in minimal.

LOS "B": Represents reasonably unimpeded traffic flow operations at average travel speeds. The ability to maneuver within the traffic stream is only slightly restricted.

LOS "C": Represents stable traffic flow operations. However, ability to maneuver and change lanes may be more restricted than in LOS B, and longer queues and/or adverse signal coordination may contribute to lower average speeds.

LOS "D": Borders on a range in which small increases in traffic flow may cause substantial increase in approach delay and hence decrease in speed. This may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these.

LOS "E": Represents traffic flow characterized by significant delays and lower operating speeds. Such operations are caused by some combination of adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing.

LOS "F": Represents traffic flow characterized by extremely low speeds. Intersection congestion is likely at critical signalized intersections, resulting in high approach delays. Adverse signal progression is frequently a contributor to this condition.

TRAFFIC GENERATORS

There are four main bridges crossing the Intracoastal Waterway and connecting the Town to the mainland; these are:

- Flagler Memorial Bridge
- Royal Park Bridge
- Southern Boulevard Bridge
- Robert A. Harris Memorial Bridge (Lake Worth Rd.)

~~Timed bridge openings improve traffic flow to and from the Town. The Town has successfully petitioned federal and state agencies to institute timed bridge openings on these bridges on a year-round basis, thereby allowing it to manage and mitigate traffic congestion.~~

Aside from these bridges, the major generators of traffic in the Town are limited to the two major commercial areas:

- The northern commercial area encompassing uses on Royal Poinciana Way, Sunrise and Sunset Avenues, Bradley Place, North County Road, and the Royal Poinciana Plaza; and,

- The Town Center area which includes the retail concentrations along South County Road, Peruvian Avenue, ~~and~~ internationally famous Worth Avenue; and~~,~~ the office area along Royal Palm Way.

REGIONALLY SIGNIFICANT ROADWAYS

Growth of the Town's population over many decades has contributed to the traffic and parking concerns. An even greater factor has been the exponential growth of the surrounding area. Palm Beach County's population has grown from less than 400,000 in 1980 to over 1.3 ~~1.2~~ million in 2010 ~~2005~~. Rapid growth in the regional population can be expected to continue throughout the planning period. In addition, the opening of a regional convention center in downtown West Palm Beach in 2003 has exacerbated the traffic and parking conditions.

Regionally significant roadway facilities~~, as identified by the Treasure Coast Regional Planning Council,~~ include: Royal Palm Way, Southern ~~Blvd.~~ Boulevard, Royal Poinciana Way, and South County/SR A1A from Royal Poinciana Way to the southern Town limits. Lands on either side of these roadways have been fully developed, although there may be some opportunity for redevelopment in the future.

Developments in nearby communities may cause increases in traffic on regionally significant roadways in the Town. The Town lacks sufficient data to evaluate these impacts. In 2001, the Town negotiated with the City of West Palm Beach and reached agreement with regards to the Town's concerns over the lack of LOS determinations in the City of West Palm Beach's downtown Master Plan.

TRAFFIC CIRCULATION ANALYSIS

Traffic circulation in Palm Beach is mainly influenced by the four connecting bridges from the mainland, two of which feed directly to the Town's two major commercial areas.

Due to geographical constraints, the Town's existing roadway network does not lend itself to major improvements to increase capacity. As in most communities approaching build-out, development has occurred immediately adjacent to the rights-of-way, virtually precluding any major network improvements.
In assessing and analyzing traffic circulation service and capacities, the basic "level of service" methodology was utilized, along with recent and historical traffic volume data.

Traffic signals in the center of the Town are computer-synchronized. However, there are no signals on SR A1A south of Hammon Avenue all the way to Lake Worth Road ~~the Town's southern limit~~, a distance of nearly six miles. Also, there are no traffic signals on Southern Boulevard within the Town.

To improve safety and traffic flow, the Town completed an intersection/triangle visibility study in 2005 that inventoried and recommended regulations to deal with vegetation, walls and other impediments to motorist visibility of oncoming traffic. In 2009 the Town modified regulations related to intersection sight triangles to the Town Code. While the Town has not adopted a "joint use access" provision as suggested in Policy 1.2, joint access is permitted upon review and approval by the Director of Public Works. Access is limited to the minor roadway when a lot has frontage on both a major and minor roadway.

EXISTING SYSTEM DEFICIENCIES

Although traffic volumes fluctuate, average annual daily traffic has generally decreased slightly ~~remained relatively stable~~ over the past five years. ~~The peak-season, however, sees traffic volumes exceeding average daily traffic by more than 35%. This is the principal period of traffic congestion in the Town.~~ Given the fact that there is very little vacant land available, there does not appear to be further potential for substantial increases in traffic volumes generated by new development, although traffic will likely increase as surrounding areas develop or redevelop to higher intensity.

While the Town has taken numerous steps to ameliorate traffic and parking problems, they persist in selected areas, chiefly during the peak winter tourist months. Of particular concern are the Royal Park, Flagler Memorial, and Southern Boulevard bridges during the morning and afternoon "rush hours", and the Town Center and Royal Poinciana commercial areas. Traffic and parking conflicts continue, particularly in residential districts adjacent to these commercial districts or the beach areas.

Town staff is continually addressing localized traffic circulation problems, or implementing traffic operation improvements, to increase capacity and safety at points of congestion.

Traffic volume data indicate that all major roadways operate at Level of Service "D" or better during peak periods except for Southern Boulevard which operates at Level of Service "E ~~F~~"

during the AM and PM Peak Hour as well as SR A1A north of Via Del Lago which operates at a Level of Service "E" during the PM Peak Hour.

Areas which local knowledge and field inspection indicate are of particular concern include the Worth Avenue and South County Road commercial areas, and the Royal Park, Flagler Memorial, and Southern Boulevard bridges during morning and evening peak hours, primarily due to the bridge openings. The Town has observed that the timed bridge openings during the peak season help to mitigate traffic congestion. To a lesser degree, congestion also develops in the commercial areas during the mid-day hours (11 a.m. — 1 p.m.). Map II-2 identifies the principal areas of traffic and parking problems in the Town.

The *Traffic and Parking Improvement Plan* prepared by the Town's consulting engineers in 2006 indicated ~~s~~ that in certain instances insufficient parking may be affecting the ability of residents and others to safely and conveniently access recreational (including the municipal docks) and school facilities. Bridge openings at the Royal Park and Flagler Memorial Bridges needed to be synchronized to be consistent with peak seasonal operations. The Town evaluated the alternative strategies of the Plan and implemented strategies as needed.

~~Needed Actions to Address the Deficiencies and Issues~~

- ~~Investigate the appropriateness of modifying the traffic light at Lake Avenue and South Ocean Boulevard to allow traffic to move off the island from the beach to the bridge on a continuous "green", placement by West Palm Beach of a "no left-hand turn" sign at the intersection, and stationing a policeman there from 4 pm to 5 pm.~~

- ~~Upon completion of the final draft of the *Traffic and Parking Improvement Plan*, the Town will need to evaluate and determine which of the myriad of alternative strategies offered by American Consulting Engineers should be adopted relating to:~~

  1. ~~Modifying bridge openings during the peak and off-seasons to improve traffic flow into and out of the Town, and to improve safety at schools at or near the intersections. (This item was implemented in 2002).~~

  2. ~~Improve parking availability in the vicinity of schools, recreation areas and the municipal docks to ensure safe and adequate access. (Portions of this recommendation were implemented in 2002 along with modifications to the Palm Beach Day School. Negotiations are presently proceeding with the Palm Beach County School District and the Society of the Four Arts to improve the parking at the Public Elementary School).~~

  3. ~~Provision of public garage(s) for commercial and nearby public uses.~~

  4. ~~Possible one-way pair for Sunrise and Sunset Avenues.~~

  5. ~~Modification of drop-off times and zones for the public school.~~

  6. ~~Parking changes in the Seaview Park/Palm Beach Day School area.~~

7. ~~Reconfiguration of on-street parking, pay-parking strategies, public-private partnerships, valet parking, etc. to improve parking efficiency and availability in the Worth Avenue, Mid-Town and Royal Poinciana commercial districts.~~

8. ~~Address conflicts with vehicular, bicycle, and pedestrian traffic at the bridges.~~

EXISTING MULTIMODAL TRANSPORTATION SERVICES

Public transit services, including disadvantaged services, are provided by PalmTran, the county-wide system which operates two bus routes which connect destinations within the Town to the mainland. There are no routes which operate solely within the limits of the Town. The Town does not directly provide transit services. Map II-3 shows the location of existing PalmTran bus routes.

The existing bus routes operate primarily on main roads and provide coverage to destinations within the Town. The level of transit service is minimal. There are no special transit services (e.g., park and ride, express bus, etc.). Connections to airports, seaports, railroad stations and other mainland destinations are limited to private for-hire services such as taxicabs, rental cars, limousines or courtesy shuttles.

The Town has studied the potential for expanding transit services as a way of alleviating traffic congestion on major roadways. The study concluded that, since transit in the Town is just a part of the larger overall countywide system, any improvement in service would necessarily need to be linked to a countywide expansion of transit services and modes. There are no plans for such an expansion at this time. There are no designated transit corridors in the Town.

~~While Policy 3.2 refers to investigating actions that may improve transit ridership in the Town, residents have expressed dissatisfaction with public transit in the Town, suggesting that the associated noise and odors are unacceptable, and have even suggested reducing the extent that the Town may be served by the facility. Specifically, studies show that ridership throughout the Town is significantly less than the capacity of the vehicles used. The public commentary suggests that this condition may be wasteful with regards to fuel consumption and contributing to excessive pollution levels.~~

There are no designated transportation concurrency management areas within the Town.

During an impending natural disaster (such as an approaching hurricane) it may become necessary to evacuate the island residents. The Town staff routinely works with countywide disaster management agencies to plan for such occurrences. The keys to safely evacuating the island are:

- Sufficient advanced warning.
- Maintaining traffic flow on the four bridges.

The Town conducts Travel Demand Management (TDM) by working with significant traffic generators (e.g., convention, meeting and banquet facilities, etc.) to manage demand and minimize traffic and parking impacts during significant events. Demand management techniques used by the Town include remote parking and shuttle services for employees, valet parking, controlling the scheduling of large or overlapping events, police traffic control, encouraging employees to use public transportation, shared parking, etc.

FUTURE TRANSPORTATION SYSTEM

Map II-4 provides the general location of major traffic circulation features in Palm Beach through the year 2017 ~~2009~~. Since the Town is essentially ~~almost~~ fully developed~~, with less than 3% of its land area vacant,~~ and without any opportunity for new alignments or major expansions to the existing roadway network, the existing and future traffic circulation systems are identical.

The facilities portrayed on this map recognize that the Metropolitan Planning Organization has no capacity improvements planned for the Town, nor are there any such improvements, expansions or new facilities planned for the Town in the Adopted FDOT Five-Year Work Program.

No limited access facilities, ports, airports, rail lines, intermodal terminals, high-speed rail lines, or related facilities exist in the Town, nor are any planned or expected during the planning period.

ANALYSIS OF PROJECTED TRAFFIC AND NEEDS

Because of the geographic and developmental limitations imposed on the traffic circulation system in the Town, its basic design concept cannot be significantly modified. Thus, the primary thrust of transportation planning strategies adopted by the Town must focus on improvements that are operational in nature, with emphasis upon public transportation, if and when it is proven to be economically feasible.

There is little opportunity for growth and development within the Town. Existing established land use patterns are likely to remain for the foreseeable future. Therefore, the opportunity for developing new or expanded transit services depends primarily on developing major transit destinations on the mainland.

Based on the recent 2015 peak hour volumes collected along the key roadway corridors, the volume to capacity ratios for 75% of these roadway corridors provide for enough capacity to allow for 500 future peak hour committed trips. ~~standards promulgated by the Institute of Traffic Engineers, new housing construction in the Town can be expected to add only 500 more peak-season peak-hour trips throughout the Town by the year 2006. There is only about one-half acre of vacant land designated for commercial uses; therefore, new commercial development is not expected to increase traffic volumes in the Town. However, the number of additional trips that could be added~~

~~by commercial redevelopment is unknown, and it can be expected to further aggravate congestion on roads in, around, and leading to the Town's two major commercial centers.~~

All applications for development or modifications to existing uses within the Town undergo a review of on-site traffic flow and parking operations. This careful scrutiny has resulted in the elimination of many potential problem areas, and has prevented additional congestion in many cases.

TABLE II-1
DAILY PEAK SEASON TRAFFIC COUNTS
SELECTED LOCATIONS
TOWN OF PALM BEACH
2015-2008 ~~2004 – 2008~~

#	Street Segment	Facility Type	1997[2] LOS	2007[2]	2009[2]	2010[2]	2011[2]	2015[1]	
								Count	LOS
1	Southern Blvd. (W of SR A1A)	2L ART Undiv.	E	14,452	13,445	12,730	13,215	15,079	E
2	SR A1A (N of Via Del Lago)	2L ART Undiv.	E	17,026	14,894	14,091	13,767	15,057	E
3	SR A1A (S of Via Pelicano)	2L ART Undiv.		12,615	10,107	9,990	10,213	10,636	D
4	Ocean Blvd. (N. of El Vedado)	2LCOLL Undiv.	D	12,406	10,634	9,368	9,176	9,985	D
5	S. County Rd. (N. of Peruvian)	4L ART Undiv.	D	10,108	9,963	9,753	11,359	9,919	C
6	N. County Rd. (N. of Breakers Rd)	4L ART Undiv.	D	15,930	14,162	13,590	13,695	15,431	D
7	N. County Rd. (N of Royal Poinciana Way)	4L ART Undiv.	D	14,666	14,407	13,712	14,908	13,070	D
8	Cocoanut Row (S of Seabreeze)	2LCOLL Undiv.	E	9,054	8,262	8,296	8,079	8,639	D
9	Cocoanut Row (N of Whitehall)	2LCOLL Undiv.		9,975	8,716	8,567	8,245	8,895	D
10	Bradley Pl. (N. of Royal Poinciana Way)	2LCOLL Undiv.		16,052	14,084	13,351	14,324	12,279	D
11	Royal Palm Way (E of Hibiscus)	4L ART Divided	D	17,292	16,240	15,641	15,340	17,289	D
12	Royal Palm Way (W of Hibiscus)	4L ART Divided		19,210	17,992	17,374	17,076	18,821	D
13	Royal Poinciana Way (W of Cocoanut Row)	4L ART Divided	D	N/A	N/A	N/A	N/A	16,681	D
14	Royal Poinciana Way (W of County Rd.)	4L ART Divided		14,296	13,074	12,223	12,869	10,501	C

SOURCE: [1]Kimley-Horn and Associates, 2016; [2]Progressive Design & Engineering

#	Street Segment	Facility Type	1997 LOS	2004	2005	2006	2007	2008	
								Count	LOS
1	Southern Blvd. (W of SR A1A)	2L ART Undiv.	E	15,421	14,649	14,116	14,452	13,546	D
2	SR A1A (N of Via Del Lago)	2L ART Undiv.	E	18,577	18,533	17,768	17,026	15,322	E
3	SR A1A (S of Via Pelicano)	2L ART Undiv.		13,457	13,659	13,575	12,615	10,510	C
4	Ocean Blvd. (N. of El Vedado)	2L COLL Undiv.	D	13,629	13,306	12,796	12,406	11,046	C
5	S. County Rd. (N. of Peruvian)	4L ART Undiv.	D	9,990	11,734	10,487	10,108	9,594	B
6	N. County Rd. (N. of Breakers Rd)	4L ART Undiv.	D	16,723	16,182	16,176	15,930	15,439	C
7	N. County Rd. (N of Royal Poinciana Way)	4L ART Undiv.	D	16,185	15,801	15,761	14,666	15,376	C
8	Cocoanut Row (S of Seabreeze)	2L COLL Undiv.	E	7,943	8,355	8,843	9,054	8,613	C
9	Cocoanut Row (N of Whitehall)	2L COLL Undiv.		9,541	9,609	9,397	9,975	9,244	C
10	Bradley Pl. (N. of Royal Poinciana Way)	4L ART Undiv.		14,667	14,288	15,298	16,052	14,747	E
11	Royal Palm Way (E of Hibiscus)	4L ART Divided	D	15,045	15,499	18,169	17,292	16,790	C
12	Royal Palm Way (W of Hibiscus)	4L ART Divided		16,813	17,245	19,646	19,210	18,782	C
13	Royal Poinciana Way (E of Cocoanut Row)	4L ART Divided	D	16,739	14,993	14,518	14,296	14,204	B
14	Royal Poinciana Way (E of County Rd.)	2L COLL Undiv.		4,887	4,309	4,383	4,406	4,482	B

SOURCE: 2004 – 2008 Data, Progressive Design & Engineering 1997 LOS, 1997 Comprehensive Plan

Based on the data prepared by Kimley-Horn & Associates and an update prepared by Progressive Design & Engineering as outlined in the Table above, the yearly peak season daily traffic volumes have remained steady or increased slightly between 2010 and 2015. in a report dated March, 2007, the study recognized that the peak seasonal population in the Town is expected to increase only minimally during the planning period over the estimated population in 2009, Therefore, the Town expects to be able to meet its current adopted levels of service. While some locations along SR

A1A may experience traffic levels in excess of the adopted level of service, as a whole traffic levels on A1A will remain within level of service E.

In the past, the Town filed a lawsuit against the City of West Palm Beach for not sharing traffic data related to the West Palm Beach Downtown Master Plan so that the Town can analyze and plan for the mitigation of negative effects which may be encountered by the Town resulting from the increased traffic which will most likely be created from increased development and traffic calming measures. In the past, the Town has also objected to those portions of West Palm Beach's proposed Downtown Master Plan which decreased traffic volumes on major roadways in the City of West Palm Beach, and may result in increased traffic volumes and exacerbation of traffic congestion on major roads in the Town, including SR 80, SR A1A, Royal Palm Way and Royal Poinciana Way.

Sound traffic engineering and parking procedures are continually being implemented by the Town to ensure that safe and convenient on-site and off-street parking operations are maintained.

Although the opportunities are very limited, the Town has a policy of actively pursuing the acquisition and/or improved use of existing and future rights-of-way whenever possible. For the most part, potential for additional right-of-way acquisition is limited to that available at the time new development or redevelopment is approved.

FUTURE LEVELS OF SERVICE

The existing and future levels of service on all State roadways within the Town satisfy FDOT requirements. The existing and future levels of service on all regionally significant roadways within the Town satisfy TCRPC requirements with the exception of Ocean Boulevard (SR A1A) between Southern Boulevard and County Road and Southern Boulevard within the Town limits. The Town has studied these roadway segments and determined that the most promising methods for alleviating traffic congestion problems are continuing operational improvements and Transportation Demand Management (TDM) efforts within the Town and limiting the amount of traffic entering from outside the Town, primarily on Southern Boulevard. Capacity improvements on major roadways within the Town are not feasible due to physical, environmental and policy constraints. ~~The Town finished a *Traffic and Parking Improvement Plan* in December 2006. This study showed that Southern Boulevard was operating at LOS C, and was at 82% of its LOS threshold D. The study also showed that SR A1A from Southern Boulevard to Via Del Mar was operating at LOS D, at 88% of its LOS threshold.~~

Level of Service (LOS) is essentially a measure of the quality of the overall operating characteristics of the roadway. LOS of a roadway is frequently defined as the ability of a maximum number of vehicles to pass over a given section of roadway or through a given intersection during a specified period of time. The factors involved in determining LOS include speed, safety, travel time, traffic conflicts and interruptions, freedom to maneuver, driving convenience, comfort and operating costs.

Specification of the allowable Level of Service for SR A1A and Southern Boulevard should take into account the fact that both of these roadways are constrained from widening to four lanes due to physical, environmental and policy factors, including historical, aesthetic and social impacts. Because there is no opportunity to widen segments of these roadways now operating at LOS "E" during the peak season, these segments will continue to operate at "E" during the peak-season peak-hour for the foreseeable future. It should also be noted that the area of concern on SR A1A is characterized by a section of roadway which offers motorists a magnificent scenic vista of the Atlantic Ocean on the east and beautiful estate residences on the west. This view causes sightseers and tourists to slow down and is often the cause of congestion.

Consequently, in order to recognize the limited development potential of the little remaining vacant land in Palm Beach, the Town will adopt a Level of Service for SR A1A and Southern Boulevard of "E" for the peak-season peak-hour. This is believed to be sufficient to accommodate the limited amount of residential growth expected during the planning period.

The Town's minimum level of service standard for peak-season peak-hour on Royal Poinciana Way shall be "D"; for Cocoanut Row and Bradley Place it shall be "E". The minimum peak season, peak hour level of service standard on all other collector or arterial roadways in the Town shall be "D".

Future transit levels of service will be commensurate with the countywide service provided by PalmTran.

TRAFFIC SIGNAGE AND TOWN-WIDE BEAUTIFICATION

The issue of Traffic Signage and Clutter was addressed in a pilot program in 2004 where the signage situation on Royal Poinciana Way was evaluated and several problems identified. A working committee of staff assisted by volunteers identified that signs were sometimes repetitious, poorly located, often concealed by vegetation, aesthetically unpleasing, and confusing. There seemed to be a condition of “information overload” as well as an absence of coordination of the signage appurtenances. Often three or four signs were mounted on separate poles within a couple of feet of each other, when one or two mounting poles would suffice. The working committee also noted a lack of color coordination among signs, excessive overhead wires, shiny raw metal sign backs that caused glare, and a number of other issues that contributed to a visual problem that could be improved.

~~The activities of this “working committee” were put on hold since a section of South County Road with similar problems was being funded for improvements by the Florida Department of Transportation (FDOT). A generic listing of problems encountered at Royal Poinciana Way was submitted to FDOT, along with aesthetic suggestions developed at the Landmarks Preservation Commission concerning this issue. It will be re-visited when it is determined how much assistance can be expected from FDOT and what choices Palm Beach can use to improve the overall aesthetic character and improve the clarity of directional and informational street signage.~~

Impacts of the Issue

Aside from the overall aesthetic improvement issue, the Town believes this program might have a positive overall effect on safety. "Information overload" and visual clutter may have a distracting effect on motorists, and to that extent aesthetic improvements may improve overall safety as well.

Unanticipated Changes in Circumstances

There have been no unanticipated changes in circumstances that have resulted in the consideration of this topic. Further, neither consideration of this topic nor any subsequent modifications to the Town's goals, objectives and policies will result in any unanticipated changes in the existing circumstances as outlined in the Comprehensive Plan.

Resulting Problems or Opportunities

Problems associated with open space and beautification and traffic signage and clutter should be limited to initial construction related difficulties.

Opportunities include community wide aesthetic improvement and enhanced appearance, and overall safety improvement through the reduction of confusing signage and messaging.

GOALS, OBJECTIVES AND POLICIES

GOAL

MAXIMIZE THE EXISTING STREET TRANSPORTATION SYSTEM TO FOSTER A SAFE, EFFICIENT AND CONVENIENT TRANSPORTATION SYSTEM, COORDINATED WITH THE OTHER GOVERNMENTAL AGENCIES, FOR ALL EXISTING AND FUTURE LAND USES.

OBJECTIVE 1

The Town shall continue to correct traffic operational deficiencies and undertake other needed measures, identified in this Element, that are necessary to the provision of a safe, convenient, and energy efficient, multimodal transportation system, including providing for protection of existing and future rights-of-way from building encroachment. Design of the multimodal transportation system will be done to ensure the safety of not only motorists, but also the safety of cyclists and pedestrians, particularly where they interact with motorists.

POLICY 1.1

Continue to enforce zoning provisions regarding walls, hedges, and fences at intersections to minimize sight visibility hazards for motorists, cyclists, and pedestrians.

POLICY 1.2

The Town should consider ~~will~~ modifying its land development regulations to adopt a "joint use access" provision controlling the number of access points at which driveways enter onto the roadway system.

POLICY 1.3

Continue to enforce provisions in the Town's Zoning Ordinance relating to building setbacks from the "ultimate" right-of-way as identified in the Town Atlas; and, negotiate, as appropriate, during the site plan review process for dedication of rights-of-way for necessary or potential future road widening.

OBJECTIVE 2

Development permits for land uses provided for on the Future Land Use Map shall be issued only when there is sufficient roadway capacity to ensure that roadways affected by the development

will operate at not less than the minimum levels of service standards set forth in this Element. Professionally accepted techniques shall be employed for measuring level of services for cars, trucks, and other vehicles as well as bikes and pedestrian for this purpose.

POLICY 2.1

The Town shall use the following two-way peak-hour, peak-season level of service (LOS) standards for facilities and segments listed below, effective one year from adoption of this Element.

	FACILITY OR SEGMENT	**"LOS"**
(1)	SR A1A	"E"
(2)	Royal Poinciana Way	"D"
(3)	Cocoanut Row/Bradley Place from to Seabreeze to north of Royal Poinciana Way	"E"
(4)	Southern Boulevard	"E"
(5)	All other roadways	"D"

~~Within one year following adoption of this Plan~~, t The Town will continue to work with ~~contact~~ the Florida DOT, Palm Beach County and the Palm Beach Metropolitan Planning Organization (MPO) for the purpose of determining an appropriate methodology for determining the level of service on roadways in the Town where there are no traffic signals. The purpose of this effort will be to develop a constrained roadway strategy for SR A1A and Southern Boulevard within the Town.

POLICY 2.2

Prior to the issuance of a development order or permit for new construction or redevelopment, the Town shall make and record a determination that:

2.2a The project provides for safe and convenient on-site traffic flow and vehicular parking. Consider needed motorized and non-motorized vehicle parking commensurate with the requirements of the Town's land development regulations; and,

2.2b The traffic generation of the project will not reduce the level of service on roadways in the Town to a level of service category lower than that established in this Plan.

POLICY 2.3

~~At least once every five years,~~ As needed the Town will review its adopted level of service standards to determine if modification, in response to changed conditions, is warranted.

POLICY 2.4

The Town shall maintain records regarding de minimus transportation impacts in order to determine if and when the 110% threshold of such impacts has been reached. ~~The Town shall submit these records to the Department of Community Affairs (DCA) as part of the annual update to the Capital Improvements Element.~~

POLICY 2.5

For those projects that cannot meet the concurrency requirement for transportation, the Town's land development regulations ~~shall~~ include provisions for the use of "proportionate fair-share mitigation for transportation facilities" consistent with Section 163.3180(16), Florida Statutes. ~~In developing these provisions in the land development regulations, the Town shall be guided by the *Model Ordinance for Proportionate Fair-Share Mitigation of Development Impacts on Transportation Corridors* published by the Florida Department of Transportation on February 14, 2006.~~ Additionally, the regulations ~~shall be designed so as to~~ operate in a consistent manner with Palm Beach County's proportionate fair-share regulations.

POLICY 2.6

As part of the Town's concurrency management system, Town shall require that all transportation facilities be in place prior to the final inspection approval of a development permit. ~~or under construction within 3 years after approval of building permit.~~

OBJECTIVE 3

Coordinate the Town's transportation planning efforts with the plans and programs of the Metropolitan Planning Organization and the Florida Department of Transportation's Adopted 5-Year Work Program, and take into consideration public transportation and bicycle and pedestrian ways in future transportation planning.

POLICY 3.1

~~Beginning one year after the adoption of its Comprehensive Plan, the~~ The Town will review this Element on a regular basis ~~once each year~~ to determine its consistency with the Florida Department of Transportation's Adopted 5-Year Work Program, and plans of the

Metropolitan Planning Organization, and make appropriate recommendations to these agencies regarding proposed projects that will improve design deficiencies on major thoroughfares in the Town.

POLICY 3.2

The Town shall consider the appropriateness for, or effects upon, bicycle and pedestrian ways during the planning for construction or expansion of any major transportation facilities within its municipal limits.

POLICY 3.3

~~By December 2010,~~ Town shall continue to coordinate between several local, county, state and federal agencies responsible for street and right-of-way signage to improve the repetitious, poorly located, aesthetically unpleasing and confusing signage within the Town. Community awareness shall also be advanced to educate the public about the Town's initiatives and the advantages of proper signage.

POLICY 3.4

The Town will coordinate with the MPO, FDOT, and PalmTran to ensure that pedestrian, bicycle, and mass transit connections are provided within the Town. The Town will also seek enhancement grants through the MPO, FDOT, and other available sources to fund bicycle and pedestrian improvements within the Town, as opportunities arise.

POLICY 3.5

The Town will coordinate with the City of West Palm Beach and the City of Lake Worth to ensure interconnectivity with these jurisdictions in terms of pedestrian and bicycle facilities.

POLICY 3.6

The Town will work with the MPO/State Bicycle and Pedestrian Coordinator to promote public education of the benefits of walking and bicycling through distribution of available on-line and printed materials.

OBJECTIVE 4

The Town will continue to coordinate with responsible governmental agencies external to the Town to incorporate provisions into their plans, programs and operations and developments within their jurisdictions which will minimize transportation impacts to the Town consistent with the

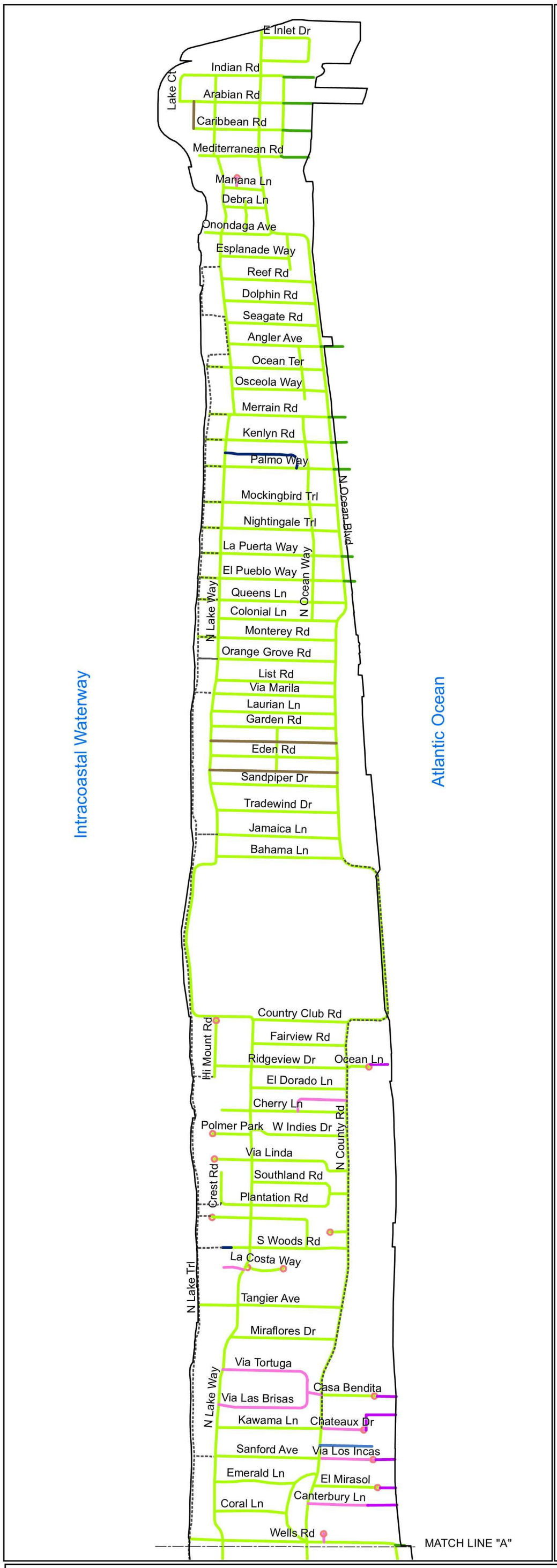
Town's efforts to manage traffic congestion on its roadways. A primary objective is to minimize traffic impacts to SR 80 and other regionally significant roads leading to the Town.

POLICY 4.1

The Town will coordinate with the Florida Department of Transportation (FDOT), Palm Beach County, West Palm Beach and other communities to minimize transportation impacts to the Town through participation in the Palm Beach Metropolitan Planning Organization (MPO) and its respective committees.

POLICY 4.2

The Town will coordinate directly with FDOT to mitigate traffic impacts on SR 80 and other regionally significant roads leading to Palm Beach.



TOWN OF PALM BEACH EXISTING ROAD, BICYCLE & PEDESTRIAN NETWORK MAP - 2017

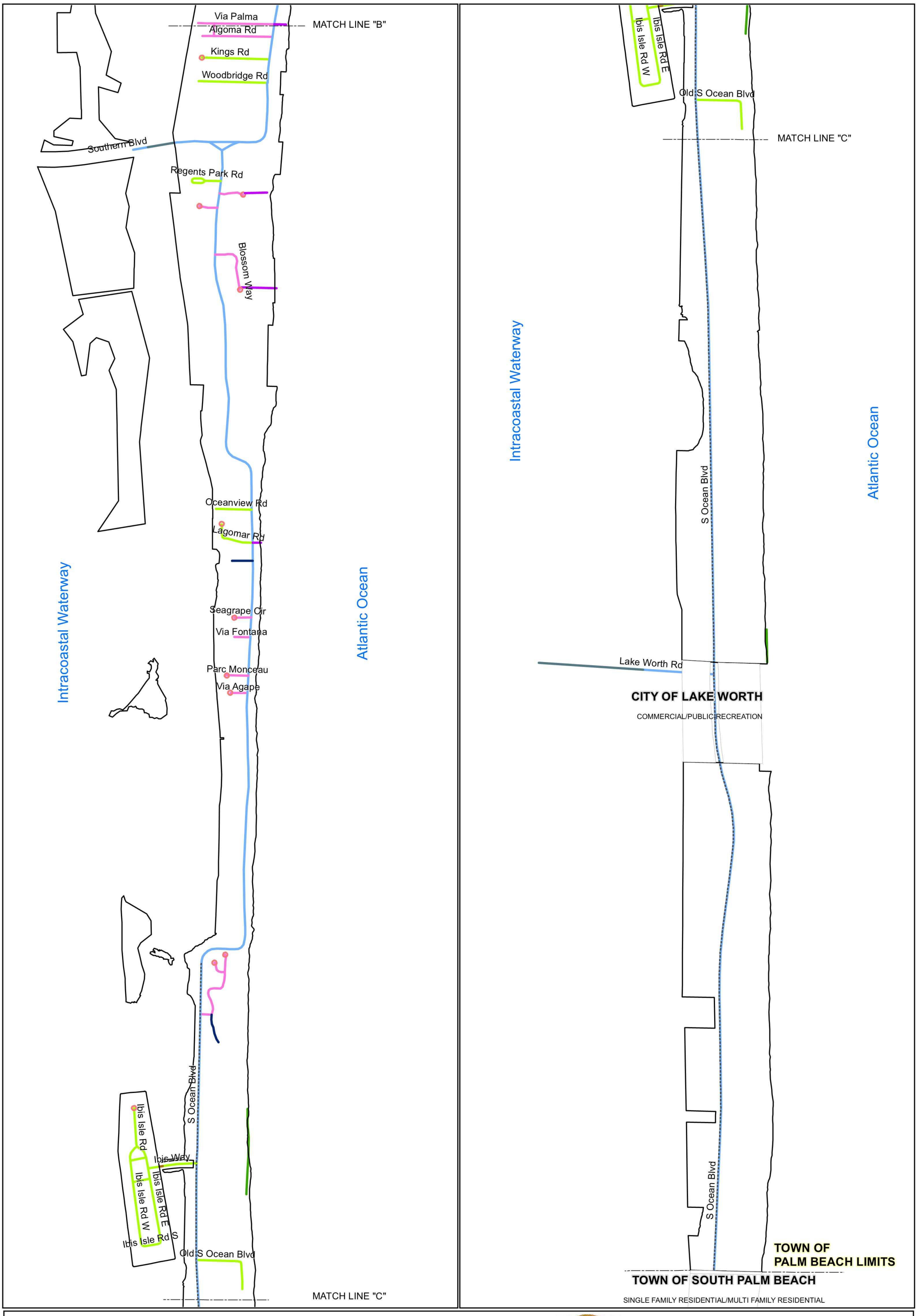
Planning, Zoning & Building Department

- BEACH ACCESS PRIVATE
- BEACH ACCESS PUBLIC
- CUL-DE-SAC
- PRIVATE ALLEY
- PRIVATE BRIDGE
- PRIVATE DRIVE
- PRIVATE PATHWAY
- PRIVATE ROAD
- STATE BRIDGE
- STATE ROAD
- TOPB ALLEY
- TOPB DOCK
- TOPB ROAD
- TOWN BRIDGE
- TOPB BIKE/PED PATHWAY

0 1,000 2,000 Feet

Map Created: July 28, 2017
Town of Palm Beach
Information Technologies GIS Department
Planning, Zoning & Building Department
(561)838-5430
Email: pzb@townofpalmbeach.com
Website: palmbeach.govoffice.com

MAP II - 1



TOWN OF PALM BEACH EXISTING ROAD, BICYCLE & PEDESTRIAN NETWORK MAP - 2017

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0 1,000 2,000 Feet

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TOWN OF PALM BEACH EXISTING FUNCTIONAL CLASSIFICATION MAP - 2017
Planning, Zoning & Building Department

- DIVIDED MAJOR ARTERIAL
- UNDIVIDED COLLECTOR
- UNDIVIDED MAJOR ARTERIAL
- LOCAL ROADS

0 1,000 2,000 Feet

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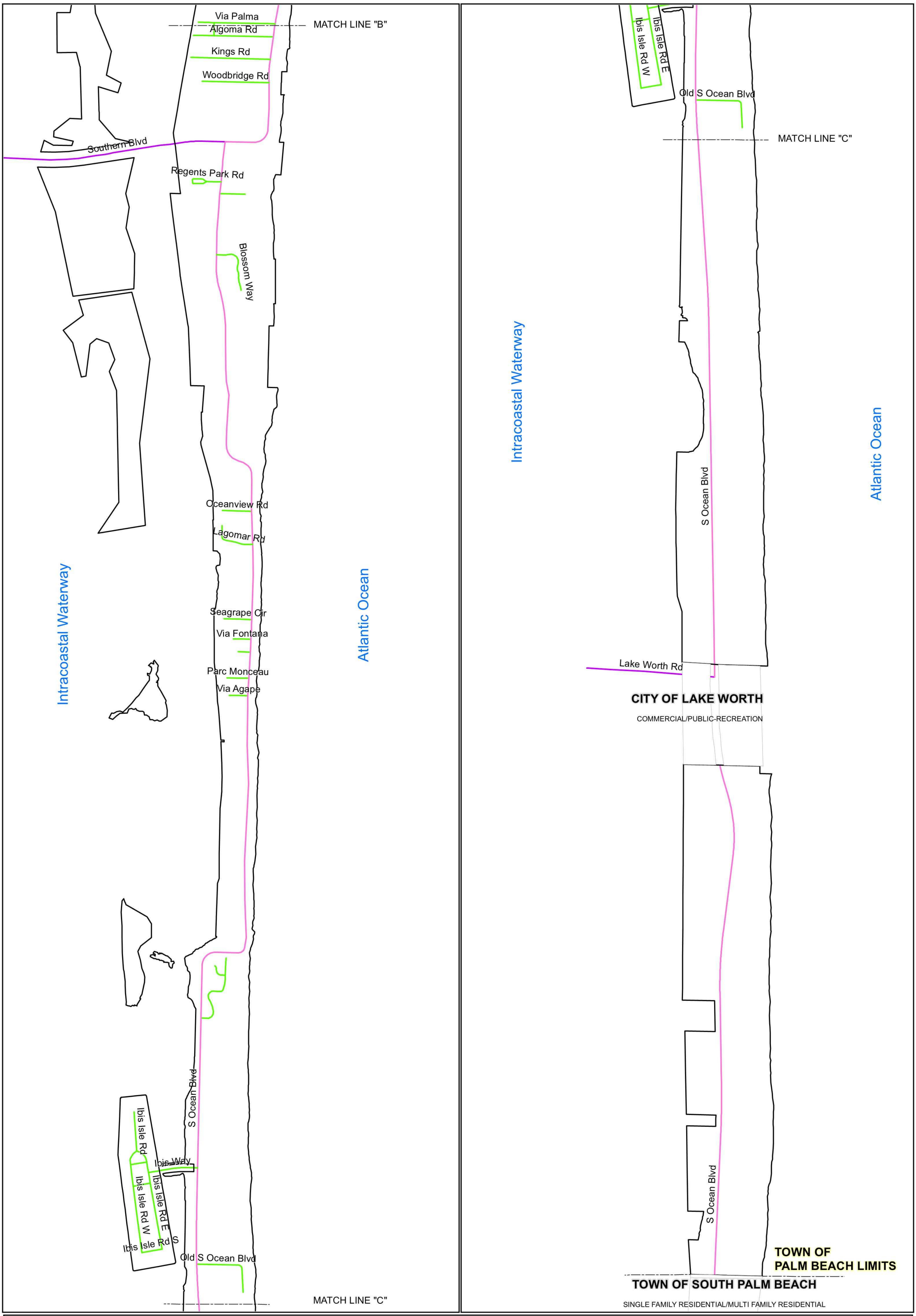

TOWN OF PALM BEACH EXISTING FUNCTIONAL CLASSIFICATION MAP - 2017

Planning, Zoning & Building Department

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- UNDIVIDED MAJOR ARTERIAL
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0 1,000 2,000 Feet

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MAP II - 1



TOWN OF PALM BEACH
EXISTING ROADWAY NUMBER OF LANES MAP - 2017
Planning, Zoning & Building Department

2 LANES
4 LANES

Feet
0 1,000 2,000

Map Created: July 28, 2017
Town of Palm Beach
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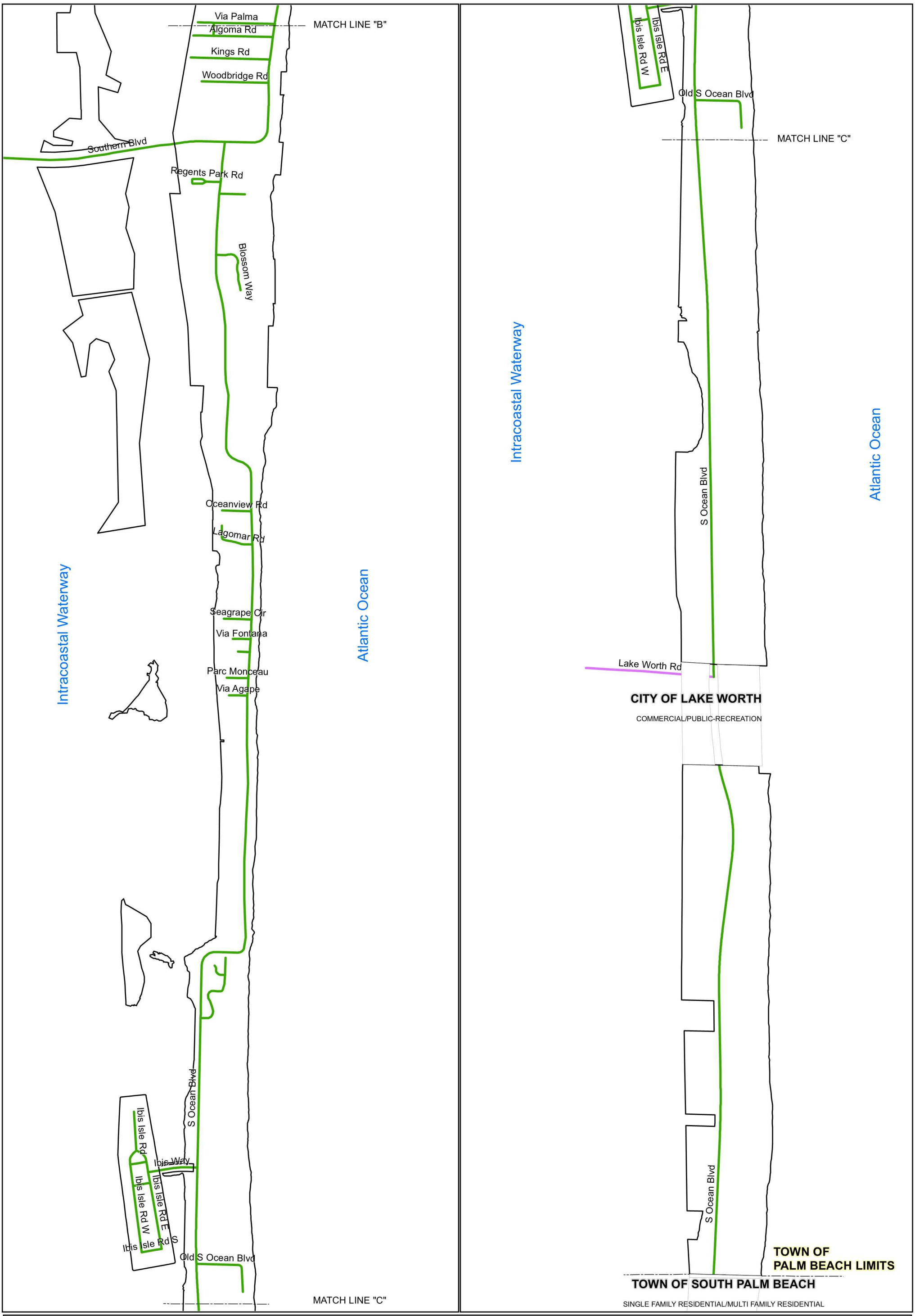
MAP II - 1
233



TOWN OF PALM BEACH
EXISTING ROADWAY NUMBER OF LANES MAP - 2017
Planning, Zoning & Building Department

2 LANES
4 LANES

0 1,000 2,000 Feet

N W E S

Map Created: July 28, 2017
Town of Palm Beach
Information Technologies GIS Department
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MAP II - 1



TOWN OF PALM BEACH EXISTING ROADWAY RESPONSIBILITY MAP - 2017

Planning, Zoning & Building Department

TOWN OF PALM BEACH

FDOT

0 1,000 2,000 Feet

N W E S

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Town of Palm Beach
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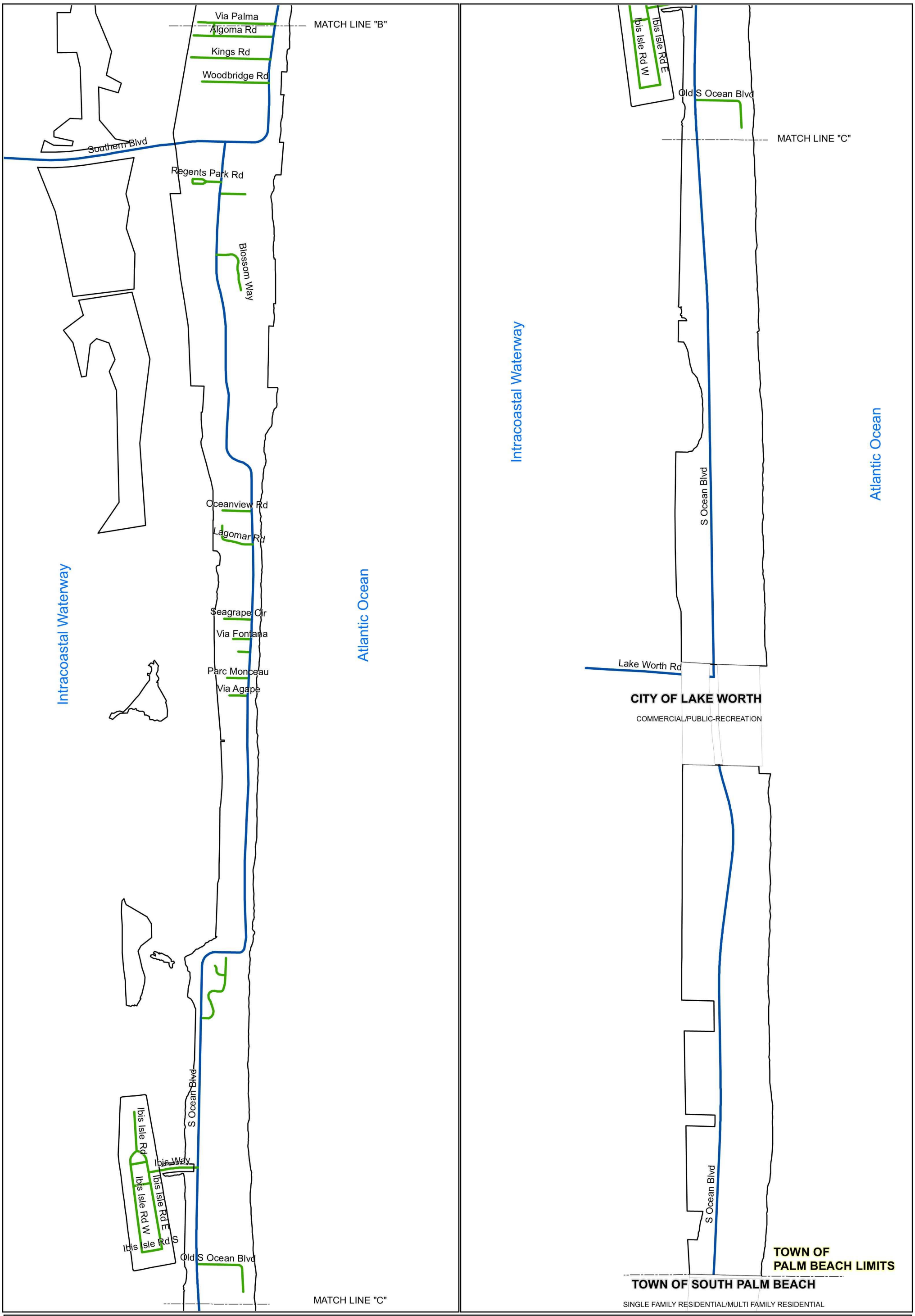

TOWN OF PALM BEACH EXISTING ROADWAY RESPONSIBILITY MAP - 2017

Planning, Zoning & Building Department

TOWN OF PALM BEACH

FDOT

Feet

0 1,000 2,000

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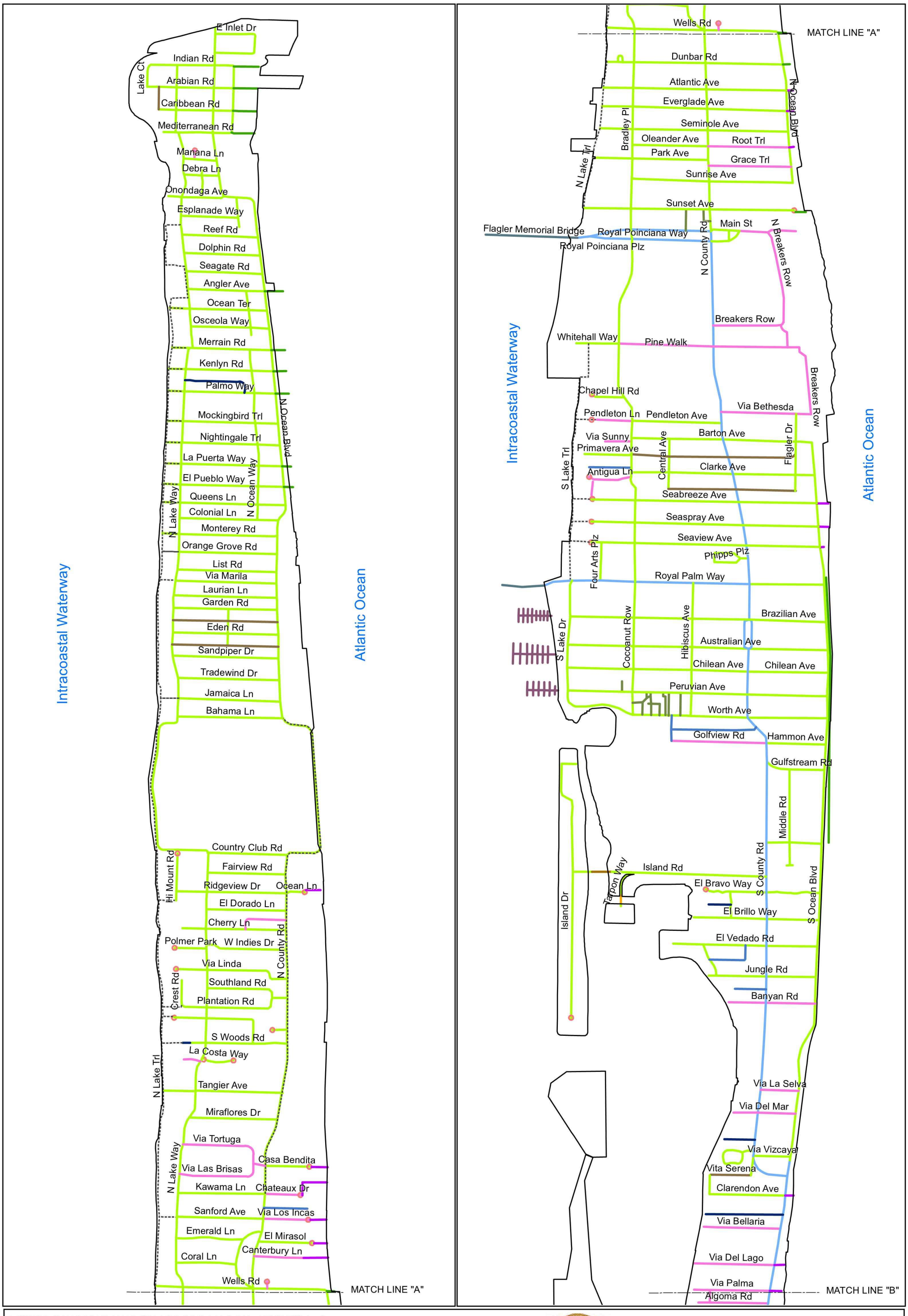

TOWN OF PALM BEACH FUTURE ROAD, BICYCLE & PEDESTRIAN NETWORK MAP 2027

Planning, Zoning & Building Department

- BEACH ACCESS PRIVATE
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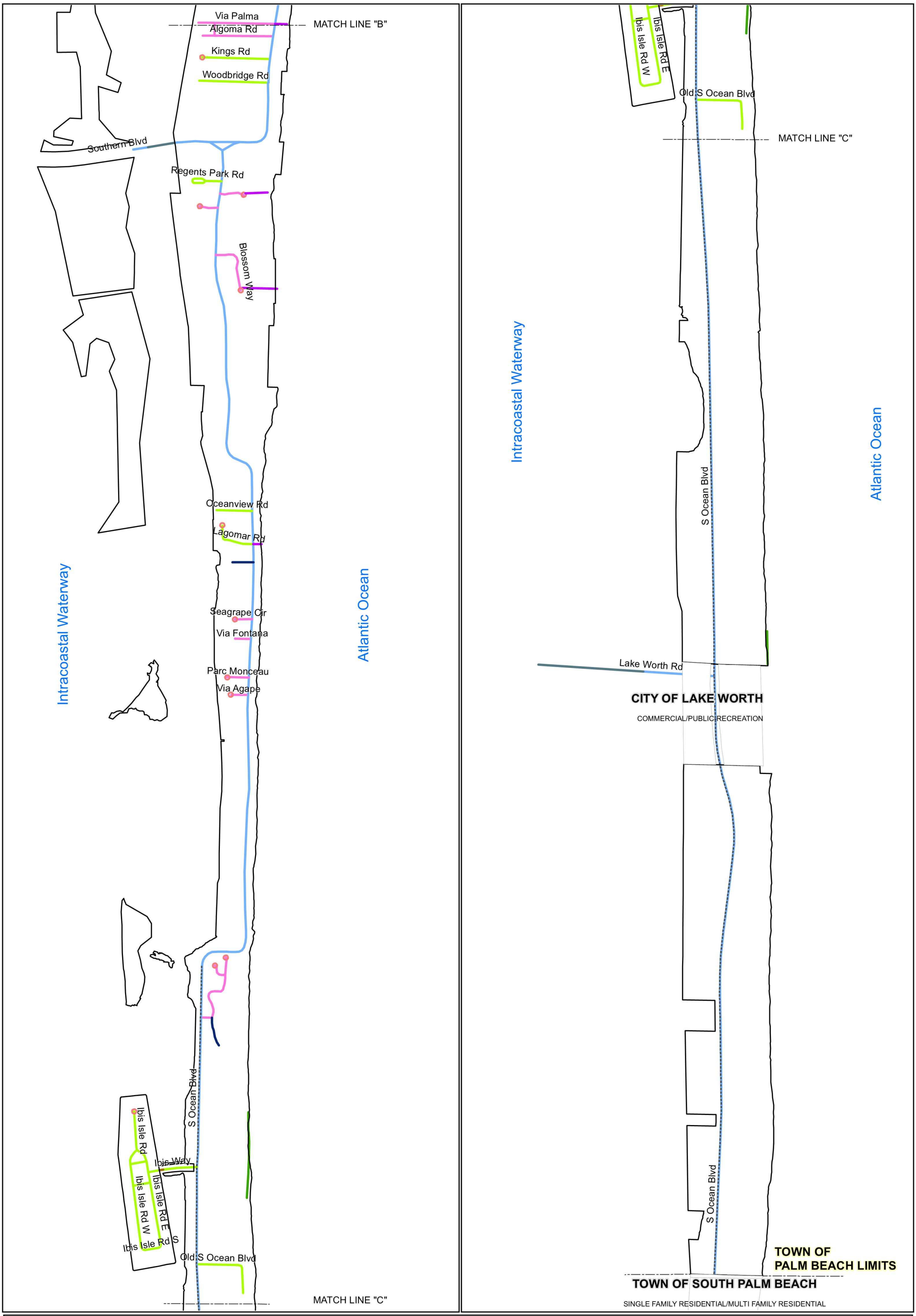

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MAP II - 1



TOWN OF PALM BEACH FUTURE FUNCTIONAL CLASSIFICATION MAP 2027
Planning, Zoning & Building Department

- DIVIDED MAJOR ARTERIAL
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- UNDIVIDED MAJOR ARTERIAL
- LOCAL ROADS

0 1,000 2,000 Feet

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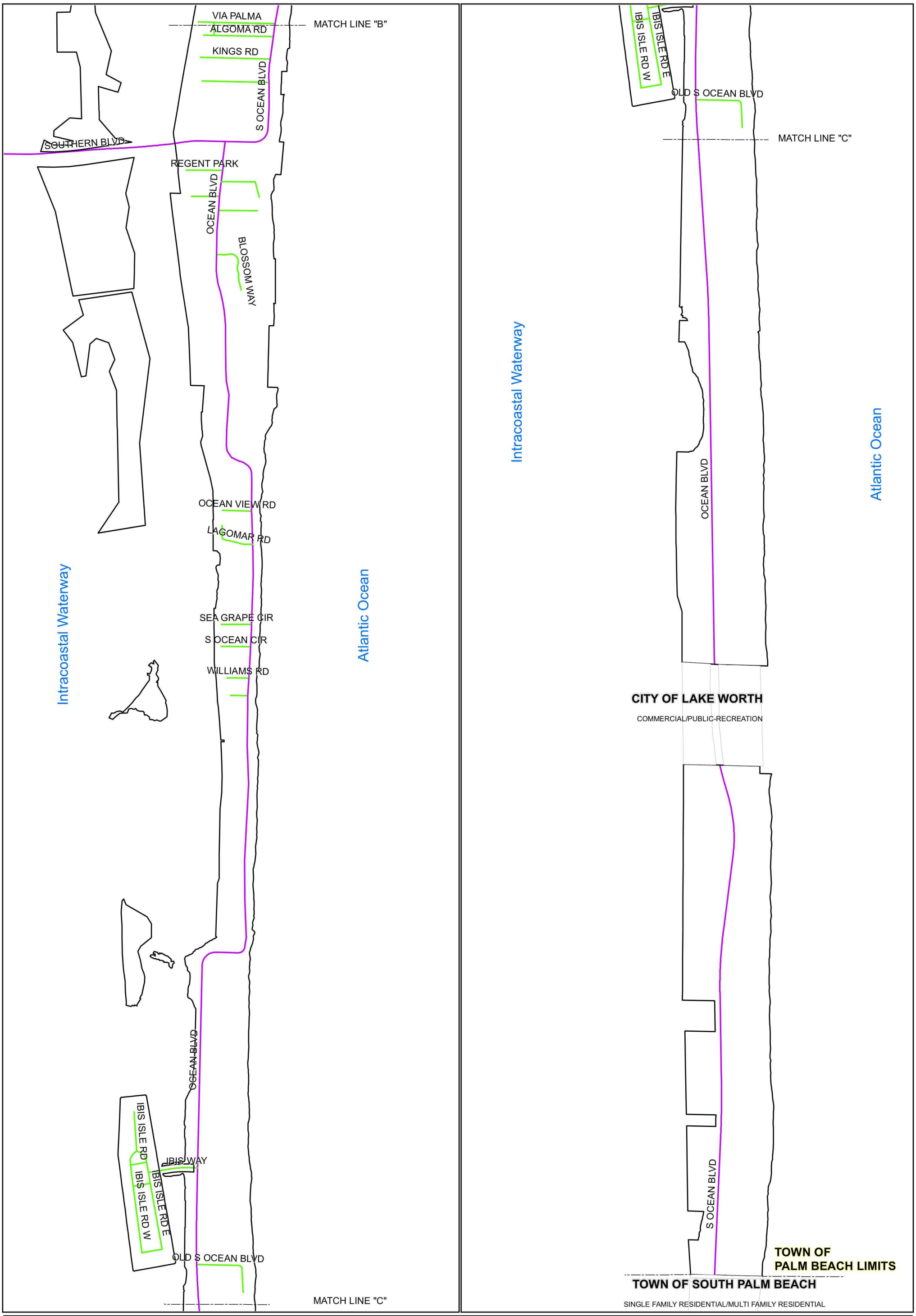

TOWN OF PALM BEACH FUTURE FUNCTIONAL CLASSIFICATION MAP 2027
Planning, Zoning & Building Department

- DIVIDED MAJOR ARTERIAL
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- LOCAL ROADS

Feet
0 1,000 2,000

N W E S

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MAP II - 1
240



TOWN OF PALM BEACH FUTURE ROADWAY NUMBER OF LANES MAP 2027

Planning, Zoning & Building Department

2 LANES

4 LANES

0 1,000 2,000 Feet

N

W E

S

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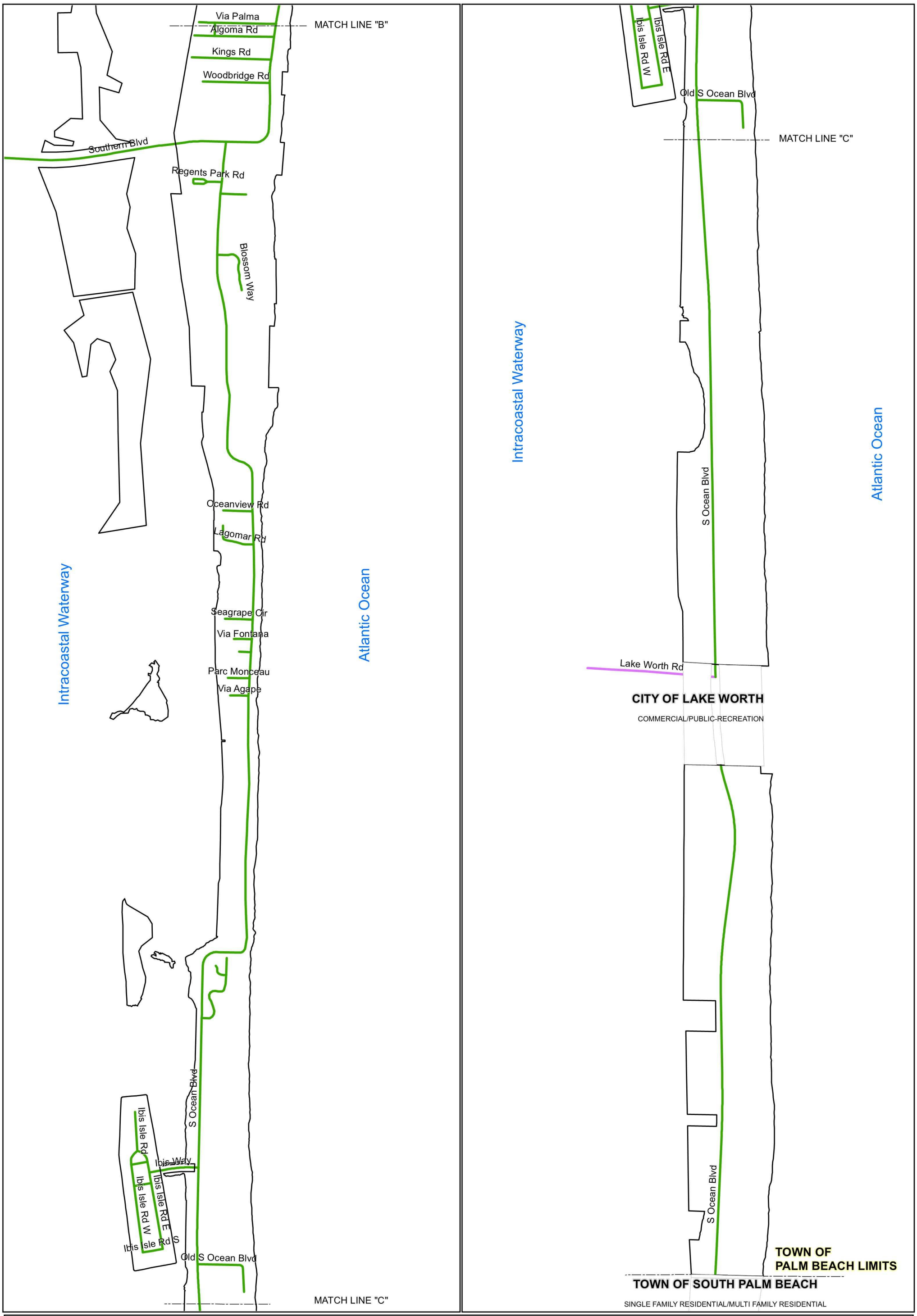
MAP II - 1



TOWN OF PALM BEACH FUTURE ROADWAY NUMBER OF LANES MAP 2027
Planning, Zoning & Building Department

2 LANES
4 LANES

Feet
0 1,000 2,000

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TOWN OF PALM BEACH FUTURE ROADWAY RESPONSIBILITY MAP 2027

Planning, Zoning & Building Department



TOWN OF PALM BEACH
FDOT

0 1,000 2,000 Feet

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Map Created: July 28, 2017
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Information Technologies GIS Department
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MAP II - 1
243



TOWN OF PALM BEACH FUTURE ROADWAY RESPONSIBILITY MAP 2027

Planning, Zoning & Building Department

TOWN OF PALM BEACH

FDOT

Feet

0 1,000 2,000

N W E S

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Town of Palm Beach
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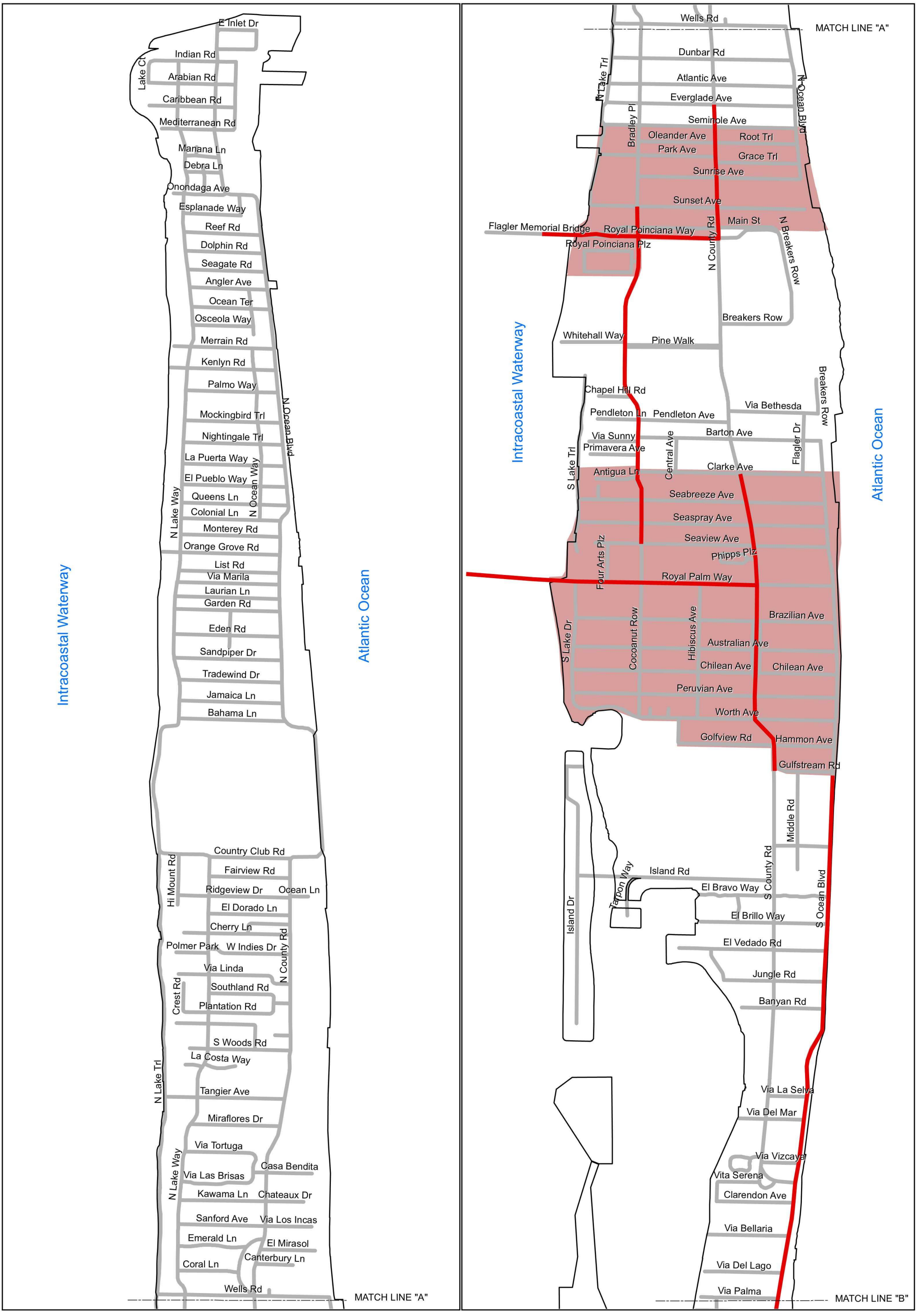

TOWN OF PALM BEACH TRAFFIC & PARKING AREAS MAP - 2017
Planning, Zoning & Building Department

SEASONAL TRAFFIC PROBLEMS
SEASONAL PARKING & RELATED PROBLEMS

0 1,000 2,000 Feet

N
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Map Created: July 28, 2017
Town of Palm Beach
Information Technologies GIS Department
Planning, Zoning & Building Department
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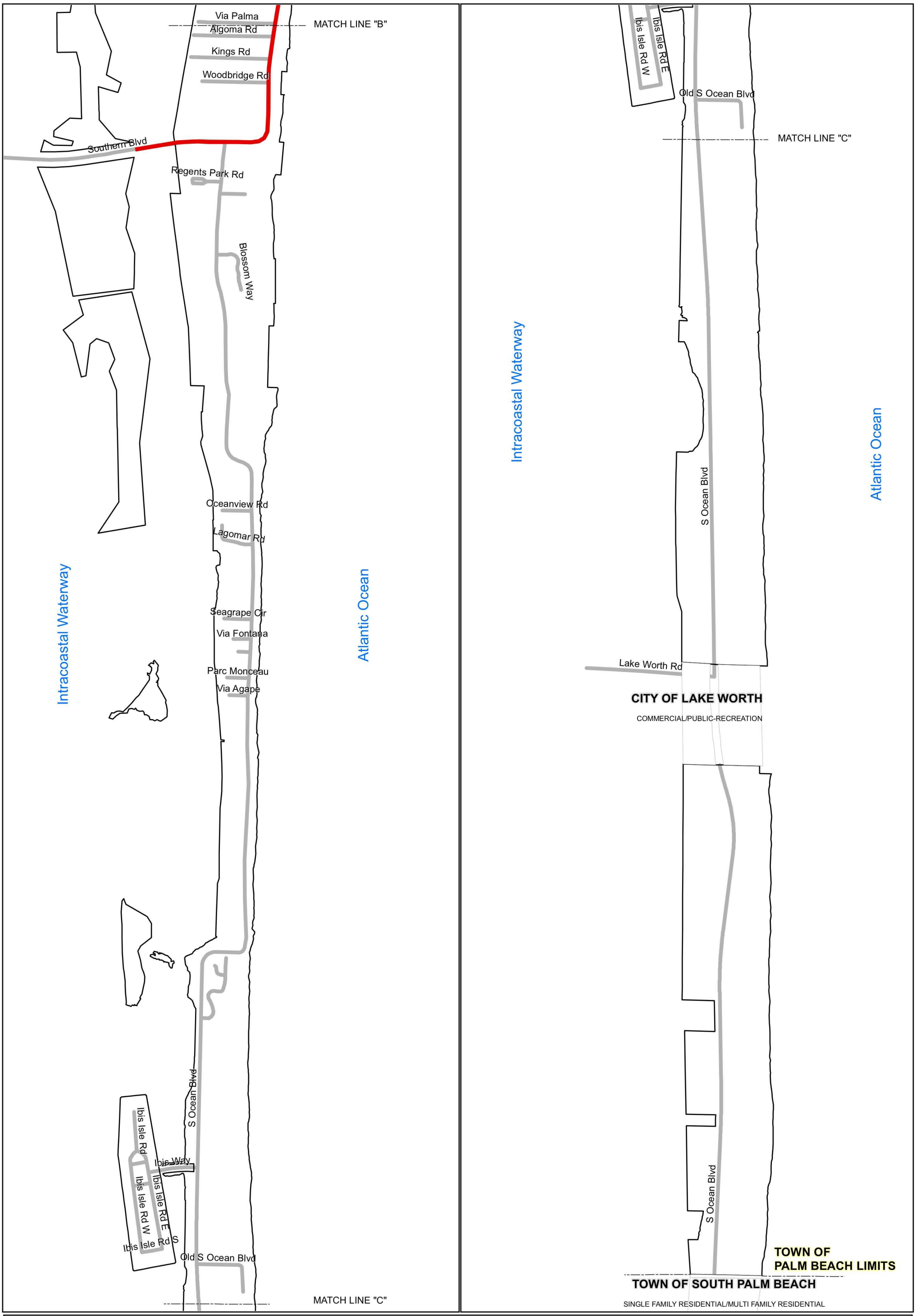
MAP II - 2
245



TOWN OF PALM BEACH TRAFFIC & PARKING AREAS MAP - 2017
Planning, Zoning & Building Department

- SEASONAL TRAFFIC PROBLEMS
- SEASONAL PARKING & RELATED PROBLEMS

0 1,000 2,000 Feet

N W E S

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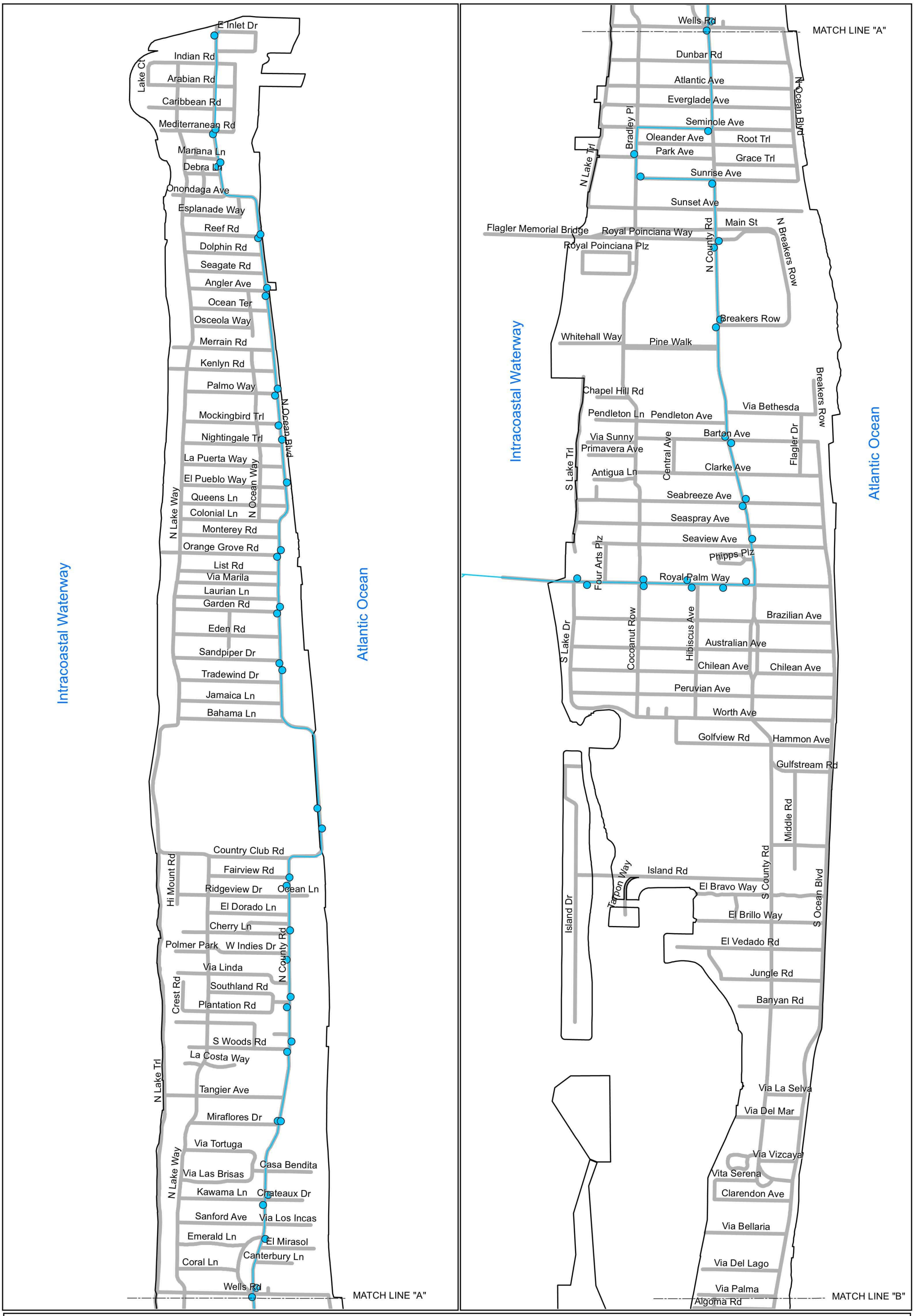

TOWN OF PALM BEACH EXISTING PUBLIC TRANSIT MAP - 2017
Planning, Zoning & Building Department

- BUS STOPS
- BUS ROUTE #62 (SUNDAYS ONLY)
- BUS ROUTE #41

0 1,000 2,000 Feet

N
W E
S

Map Created: July 28, 2017
Town of Palm Beach
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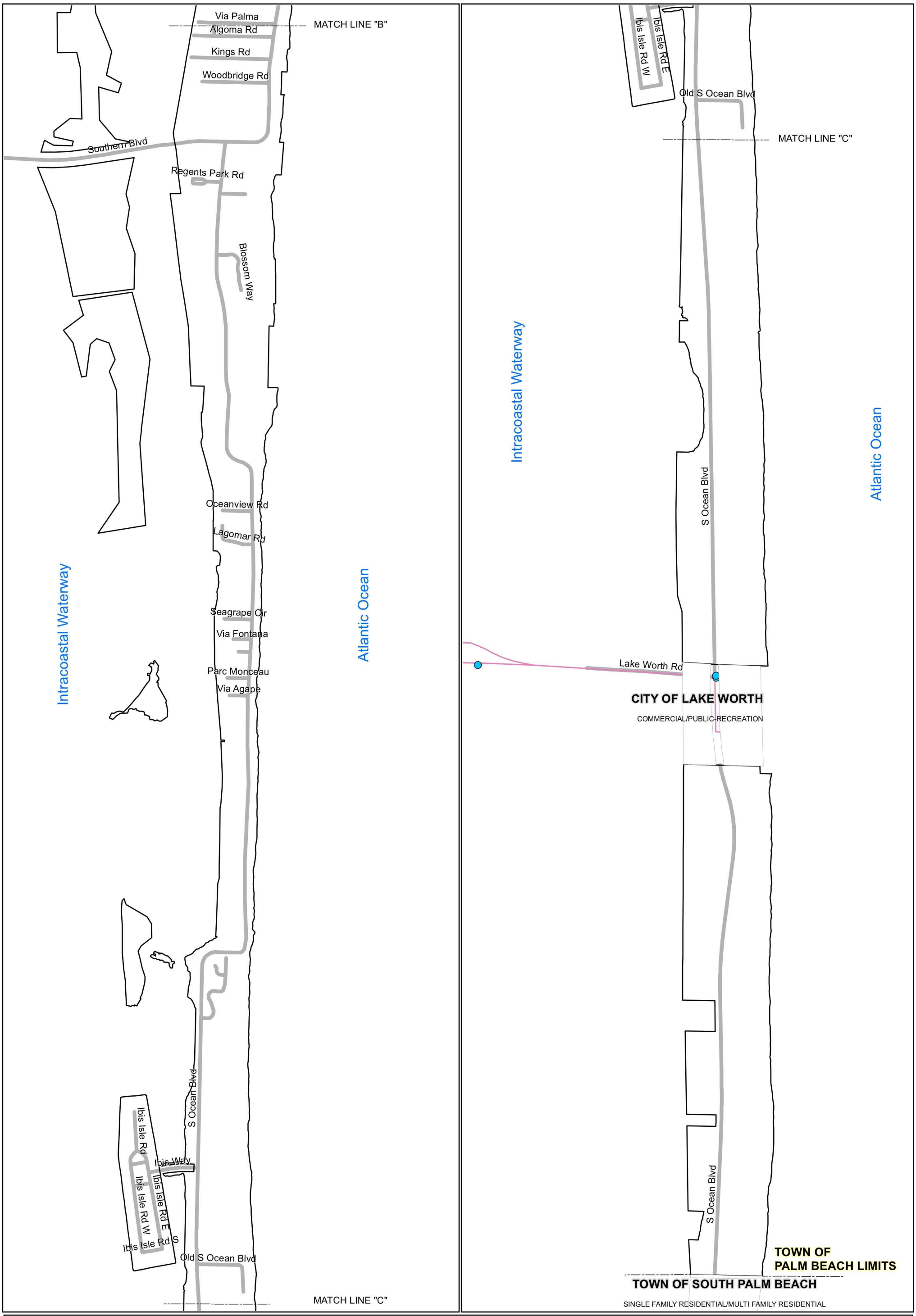
MAP II - 3



TOWN OF PALM BEACH EXISTING PUBLIC TRANSIT MAP - 2017

Planning, Zoning & Building Department

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0 1,000 2,000 Feet

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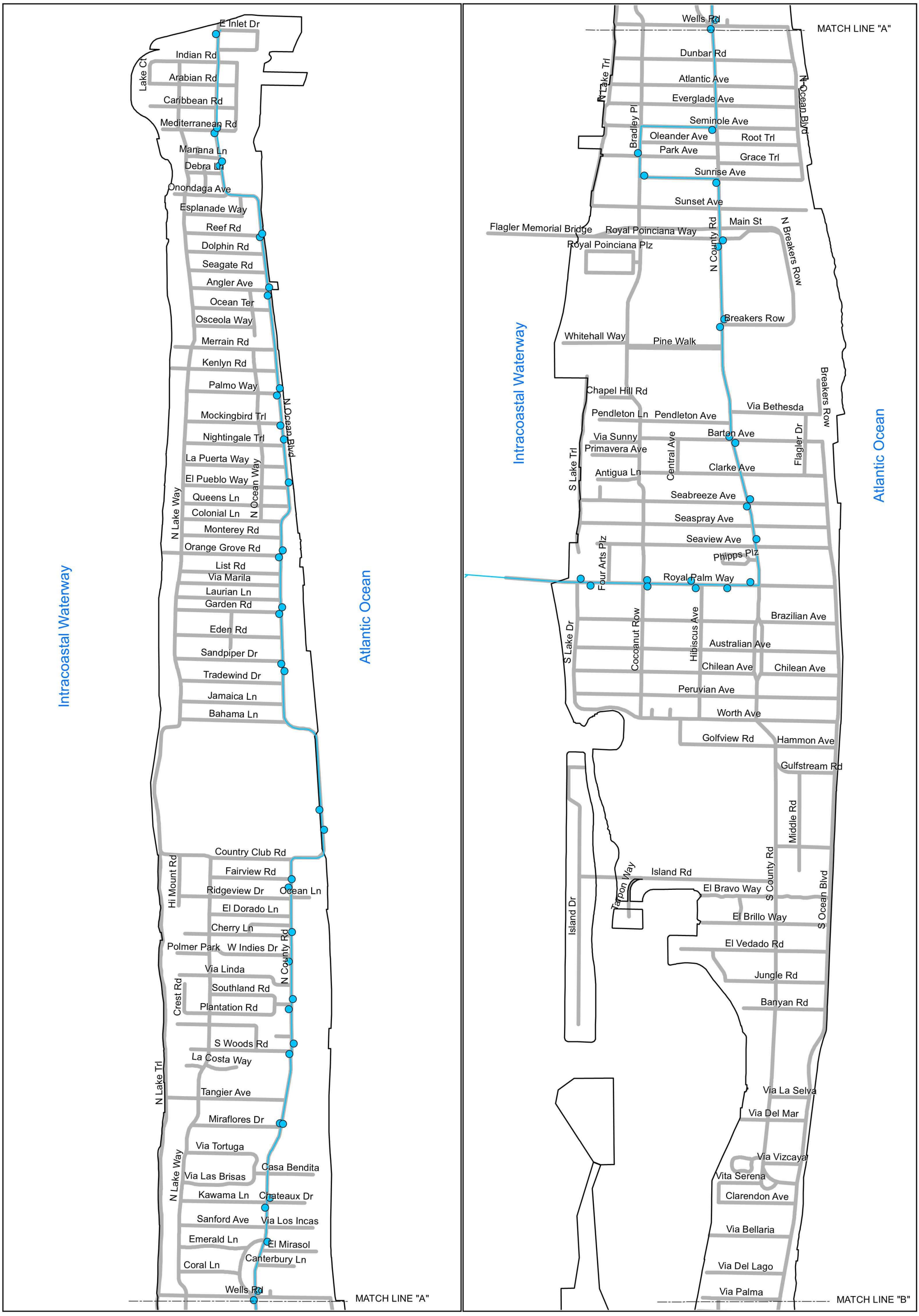

TOWN OF PALM BEACH FUTURE PUBLIC TRANSIT MAP - 2027

Planning, Zoning & Building Department

- BUS STOPS
- BUS ROUTE #62 (SUNDAYS ONLY)
- BUS ROUTE #41

0 1,000 2,000 Feet

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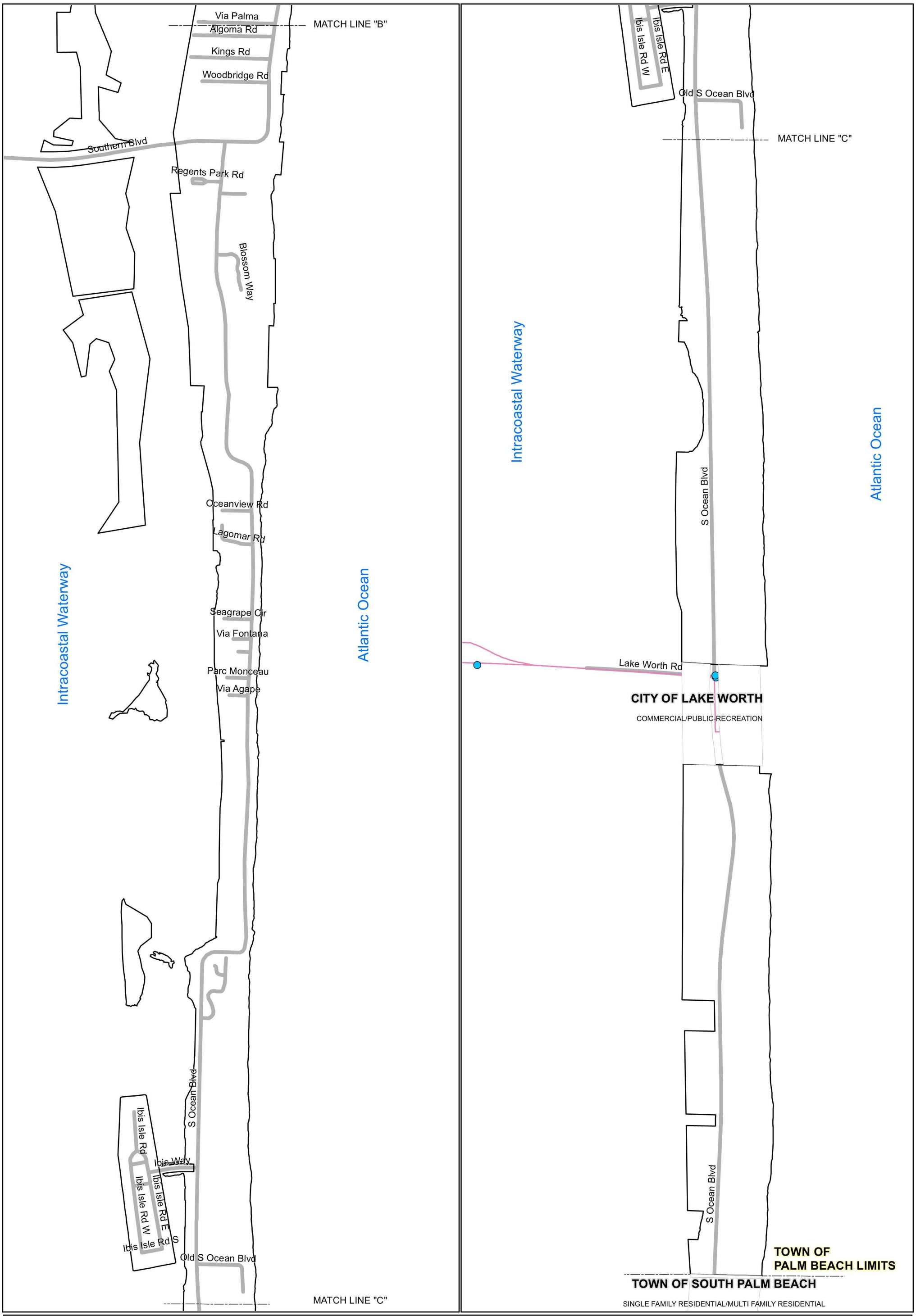

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Planning, Zoning & Building Department

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MAP II - 3
250

HOUSING ELEMENT

INTRODUCTION

This Element has been prepared to meet the requirements of the Florida Community Planning Act ~~Local Government Comprehensive Planning and Land Development Regulation Act of 1993~~. It includes: goals, objectives and policies; inventories of existing housing and its condition; inventories of subsidized housing, group homes, and historically significant housing; and, projections of population, households and housing need.

This Element of the Plan has been developed based upon:

1. Analysis of information about the Town's housing inventory and its characteristics provided by the U.S. Census Bureau, Palm Beach County and the University of Florida's Shimberg Center ~~contained in the 2000 Census~~, and compared to Countywide statistics, as appropriate;

2. Analysis of information pertaining to housing and the built-out status of the Town with relatively little redevelopment potential ~~subsidized rental units, group homes, historically significant housing, and housing construction since 2000~~;

~~3. Analysis of projections of the number of households by size and income range during the 2009-2019 planning period;~~

3. ~~4.~~ Analysis of the extent of housing need of anticipated populations in the community, the need for replacement housing, and maintenance of existing housing ~~an adequate vacancy rate~~;

4. ~~5.~~ Analysis of the amount of land necessary, if any, to accommodate total estimated housing need;

5. ~~6.~~ Analysis of the part of the housing need that can be expected to be met by the private sector and the private sector housing delivery process. ~~; and,~~

~~8. Analysis of the means for accomplishing the five housing related responsibilities set forth in Rule 9J-5.010(2)(f).~~

EXECUTIVE SUMMARY

COMMUNITY CHARACTER, GROWTH, HOUSING INVENTORY, AND VACANCY RATES

The Town of Palm Beach is unique in many ways, and its role has changed over the years. Initially, it was the principal urban settlement in the County; now it is a community of special character, with activities and economics quite different from those of the remainder of the County. Housing in the Town is, therefore, also unique in that the housing problems typical in many areas are not evident in the Town of Palm Beach. In fact, the statistical evidence of any housing problem is very slight -- noticeable only when contrasted with the overall housing quality for which the Town of Palm Beach is so well known.

The Town of Palm Beach experienced its greatest growth between 1950 and 1970, when its resident population increased from 3,886 to 9,086. Since then, population growth has been less dramatic and recently has been declining. The 2010 U.S. Census indicated that the Town's population was 8,161. Estimates by the University of Florida place the 2016 ~~2005~~ population at 8,040 ~~9,735 and the Town estimates its 2014 resident population at 9,947~~. Future growth will be limited by the small amount of vacant land available for development and limited redevelopment opportunities ~~undeveloped land~~ left in the Town.

During the winter season, November through April, the Island's population swells to a peak ~~double~~ that is higher than ~~of~~ its normal residential population as a result of the influx of seasonal residents and tourists. Following is a table representing the latest housing characteristics of the Town:

TABLE 3
RESIDENT POPULATION & HOUSING CHARACTERISTICS
2010 ~~2009~~ – 2025 ~~2019~~

CHARACTERISTIC	2010 ~~2009~~	2016 ~~2014~~	2025 ~~2019~~
RESIDENT POPULATION	8,161[1] ~~9,815~~	8,040[3] ~~9,947~~	8,425[4] ~~10,080~~
POPULATION PER HOUSEHOLD	1.74[2] ~~1.81~~	N/A ~~1.81~~	N/A ~~1.81~~
ALL HOUSING UNITS	8,857[1] ~~9,316~~	N/A ~~9,442~~	N/A ~~9,569~~
Occupied year-round units	4,690[1] ~~5,423~~	N/A ~~5,496~~	N/A ~~5,569~~
Seasonally vacant or held for occasional use	3,627[1] ~~3,353~~	N/A ~~3,399~~	N/A ~~3,445~~
Vacant for Sale or Rent	540[1] ~~540~~	N/A ~~547~~	N/A ~~555~~

Source: [1]2010 U.S. Census corrected figure; [2]2010 U.S. Census; [3]Univ. of Florida, Bureau of Economic and Business Research,

[4]Palm Beach County, 2015 ~~2006 Brisson Planning Solutions, Inc., and Town of Palm Beach, February 2009~~

From October 2011 ~~November 3, 1995~~ through August 2016 ~~December 31, 2007~~, the Town issued 159 ~~313~~ building permits for construction of new single-family residential dwelling units, and 160 ~~341~~ permits for demolition of single-family residential dwelling units. There has been no net gain in single-family residential dwelling units in the Town in the last five (5) years.

According to the U.S. Census ~~BEBR~~, there were 8,857 ~~9,240~~ dwelling units in the Town in 2010 ~~2006~~. Of the total dwelling units, 4,184 (47.2%) units were vacant of which 39.9% (approximately 3,534) units were vacant and considered used for seasonal, recreational, or occasional use and the other 7.3% were either for sale, for rent, or other vacant. ~~Almost 42% of all units were either seasonally vacant or for sale and rent purposes. However, 86% of the vacant units were not available for sale or rent, but were vacant for other reasons. Many of these were held for occasional use and should be considered as housing for seasonal or vacation occupancy. The actual sale/rental vacancy rate was 5.8%.~~

Based on the U.S. Census 2010-2014 American Community Survey, Multi-family units represented 72.2 ~~71.5~~% of the Town's housing inventory during this timeframe ~~in 1990~~; the remainder were single-family structures. There are no mobile home dwelling units in the Town.

The 2010 U.S. Census found that 86.3% of occupied units were owner-occupied within the Town of Palm Beach. Homeownership rates are higher in the Town of Palm Beach than in Palm Beach County which had a 71.4% owner-occupied rate in 2010. ~~Whereas most communities with a high proportion of multi-family units are characterized by a similarly high percentage of rental units, this is not the case in Palm Beach. Rather, in 1990, 77.5% of the units were owner-types, reflecting the increased popularity of condominium residences, particularly during the 1970's.~~

While over 63 ~~60~~% of the housing units in the Town were constructed since 1960, a significant percentage was built prior to 1940 – 19.2 ~~16.3~~% compared to only 1.6 ~~2.5~~% throughout the County as a whole. Many of the older structures have been identified by the Town and the State as having historical and architectural significance, and have been designated as historic structures.

~~Due to the socio-economic profile of Palm Beach, there is very little evidence of substandard housing. The Town's Building and Zoning Department has noted a handful of instances of vacant residential structures scattered throughout the Town that have begun to deteriorate due to neglect. There are no known instances of occupancy of housing units in a structurally substandard condition.~~

Since the Town is fortunate in having no serious housing problems, the Town's program takes a different focus from that employed in a community beset with such problems. The Town's challenge is to maintain, in good and sound condition, its existing housing stock.

HOUSING COSTS

Housing costs and land values in Palm Beach are very high compared with other areas of the State. This is because of ~~due to~~ the unique character of development having taken place in the Town since its inception. The limited amount of developable vacant land ensures the continuation of high housing costs in the Town.

Based on the U.S. Census 2010-2014 American Community Survey, ~~The 1990 Census recorded~~ the estimated median monthly rental rates in the Town was $1,259 ~~at $658~~ compared to $1,158 ~~$499~~ in Palm Beach County. Whereas ~~the Census recorded~~ the median estimated value of owner occupied units in Palm Beach County during the timeframe ~~in 1990 at~~ was $194,600 ~~$98,400~~, it was $931,700 ~~over $500,000~~ in the Town of Palm Beach.

SPECIAL HOUSING TYPES

There are no subsidized rental housing projects or group homes licensed by the State in the Town.

The Town has identified and surveyed 1162 ~~over 928~~ sites ~~of historic or architectural significance, all of~~ which are listed on the Florida Site File which is maintained by the Florida Department of State, Division of Historical Resources. The Town has designated 320 landmarks as of May 2017.

The Town has an active Landmarks Preservation Program established through Ordinance No. 1-79, and amended Ordinance 2-84, and has a Landmarks Preservation Commission for the purpose of establishing, regulating, preserving, and protecting historic districts and landmark structures within the Town of Palm Beach. As of May 11, 2017 ~~March 14, 2008~~, the Town has designated 320 ~~253~~ landmarked sites ~~properties,~~ and landmarked 12 vistas~~,~~ and districts which are protected by Ordinance 2-84, as amended.

HOUSING NEED

Present vacancy rates are adequate to provide reasonable opportunity for housing choices.

Substandard housing is nonexistent, and no units are expected to deteriorate to a dilapidated state requiring demolition during the planning period. Therefore, no replacement housing will be necessary. Similarly, there are no rural or farm worker households in the Town, nor are any expected in the future.

There is no readily available information on the number of handicapped households in the Town. However, the Town adheres to the State Code regarding provision of facilities for the handicapped.

Since the Town's population is projected to remain steady or increase slightly over the next 10-year planning period, the existing housing supply should be adequate to handle the housing needs of the community. Renovation and redevelopment of existing housing units is expected to continue. ~~Construction needs for all types of housing over the next ten years should approximate 13 units per year. This is but a small fraction of the capacity of the development industry in Palm Beach County. The private construction industry has ample capacity to produce the number of units expected to be needed during the planning period.~~

~~**LAND REQUIREMENTS FOR ESTIMATED HOUSING NEEDS**~~

~~There are 50 acres of vacant residentially zoned land in the Town as of 2009, all of which were zoned for single-family use at densities ranging from one unit per 1.5 acres to four units per acre. These vacant lands can accommodate about 110 single-family units at an average of 2.2 units per acre. In addition, there is the Breaker's PUD with an approved concept plan which will incorporate multi-family development in proximity to the existing golf course. If built to maximum allowable density, this PUD could hold another 251 multi-family units. There are no vacant nonresidential lands within the Town.~~

~~Between 1996 and 2006, total demand for single-family homes amounted to about 80% of total housing demand, or about 106 units (including allowances for seasonal residences and vacancy). At an average development density of 2.2 du/ac, the need for about 48 acres of land is indicated. There are still 48 acres vacant and zoned for single-family use in the Town. However, with the Town approaching "build-out," redevelopment of lands presently utilized at less than allowable densities is expected to continue to accommodate some of the anticipated demand for single-family housing. Therefore, there should be adequate lands available to serve anticipated housing needs through 2019.~~

~~The demand for multi-family housing (including allowances for seasonal residences and vacancy) should amount to just 27 units over the coming ten years which, at an expected density of about seven units per acre, would require just under four acres. There are about eight acres vacant and zoned for multi-family development.~~

THE PRIVATE SECTOR AND HOUSING SUPPLY

Palm Beach is recognized as a high cost housing area. In 2014 the average just value of a single-family home in Palm Beach was $4.8 million and the average just value of a multi-family home was $584,977. ~~The typical cost of a new single-family home built in the Town falls in the range of $500,000 to $1½ million. The typical cost of a new multi-family unit is expected to exceed $250,000.~~ No rental housing is expected to be constructed, nor any housing valued below $150,000. Current trends in the Town have included the combination of smaller lots into larger properties as well as larger estates being subdivided. Another trend has been the combination of condominium units into a larger unit through a unity of title.

THE HOUSING DELIVERY SYSTEM

The housing delivery system is comprised of two principal components. The public sector has varying control over the availability of land, provision of utilities and infrastructure, and regulation of land uses through zoning, subdivision regulations and environmental restrictions. The private sector's primary responsibilities lie in the areas of financing and construction.

The Town provides the public infrastructure necessary to support varying types of housing. Similarly, it has designated a variety of density levels and land use types throughout the Town in order to provide for housing of differing types and prices. However, with virtually no residential ~~only approximately 3% of the~~ land in the Town left undeveloped, there is little the Town can do to provide for additional housing.

While the Town has imposed certain restrictions and requirements on development, including housing, these are necessary in light of the environmental fragility of a barrier island and to preserve the unique character of the Town. For example, open space and landscape requirements may affect the cost of housing, but are necessary to achieve the community's objectives in other Plan Elements. In this greater context, none of the Town's land development regulations are seen to have any significant adverse effects upon the provision of housing in the Town.

The private sector has always proven capable and efficient in the development of land and provision of financing for housing in the Town. Since the amount of development expected to occur over the planning period is relatively minor, no problems are foreseen in the housing delivery process and no specific improvements have been identified as necessary to increase its efficiency.

RECOMMENDATIONS

Chapter 163.3177(f) F.S. ~~Rule 9J-5.010(2)(f) of the Florida Administrative Code~~ requires that the means for accomplishing the following ~~five specific~~ objectives be included in the Plan. ~~Following are statements pertaining to this requirement.~~

1. Provision of housing with supporting infrastructure for all current and ~~the~~ anticipated residents ~~population with particular emphasis on low and moderate income~~."

The Town has provided, and will continue to provide, an adequate level of infrastructure to support the current and anticipated populations.

It has been shown that provision of housing for low and moderate income households has historically been provided by the private sector through both the open market and provision of on-

site housing for domestic employees. It has been shown that the private sector is providing, and will continue to provide, adequate housing for its existing and anticipated low and moderate income households. ~~The Town projects an increase of only 15 low or moderate income households over the next ten years.~~

The Town will continue to allow, and encourage, provision of on-site living accommodations for domestic employees. ~~New residential construction is expected to provide on-site living facilities at a ratio of 1.09 accommodations per unit of housing built, which will more than provide for the expected need for housing for low and moderate income households in the Town through 2019.~~

2. The elimination of substandard housing conditions and for the structural and aesthetic improvement of housing;"

There is no significant amount of substandard housing in the Town of Palm Beach, nor is existing housing likely to deteriorate to substandard condition during the planning period. The Town has a Code Enforcement Board and staff assigned to enforcement of the Town's Code of Ordinances, as well as an Architectural Commission which is charged with ensuring the continuance and improvement of the aesthetic and architectural character of structures in the Town. In addition, 315 ~~253~~ structures are afforded protection via the Landmarks Preservation Ordinance which established a Landmarks Preservation Commission to regulate changes to "Landmarked" structures and protects them from "demolition by neglect."

3. The provision of adequate sites for future housing; including affordable workforce housing, and housing for low, very low, and moderate income families, and for mobile homes:"

Item 1, previous, describes the Town's method of providing housing for low and moderate income households. This same source of housing will provide the sites necessary to address the housing needs of low and moderate income households in the Town.

However, beyond the ability of the private sector to provide on-site locations for housing for its domestic and maintenance help, the unique character of the Town's land uses, lack of vacant land and the economic realities regarding the cost of land in the Town, will likely prevent provision of additional sites for new construction of rental and for sale housing for low and moderate income housing in the Town.

~~As of 2009, only 50 acres of land in the Town is vacant, which is zoned for single-family use at densities ranging from 1.5 units/PB acre to 4 units/PB acre. It is estimated that these lands could accommodate about 77 single-family units. In addition, the Breakers PUD was previously approved up to another 251 multi-family units in proximity to the existing golf course, although it is unlikely that the full complement of allowable units will actually be constructed. No vacant lands are zoned for multi-family uses in the Town. Obviously, density incentives are not practical on small lots, nor in established single-family or even lower density multi-family areas. Further, the Town has, through the years, made consistent efforts to reduce density on the Island to avoid~~

~~further traffic congestion.~~

The economic reality in the Town is that land costs are so high, and the remaining land so limited, that new construction of rental and for sale housing specifically targeted to the low and moderate income segment is not possible. However, previous data and analysis have clearly shown that more than the needed number of affordable housing units are provided for low and moderate income households in the Town.
Since the Town is virtually fully developed, with only scattered vacant lots available for new construction of residential units, there are no individual locations which have been specifically designated for manufactured housing. Consequently, the Town allows manufactured housing in all of its residential zoning districts. All manufactured housing units must meet all of the housing standards of the Town of Palm Beach including adherence to hurricane protection codes and architectural review.

~~4~~. The provision of adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services,"

The Town allows group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services, housing up to six persons (Chapter 419, F.S), in its lower density residential zoning districts; and allows such uses without limitation as to the number of persons in its higher density residential districts. The Town has adopted principles and criteria to guide the location of such facilities in the Town.

~~5~~. The identification of historically significant and other housing for purposes of conservation, rehabilitation or replacement. ~~demolition activities, and historically significant housing or neighborhoods.~~"

Palm Beach has no concentrations of deteriorating housing. The socio-economic profile of Palm Beach suggests that Town residents are unlikely to allow existing housing stock to deteriorate.

There are a large number of residential structures of historical or architectural significance in Palm Beach. The Town's Historic Structures survey has been updated to include structures not previously surveyed and a protection process has been developed which will be used by the Landmarks Preservation Commission to evaluate and designate other sites and/or structures.

GOALS, OBJECTIVES AND POLICIES

GOAL

ENCOURAGE THE MAINTENANCE OF THE HIGH QUALITY HOUSING STOCK THROUGHOUT THE TOWN WITH A HEALTHY LIVING ENVIRONMENT FOR ALL RESIDENTS.

OBJECTIVE 1

Assist in providing opportunities for affordable housing in sound structural condition for the current resident and seasonal population~~, and the increase of 265 new residents and 211 new seasonal residents expected by 2019~~.

POLICY 1.1

Provide information and technical assistance, upon request, and assist with the design process on new construction and rehabilitation projects through the Architectural and Landmarks Preservation Commissions for ~~the 253 housing units expected to be built in the Town through the year 2019 for~~ the resident and seasonal population.

OBJECTIVE 2

Prevent the Town's housing stock from deteriorating to a substandard condition. The measurement of this objective is the extent to which deterioration of the housing stock is prevented, and the degree to which the following policies are implemented.

POLICY 2.1

<u>As needed</u> ~~At least once per year~~, the Town shall conduct a windshield survey of structural conditions of housing throughout the Town.

POLICY 2.2

If structural <u>deficiencies are</u> ~~substandardness is~~ found, the Town will cite the property owner and require rehabilitation of a deteriorating structure, or demolition of a dilapidated structure, within one year.

OBJECTIVE 3

The Town shall permit the location of manufactured housing in all residential districts throughout the Town.

POLICY 3.1

The Town's land development regulations shall continue to allow manufactured housing as a permitted form of construction in all residential zoning districts.

POLICY 3.2

The Town shall include the following definition of manufactured housing in its land development regulations:

"A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or panels, and which is built on a frame and designed to be used as a dwelling with a permanent foundation and connected to all required utilities, and may include plumbing, heating, air conditioning, and electrical systems contained therein. If fabricated after June 15, 1976, each section shall bear a U. S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards."

POLICY 3.3

The Town's guidelines for the location of manufactured housing shall be the same as for conventionally built homes in that they;

a. Must comply with all Town building codes, hurricane wind velocity codes, and U.S. Department of Housing and Urban Development Body and Frame Construction Requirements as applied to hurricane resistive design standards; and,

b. Shall be subject to the review of the Architectural Commission and Landmarks Commission as provided in the Town's Code of Ordinances.

OBJECTIVE 4

The Town shall permit the placement of ~~group homes and foster care facilities~~ a community residential home within its residential zoning districts in accordance with Chapter 419, F.S.

POLICY 4.1

The Town shall continue to allow ~~group homes and foster care facilities~~ a community residential home, as defined by Chapter 419, F.S. ~~licensed of funded by the Florida Department of Health and Rehabilitative Services housing up to six persons~~, in its

residential zoning districts~~; and, shall use formulated principles and criteria to guide the location of such facilities in the Town~~ provided no other community residential homes are within the Town in which the proposed site is to be located within a radius of 1,000 feet of an existing or proposed community residential home.

OBJECTIVE 5

The Town shall prevent increases in the number of substandard housing units through rehabilitation or demolition of such housing within one year of its identification. The measurement of this objective is the extent to which such housing is identified and rehabilitated, and the degree to which the following policies are implemented.

POLICY 5.1

Substandard structures shall be determined on the basis of the criteria established in Section 12-16 (Article II, Obnoxious Conditions on Private Property) of the Town's Code of Ordinances.

POLICY 5.2

As needed ~~At least once every year~~, the Town shall conduct a windshield survey of structural conditions of housing throughout the Town.

POLICY 5.3

If obnoxious conditions or structural deficiencies ~~substandardness~~ are found, the Town will cite the property owner, and require rehabilitation of a deteriorating structure, or demolition of a dilapidated structure, within one year.

OBJECTIVE 6

Identify, protect and maintain the Town's inheritance of housing structures and neighborhoods having significant historic and/or architectural merit. The measurement of this objective shall be the extent to which such structures and neighborhoods are protected, and the degree to which the following policies are implemented.

POLICY 6.1

All requests for demolition, building and landscape plans shall be reviewed by either the Town's Architectural Commission or Landmarks Preservation Commission as a prerequisite to the issuance of a building permit.

POLICY 6.2

The criteria for a historically significant house shall be determined by the Landmarks Preservation Commission as outlined in Chapter 54 ~~Section 16-33 (Article III, Landmarks Preservation)~~ of the Town's Code of Ordinances.

POLICY 6.3

Housing structures which are not designated as ~~L~~landmarks shall be reviewed in accordance with Chapter 18 ~~Section 5-378~~ (Article III ~~IX~~, Architectural Review ~~and Procedure~~) of the Town's Code of Ordinances.

POLICY 6.4

Based on a 2010 ~~1990~~ survey and analysis of Historic Structures in the Town, a listing of those structures identified in such survey shall be maintained which met the criteria for designation as "Landmark Structures" in accordance with Chapter 54 ~~Article III~~ of the Town's Code of Ordinances.

OBJECTIVE 7

Although the Town does not foresee taking any actions that would displace persons from their housing, in the event such actions occur, the Town shall provide necessary relocation housing. The measurement of this objective is the provision of relocation housing as needed.

POLICY 7.1

If and when housing is eliminated by action(s) by the Town, relocation and/or assistance shall be provided by the Town as required by law (Section 421.55, FS).

OBJECTIVE 8

The Town's Housing Implementation Program shall consist of the following:

1. Provision of information and technical assistance, upon request, to developers of housing in the Town.

2 Conduct ~~of~~ windshield surveys of structures in the Town to identify structural deficiencies ~~substandardness~~.

3. Citation of owners of housing in the Town identified to be substandard, and require such owners to rehabilitate or demolish such housing within one year of the citation.

4. Allow group homes and foster care facilities, licensed or funded by the Florida

Department of Health and Rehabilitative Services, housing up to six persons, in its residential zoning districts; and, follow principles and criteria to guide the location of such facilities in the Town, adopted by the Town as part of its land development regulations.

5. Continue to permit the location of on-site living quarters for domestic and maintenance help in existing and new residential units in the Town's residential zoning district.

OBJECTIVE 9

The Town shall designate the Planning Administrator ~~Planner/Projects Coordinator~~ to ~~annually review and~~ identify housing programs and funding opportunities which may in the future become applicable to the Town, as needed.

OBJECTIVE 10

In order to continue to provide adequate sites for existing low and moderate income households in the Town, ~~and to provide adequate sites for the new low and moderate income households expected through 2019~~, or preserve existing properties within the Town, the Town shall encourage existing methods of housing provision, and shall monitor provision of housing in the future, taking remedial measures as deemed necessary. The measurement of this Objective is the extent to which the following policies are implemented:

POLICY 10.1

The Town shall continue to permit the location of on-site quarters for domestic and maintenance help in its residential zoning districts, with preferred locations for other new housing for low and moderate income households in proximity to the Town Center and commercial areas, because of the greater availability of goods and services, both public and private.

~~POLICY 10.2~~

~~Upon availability of appropriate housing and economic data from the 2010 Census, the Town shall investigate the need for, and the extent of, available affordable housing in the Town. If results of the investigation so warrant, the Town shall undertake a more detailed survey of the number and location of all types of affordable housing.~~

POLICY 10.2
All amendments to the Town's Zoning Code shall be reviewed by the Town to ensure that proposed regulatory techniques and review procedures do not create barriers to affordable housing and promote access to housing within the Town by promoting fair housing laws and practices.

POLICY 10.3

The Planning, Zoning and Building Department shall monitor the availability of affordable housing, taking into consideration existing and new units, and unit losses, current land costs, hurricane evacuation times, insurance costs and other limiting factors associated with barrier island communities. ~~An affordable housing shortage shall be declared if the affordable housing inventory falls below annual projected need.~~

POLICY 10.4

~~Within six months, or during the next zoning season (October through May) of the identification of~~ If an affordable housing shortage is identified, the Town shall take remedial measures to address the deficiency. Amendments to the Comprehensive Plan and Land Development Regulations to implement remedial measures shall be made, as necessary.

POLICY 10.5

Priority consideration for remedial measures shall be given to the Town's senior citizens, residents, and workforce (in that order).

~~OBJECTIVES AND POLICIES NOT APPLICABLE~~

~~The Town of Palm Beach does not deem it necessary to change its regulatory or permitting processes other than in those instances identified in the foregoing objectives and policies. As a matter of policy, the Town reserves the right to evaluate requests for changes in its Zoning Ordinance during the traditional zoning season.~~

~~There are no rural or farmworker households in the Town, nor are any expected in the future. Similarly, other than those groups that may be included in the foregoing objectives and policies, there are no households with special housing needs in the Town. Consequently, no additional policies are needed for the establishment of principles or criteria guiding the location of housing.~~

INFRASTRUCTURE ELEMENT

INTRODUCTION

The purpose of the Infrastructure Element is to provide for necessary public facilities and services related to future land use projections. It includes plans for sanitary sewer, solid waste, potable water and drainage facilities. Palm Beach contains no significant recharge area; still, specific standards and governmental actions geared to stabilizing water table levels in surficial deposits are addressed in this Element.

This Element of the Plan has been developed based upon:

1. Identification and analysis of the appropriate public facilities and their service areas, design capacities, and levels of service provided by each;

2. Analysis of existing conditions, problems and opportunities, and existing and projected needs for each facility; and,

3. Analysis of major natural drainage features and natural groundwater aquifer recharge areas.

While this Element is not an engineering study, it provides information essential for engineering analysis and design. Its major orientation is toward reasonable determination of existing, and future supply and demand relationships for each of the major facility areas.

EXECUTIVE SUMMARY

EXISTING AND FUTURE LAND USES

The geographic area served by the infrastructure facilities is the Town of Palm Beach, an urban, built-up area approaching saturation. These public facilities, providing service in and to the Town of Palm Beach, predominantly serve the following uses in the Town: residential, commercial, public, private group use, recreational and conservation uses. There are no agricultural or industrial uses in the Town. More detailed discussion of the patterns, and extent of land uses and land use maps, are provided in the Future Land Use Element. Because of ~~Due to~~ the very limited amount of vacant land in the Town, the pattern of land uses in the future will remain essentially the same as now existing in the Town.

SANITARY SEWER SERVICES

Sewage is collected by typical gravity sanitary sewers. Many small pumping and relay stations are required because of flat terrain and the 12-mile length of the Town. Sewage leaves the Town by means of three ~~two~~ force mains, one each in the northern ~~(larger)~~, central and southern ~~(smaller)~~ parts of Town to treatment facilities at the East Central Regional Wastewater Reclamation Facility (ECRWRF) on the mainland.

The northern force main, a 30-inch subaqueous line with a capacity of five million gallons per day (MGD), runs along Tangier Avenue and then under Lake Worth to connect to the regional plant. This force main was the primary effluent route until the new central force main was constructed which is a 24-inch subaqueous line from the Town's master pump station, that transitions to a 24-inch line along Flagler Drive that ties into the existing joint transmission force main there in West Palm Beach. The new central force main system was placed in operation in 2014. The southern main is a 16-inch subaqueous line with a capacity of 0.94 MGD connecting to the City of Lake Worth transmission system, which then connects to the regional plant. As of 2013, that southern force main is no longer used on a daily basis but is only used for emergencies or when it is necessary to bypass flow from the City of West Palm Beach system. When those situations arise, the Town has a short-term capability to send 1.7 MGD (1300gpm) through the City of Lake Worth system. A new bulk user agreement was signed with the City of Lake Worth for those occasions when it is necessary to send flow through their subregional system.

The East Central Regional Wastewater Reclamation Facility uses secondary treatment involving a complete mix-activated sludge system. Effluent is disposed through deep well injection, and sludge is transported for disposal at the Palm Beach County Solid Waste Authority compost facility. The plant, which is owned in common by the cities of Lake Worth, Riviera Beach, West Palm Beach, Palm Beach County and the Town of Palm Beach, is operated and maintained by the City of West Palm Beach. The Town, and the four other owners of the plant, have "Large User Agreements" for treatment capacity. The Town's agreement calls for a 5 MGD allocation of plant

capacity. The Town's capacity share increased to 6 MGD, based on the reallocation due to flows no longer passing through the City of Lake Worth system.

The plant ~~recently~~ underwent an expansion which raised capacity from 55 MGD to 64 MGD. The current rated capacity is now 70 MGD. ~~Present demand upon the ECRWRF is approximately 42 MGD. Capacity will be increased to 70 MGD upon certification of additional deep well capacity.~~ There are no deficiencies in the sanitary sewer treatment plant facilities now serving the Town.

~~In addition to its five MGD allocation from the East Central Regional Wastewater Treatment Facility, the Town has contracted for another 0.941 MGD from the City of Lake Worth. The City permits the Town to periodically exceed its allocated capacity so long as the rolling three- month average for any given period does not exceed the 0.941 MOD allocation.~~

Analysis of Town per capita wastewater flows between 2000 and 2007 indicated that total wastewater flows have decreased due primarily to rehabilitation of the gravity sewer line. With this reduction, the Town will continue to be within its 6 ~~5.941~~ MGD allocation and contract.

Discussions with the Town Public Works Department and representatives of the ECRWRF indicate that at the projected peak seasonal population, the Town will remain within the levels of service for these ~~two~~ force mains, and the ECRWRF has the capacity to provide service at the Town's adopted LOS throughout the planning period.

In September of each year the Town obtains a letter from the City of West Palm Beach certifying that the East Central Regional Wastewater Reclamation Facility has the capacity to treat the volume of wastewater projected to be generated in the Town during the peak season at the Town's adopted level of service.

The developer for each individual project is responsible for providing the Town with an estimate of the population for the project and the Town engineer determines the adequacy of available capacity of the force mains to handle the flow generated by the project.

SOLID WASTE

Solid waste pick-up and disposal service, including garbage, trash and vegetative yard trash, is provided by the Town to both residential and commercial areas.

GARBAGE

The Town provides garbage pick-up Monday through Friday. Weekend pick-up is provided to commercial establishments, such as restaurants, upon arrangement with the Town.

Commercial garbage is collected in 20-cubic yard packers, while six- cubic yard packers are used for collecting residential garbage. These wastes are then transferred to 65-cubic yard tractor trailer

packers at the Pinewalk Transfer Station. This transfer station is leased to the Town on a year-to-year basis to the year 2050 ~~2025~~ by Flagler Systems, the developer of the Breaker's PUD. If the Pinewalk area is developed and no longer available, the Town will be faced with the decision of whether to purchase or lease a transfer station on the Island or mainland, or eliminate the need for a transfer station by increasing the packer fleet. However, it is probable that the Pinewalk Station will remain as is, well past the 10-year planning period.

Waste material is taken from the station in tractor trailers to the County's North County Regional Resource Recovery facility (or SWA directed facility), operated by the Palm Beach County Solid Waste Authority (SWA) under a County-wide solid waste plan.

The SWA's North County Regional Resource Recovery Facility (NCRRRF), located on Jog Road, replaced the Dyer Boulevard Landfill in 1989 and handles both sludge, from the East Central Wastewater Treatment Facility, and garbage for separation, recycling and incineration. Aluminum and ferrous materials are separated at the plant. The remaining organic materials are used as fuel for an electricity-producing turbine generator. The plant serves the entire County at a capacity of 3,000 ~~2,000~~ tons per day, six days per week, for an annual capacity of 936,000 ~~624,000~~ tons per year. In 2015, SWA opened a second unit, also at a capacity of 3,000 tons per day ~~A 21-year operating period contract for service capacity began in December, 1989~~. Since the NCRRRF serves the entire County, predominant land uses served include residential, commercial, industrial, recreational, agricultural and public uses. The current inter-local agreement between the Town and SWA for solid waste and recycling has been in effect since 2009.

The Palm Beach Solid Waste Authority, which operates the NCRRRF, does not allocate any particular share of its capacity to individual users or municipalities. However, in 2006, the Town's contribution of garbage to the Jog Road landfill comprised less than 1% of the total garbage generated countywide, and will certainly not exceed this proportion during the planning period.

The NCRRRF site also contains a 350-acre landfill which is estimated to have an expected life to the year 2043 due to the opening of REF#2 in 2015 ~~2021~~. The Solid Waste Authority performs an annual review and analysis of the remaining capacity of the landfill based on the University of Florida Bureau of Economic and Business Research population projections, current waste generation rates, and the volume of landfill capacity available. ~~A new landfill is in the permitting stages. This landfill is to be located approximately seven miles south of SR 80, 20 miles west of West Palm Beach.~~

According to the County's Plan, the current Level of Service (LOS) averaged 4.28 pounds per day/capita for garbage, 2.26 for trash, and .59 pounds of recyclables for a total of 7.13 pounds per day per capita in 2006. The 2006 plan is still in place.

Florida Power and Light Company has agreed to purchase electricity produced by the plant, and the remaining ash residue will be placed in an adjacent landfill. The Town, as part of the North County Service Area, transports its garbage directly to the resource recovery plant. The Town's

collection and disposal equipment are compatible with the requirements of the plant.

The SWA has implemented a public education program designed to encourage the public to separate garbage prior to pick-up. The Town implemented a separation and recycle program in 1990. Curbside collection may not be possible due to the Town's tradition of backyard pick-up.

The Town of Palm Beach's total projected volumes of garbage for an average day, and the average day during the peak month using the 1990-1994 average figures of 2.09 and 2.89 pounds per day per capita, indicate the Town should have no trouble meeting capacity demands for the duration of the planning period, and remain within its adopted level of service of 2.55 pounds per day per capita.

Discussion with the Town Public Works Department and representatives of the NCRRRF indicates that at the projected peak seasonal population, the NCRRRF will have adequate capacity to provide service at the Town's adopted level of service throughout the planning period.

In September of each year the Town obtains a letter from the Palm Beach County Solid Waste Authority certifying that the North County Regional Resource Recovery Facility has the capacity to treat the amount of garbage projected to be generated in the Town during the peak season at the Town's adopted level of service.

Also during September, the Town Public Works Department certifies that the Town maintains adequate capacity to dispose of the amount of vegetative trash associated with the projected population. Unless annual determinations identify unexpected capacity problems, it is assumed there is adequate capacity to accommodate vegetative trash disposal associated with new development.

VEGETATIVE YARD TRASH

Vegetative yard trash is collected by the Town using twelve 30-cubic yard scow body trash trucks and three cranes. Trash is hauled directly to the Skees Road or the Okeechobee Boulevard sites in West Palm Beach, and is decomposed naturally. The Town owns and operates both sites, and neither serve any other local government jurisdictions. Predominant types of land uses served by these facilities are the residential, commercial, recreational, public and private group uses located in the Town. Pick-up service is provided once per week on a regular schedule. The Town restricts collection to vegetative matter only. Size and placement of trash on right-of-ways are also regulated. The Skees Road site encompasses about 28 acres and is the main site for disposal of the Town's vegetative refuse. It operates under permit from the Florida Department of Environmental Protection (FDEP). The permit is renewed each December.

The Okeechobee Boulevard site encompasses about 28 ~~25~~ acres, but only about nine (9) ~~five~~ acres are occasionally used by the Town for the vegetative landfill purpose. This site ~~It~~ also operates

under an annual permit issued by the FDEP. Because of ~~Due to~~ the rate of decomposition of the organic matter, both sites are expected to have a useful life of between 16 ~~10~~ and 25 years. While the Town has not estimated a capacity for each remaining individual site, at the volumes of vegetative trash expected to be generated during the planning period, this would indicate that these two sites have a combined capacity of at least 475,000 ~~4,000,000~~ cubic yards of vegetative trash. A preliminary study is underway to evaluate the options for volume reduction of existing vegetative debris cells at these landfills to determine if material can be segregated and disposed of off-site (top soil, mulch, etc.) to increase the long term capacity and life span of the landfills ~~Consequently, there are no current facility deficiencies, nor will there be any in the 10-year planning period for the Skees Road or Okeechobee Boulevard vegetative trash disposal site~~.

Seasonal growth conditions, storm events, and development site clearing are the primary factors affecting vegetative trash production. Site clearing has only a minimal influence as very little undeveloped land remains. Seasonal growth patterns are fairly predictable, coinciding with the warm weather rainy season between May and October. Storm events can occur at any time. Tropical storms and hurricanes usually form between June and November, while northeasters are the product of winter cold fronts.

The current level of vegetative trash generation is 152,000 cubic yards per year, representing a LOS of 0.0416 cubic yards per person per day, or 0.021 cubic yards per peak season person per day. There is a clearly defined upward trend in vegetative trash generation in the Town. July typically represents the peak month during which the total volume generated approximates 1.52 times that of the average month.

There appears to be no relationship between population and the volume of vegetative trash generated in the Town. However, because of the clear 1988 to 1994 trend of increasing vegetative trash generation, a least squares methodology has been used to project future volumes for the planning period, indicating a LOS of .025 cubic yards per peak season person per day generation of vegetative trash at the end of the 10-year planning period. Town collection equipment and crews are capable of meeting the projected demands.

SPECIAL SOLID WASTE

The Town provides pick-up of appliances, discarded furniture, large packing boxes, and similar household goods for a minimum charge.

Special collection services must be scheduled with the Town in advance. These wastes will continue to be taken to the Resource Recovery Plant/Landfill at Jog Road. This service is available Tuesdays and Thursdays all year long.

A truck, with a crew of two, is provided by the Town's Streets Division. The truck's maximum carrying capacity is three tons. During peak demand periods, the truck can carry up to six loads

per day, resulting in a maximum capacity of 18 tons/day, 144 tons/month and 1,872 tons/year.

The total yearly capacity of the Special pick-up service has exceeded actual demand for the last five years, although peak monthly demands have historically exceeded capacity. Peak demand generally occurs in the winter.
A review of annual demand for collection of Special Solid Wastes reveals a steady increase since 1990. Population has increased modestly during the same time period, indicating that demand is not directly related to population levels. Although future demand cannot be accurately projected, the Town has the capacity to meet a maximum yearly demand of 1,872 tons, which has proven adequate since 1983. This capability provides the required level of service through the 10-year planning period ~~In addition, the Streets Division of the Public Works Department has indicated that expansion of service to three days per week during peak periods is possible~~.

RECYCLING

The Town began its solid waste recycle program in July, 1990 with pickup at single-family residences. In 1992, the program was expanded to multi-family residential pickup, in 1993 to commercial locations, and in 1995 to office locations for paper pickup. Recycling collection is set up to provide pick-up on a weekly basis.

Residential collection encompasses five routes that cover the entire Town from the inlet to 2300 South Ocean Blvd. There are no residential homes south of 2300 South Ocean Boulevard.

Multi-family collection is also set up to provide collection on a weekly basis, with additional pick-ups conducted on an as-needed basis. Multi-family units are serviced on Wednesday, Thursday and Friday. Service days are determined by location of condos or apartments.

Commercial collection and additional multi-family pick-ups are done on Tuesdays. The collection options available for residential, commercial and multi-family units are the same. Material collected is co-mingled glass, aluminum and grades 1 and 2 plastic. Newsprint is also collected but separated.

Participation rate fluctuates because the majority of residents are seasonal, however, heaviest participation occurs between December and May. Process costs and labor factors dictate the method of collection.

The latest three-year average for recycling tonnage totaled 1,650 tones/year using 2014 figures. Public education efforts help to increase awareness of meeting future goals. ~~Despite minor increases in Town population, recycling tonnage is increasing dramatically from year-to-year in each pickup category and totaled 1,758 tons in 1995.~~

DRAINAGE

Prior to development, the Palm Beach coastal barrier was characterized by a high coastal ridge along the Atlantic, and a low, swampy shoreline along Lake Worth. A marshy slough separated the beach ridge and lake hammocks. Surface accumulation either percolated to the surficial aquifer through permeable soils on the ridges, collected in the slough, or ran through poorly drained tidal swamps into Lake Worth.

Extensive shoreline and surface water changes have occurred since 1883. The slough and low lake shorelines have been filled for urban development, and the Atlantic shoreline has receded due to beach erosion. The urbanization of the Town has reduced the amount of water infiltrating to the surficial aquifer, and has increased runoff from impermeable surfaces. The coastal ridge still dominates the island's topography, acting as a seaward barrier to surface drainage. In addition, remnants of slough areas are prone to flooding.

In order to facilitate the removal of stormwater, a system of storm sewers and pumping stations was created during the early development of the Town. That same system, with major modifications, remains intact today.

The Town's drainage system consists of a combination of pumping stations and gravity outfalls. Pumping stations are necessary because areas of the Town are below Lake Worth's high tide level, causing backflow through stormwater outfalls when above normal tides are experienced in the Lake.

The Town's code supports the South Florida Water Management District's stormwater retention requirements for new development and redevelopment. All new development and redevelopment must provide minimum retention of the first two inches of rainwater prior to discharging into the Town drainage system. Residential development of less than one-half acre is required to route discharge and sheet flow through grassy areas prior to discharge into the Town system.

Consulting engineers have extensively studied the storm drainage situation in the Town. The Town's engineering design criteria are meant to ensure that flooding will not occur during a one-year storm for systems served by pumping stations, or during a three-year storm for systems with gravity outfalls, and the minor flooding associated with a five-year storm would be carried off within sixty minutes. Accumulated runoff from a fifty-year storm would require only ninety minutes for removal. These standards supersede the less restrictive three-year/one-hour design requirements of the Water Management District.

Demand upon drainage systems is related to the area and amount of water to be drained. As the Town is virtually "built-out" ~~(97% of all available land has been developed)~~, the area to be drained will remain essentially constant, with most increases in impervious surfaces being addressed by retention requirements. The amount of water to be drained remains variable, depending upon the actual storm events. Therefore, the demand on the Town's system is primarily based on the intensity and duration of storm events.

The drainage system is generally considered to be in good condition. According to the Public Works Department, the expected service life of the drainage system components exceeds 50 years. The town needs to continue evaluating the drainage system and replace deteriorated and undersized components.

~~The Public Works Department has identified a number of drainage facility needs, and has concentrated programmed repairs and improvements to address these needs. In fact, in 2002 the Town allocated about $13 million dollars in additional funds to continue replacing deteriorated piping and pumping stations under its original 10-year storm drainage plan.~~

~~The Coastal Management/Conservation Element notes that stormwater discharge and runoff have adversely affected water quality in Lake Worth.~~ No water quality data is available for areas within the Town, consequently, the quantity, quality and effects of stormwater runoff originating in the Town are unknown. However, it is generally recognized that stormwater may contaminate surface waters with sediments, nutrients, heavy metals, oils, grease and pathogens.

Unfortunately, the Town is limited in its ability to improve discharge quality through stormwater management, because of ~~due to~~ the following:

1. The water table on the island is very high. Some areas in the Town are below the high tide line of Lake Worth. Retention or detention areas would, therefore, have to be shallow and wide, requiring large surface areas.

2. There are no large undeveloped land areas which could realistically provide retention or detention of stormwater, and real estate prices for purchase or condemnation of land are prohibitively high.

3. Most soils in the Town are poorly drained, resulting in slow infiltration rates, and complicating the use of exfiltration systems.

4. The Town is almost entirely developed. Therefore, the existing drainage system will not be affected significantly by new stormwater regulations. In addition, the Town's existing drainage system was installed many years ago, prior to the development of best management practices.

The Town recognizes the importance of improved water quality in Lake Worth, but also realizes that any major retrofitting of the system will require study and time. The National Pollutant Discharge Elimination System Permit establishes, on a countywide basis, the best management practices (BMP's) and goals concerning the quality of stormwater runoff.

The Town has been making steady progress toward decreasing the quantity and improving the quality of stormwater runoff by requiring a minimum of one inch of stormwater retention on all

new and redeveloped areas of one-half acres or more. All parking lot areas being built or reconstructed are required to provide one inch water quality retention, where water table and soil conditions permit.

In addition to the stormwater management practices, the Town is proposing restoration of native shoreline habitat along Lake Worth which would provide natural water purification. Restoration plans are described in more detail in the Coastal Zone Management/Conservation Element under "Restoration of Native Habitat." The Town has also identified the need for an intergovernmental Lake Worth Management Committee, which would facilitate water quality management on a regional scale.
Previous text and illustrations indicate that the Town's natural drainage features have already experienced the major changes which accompany urban development.

In a continuous pursuit to address infrastructure problems in the Town, from March 2001 to April 2003 the Palm Beach Town Council empowered the Strategic Planning Board to create a long-range (10+ years) Strategic Plan. In their study the Strategic Planning Board studied current drainage problems and the status of stormwater runoff handling and retention systems, improvements and components. The Strategic Planning Board also worked to enhance and improve the runoff collection and retention system as set out below.

During the mid-1970's, the Town commissioned an engineering report to recommend infrastructure needed to provide better protection against flooding in major rainstorms. The "Smith & Gillespie Long Range Public Works Plan" provided the blueprint for major improvements subsequently constructed during the 1980s and 1990s. Flooding throughout the Town has been greatly reduced by these improvements.

However, some of the residential neighborhoods of the North End experienced severe flooding of homes during heavy rainfalls in 2000 and 2001, and less severe flooding (still resulting in private property damage) on other occasions between the late 1990s and 2001. In response, the Town staff improved its procedures for the field operations involved in preparing for and responding to storms that pose a threat of flooding. The Town also undertook a new study of the drainage system throughout the affected area (five drainage basins covering the area from Wells Road north to the Lake Worth Inlet), and developed an ambitious multi-year plan to increase the capacity of the storm drainage system. ~~At this time t~~ The Town's ~~added another 1" of the~~ retention design flood protection parameter in the Zoning Code is 2".

On September 10, 2002, the Town Council approved a 10-year, $23.7 million pay-as-you-go program to provide new pump stations, new and larger pipes along the "trunk lines" connecting smaller pipes to the trunk lines, and new and larger pipes along some of the residential side streets.

Permits to implement this program ~~plan~~ were ~~have been~~ obtained and the first five years of the program were ~~have been~~ constructed. ~~Due to funding constraints, the final five years are expected to be completed in seven years.~~

While developing this program for improving the public infrastructure necessary to better protect against flooding, the Town's elected officials, staff, and consultants also ~~have been~~ developed ~~ing~~ strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations were substantially strengthened in this regard in 2001 and 2002. Additional measures will be considered in the future.

In addition to considering what regulations and storm drainage improvements are needed to prevent future flooding, the Strategic Planning Board considered how system improvements will be made. Specifically, the Strategic Planning Board explored whether or not changes are needed in Town policy governing construction contracts and construction project management to ensure that these major projects are completed successfully. ~~During 2001, the Town experienced a very disruptive and unsuccessful project on Bradley Place. In response to that situation, and building upon both successful and unsuccessful past experiences, the Town staff proposed over 30 specific improvements to the Town's contracting and project management practices. These were approved by the Town Council and have been implemented.~~

Engineering analyses have indicated that construction of the foregoing improvements will protect all but the 14 lowest elevation homes (some of which have a first floor elevation almost 3 feet lower than the Town's current flood prevention standard of 7.5 feet above sea level) from being flooded during a storm of such intensity that it is expected to occur once every 100 years. Street flooding and some garage flooding are expected, not only during a "100-year storm" but also during less intense storms.

Starting in 2009 as part of the Accelerated Capital Improvements Program (ACIP) the Town has upgraded multiple stormwater pump stations and replaced, lined or abandoned corrugated metal pipes. The ACIP is currently ongoing and is expected to be completed by the end of 2018.

Resulting Problems or Opportunities

While developing this program for improving the public infrastructure is necessary to better protect against flooding, the Town's elected officials, staff, and consultants also have been developing strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations were substantially strengthened in this regard in 2001 and 2002. Additional measures are also being considered.

~~**Needed Actions to Address the Issue**~~

~~System Improvements: Implement trunk lines and pump stations as set forth in the Town's adopted drainage improvement program.~~
~~*Timeframe: Ongoing and to be completed by December, 2012.*~~

~~Re-evaluation of Phase II: Following completion of improvements noted above for each drainage~~

~~basin, the Town will re-evaluate needs, priorities, and financing of future storm drainage improvements on residential side streets.~~
~~*Timeframe: Pending*~~

~~Drainage Upgrade on Individual Properties: Encourage the installation of upgraded storm drainage systems to meet current or new storm water standards on properties which are not otherwise being redeveloped.~~
~~*Timeframe: Ongoing*~~

POTABLE WATER

The City of West Palm Beach owns and operates the water system providing potable water to the Town of Palm Beach, City of West Palm Beach and Town of South Palm Beach. The City of West Palm Beach Potable Water Utility Service Area exceeds 120,000 residents. Since the system serves primarily urbanized areas, the predominant land uses in the service area are residential, commercial, industrial, recreational, and public and semi-public uses. The system consists of a raw water supply, water treatment plant, storage reservoirs and distribution system. A 30-year renewable contract between the Town and the City of West Palm Beach was signed in 1965 and expired in January, 1995. The Town subsequently renegotiated the contract with the City, and a new franchise agreement was signed on June 16, 1999 and is effective until 2029. ~~The City and Town have been unable to reach a new agreement. However, the City is obligated to continue providing potable water to the Town.~~ It should also be noted that the City of West Palm Beach is currently expanding and improving their water infrastructure.

West Palm Beach collects its raw water from Clear Lake, a surface water source. The South Florida Water Management District ~~has~~ granted the City a consumptive use permit on February 14, 2013 for 67 ~~31.78~~ MGD. See the City of West Palm Beach Comprehensive Plan for more information on their consumptive use permit and yearly allocations and sources. ~~The maximum daily withdrawal from raw water sources is 45.2 MGD. A standby source, consisting of ten groundwater wells rated at 4 MGD each, was completed in 1990.~~

The capacity of the water treatment plant is 47 MGD~~, with a ten MGD expansion completed in 1989~~. The plant's pumping system can provide maximum hour demand and fire flow demand pumping capacity throughout the distribution system. West Palm Beach has 18 million gallons of storage capacity in its distribution system and water treatment plant, including a one million gallon ground reservoir located at the Palm Beach Country Club.

The City allocates no specific portion of its treatment capacity to individual users or municipalities. See the City of West Palm Beach Comprehensive Plan for more information on its entire system,

historic water use, and projected water use. ~~However, according to the City Utility's 880-100 reports of water use by the Town, the Town of Palm Beach utilized 7.12 MGD or 15.1% of the City's 47 MGD capacity in 1995.~~

Raw water reaches Clear Lake through a system of canals and water catchment areas. Water travels from Lake Okeechobee through the L-8 canal to Canal M-1, and then to a naturally vegetated water catchment area. The catchment area serves as an initial water purifier; wetland plants provide nutrient uptake, and sediments settle out of the water column. After leaving the catchment area, the water travels to Lake Mangonia and then to Clear Lake. A diking system around Clear Lake, Canal M, and the catchment area prevent degradation of the surface water from stormwater or irrigation runoff. Water quality in Clear Lake has been consistently good.

Raw water is treated by West Palm Beach according to FDEP water quality standards. Potable water emerging from the plant is tested daily for quality. Monthly reports, including tabulations of daily testing, are sent to the FDEP for review. The City prepares an annual Water Quality Report which can be reviewed on the City's website. Potable water quality has been consistently good, winning awards in recent years for its outstanding taste.

According to West Palm Beach sources, water quality is expected to remain good, and no measures for further protection of quality are necessary.

~~The City of West Palm Beach's water distribution system serves about 87,000 permanent residents with approximately 509 miles of water main lines in four service areas. There are about 449 miles of lines installed in West Palm Beach, 57 miles in Palm Beach, 3 miles in South Palm Beach, and 2 miles in unincorporated parts of Palm Beach County.~~

The Palm Beach/South Palm Beach service area is fed by five mains crossing Lake Worth from West Palm Beach, four of which connect directly into the Town. These crossings are located at the Flagler Bridge, Island Road, Southern Boulevard, and Sloan's Curve. The fifth is at Orange Grove Road. In addition, there are ~~2,771~~ water meters, ~~141~~ private fire lines, and ~~341~~ fire hydrants located in Palm Beach.

~~The "Water Distribution System Analysis", conducted by the City of West Palm Beach in April of 1980, revealed that pressures in South Palm Beach and the north and south ends of Palm Beach are below the 20 pounds per square inch (psi) minimum pressure, and the system is not able to provide a sufficient water rate to fill the storage tanks in a timely manner. A new hydraulic study is nearing completion.~~

~~West Palm Beach has since completed the construction of a three million gallon water storage tank and booster pumping station near St. Mary's Hospital, improving low pressure problems in northern Palm Beach. The City also has proposed two other short-term projects to meet operational standards. This was completed in 1995 and includes:~~

~~1. Upgrading lines in the Town at Island Road and Royal Poinciana Way where they meet the lines crossing Lake Worth, so that the line sizes on land are of equal size to those crossing the Lake.~~

~~2. Construction of an 8" to 12" line from the 45th Street crossing in Palm Beach northward to the vicinity of the Sailfish Club. Also, provide an 8" connection, east to Ocean Boulevard, to loop the system and provide sufficient fire flow.~~

The City of West Palm Beach has established 272 gallons/day/capita (gpdc) as the levels of service for provision of potable water to the entire Potable Water Utility Service Area which includes the Town of Palm Beach ~~population of year-round and seasonal residents within its municipal limits, and to the Towns of Palm Beach and South Palm Beach. In West Palm Beach, the level of service has been set at 149 gallons per person per day (gppd); in South Palm Beach it is 155 gppd, and in the Town of Palm Beach, 369 gppd. Using the 1995 Town's water consumption figures from the City's 880-100 reports of 7,120,000 GPD, and the Town's 1995 population of 22,100, indicates a consumption of 322 gppd for the Town's population~~.

~~The City of West Palm Beach has expanded its water treatment plant. The capacity of the plant is 47 MGD, while maximum permitted raw water withdrawal at Clear Lake is 31.8 MGD average daily and 45.2 maximum daily. The supplemental wellfield can contribute approximately 30 MGD, but can only be used as a standby source if the water level in Clear Lake falls below allowable levels, thus the withdrawal rate remains the limiting factor for use of raw water from the wellfield.~~

~~Including line losses of 10% and a maximum daily demand peak factor of 1.43, capacity of the plant appears adequate to serve needs past the year 2010, according to the City's Utility Department.~~

In order to reduce potable water consumption, the Town has pursued a water conservation program~~, including all measures listed in this section of the 1990 Comprehensive Plan~~. The Town supports the City of West Palm Beach, its water provider, in its efforts to conserve water and expand alternative water supply projects and reuse initiatives. See the City of West Palm Beach Comprehensive Plan for more detail on conservation, alternative water supply, and reuse. ~~Additional measures have also been undertaken which are shown in an extensive listing in the updated Town of Palm Beach, Florida, Supporting Documentation, Comprehensive Plan companion volume.~~

~~To examine the effects of the Town's potable water conservation efforts since adoption of the Town's 1990 Plan, Town consumption figures for 1987 as presented in the City of West Palm Beach's 1989 Plan (8,256,742 GPD) and the City's Utility 880-100 report's 1995 figures (7,120,000 GPD) are used.~~

~~Based on 1990 census data, which has become available since the Town's 1990 Plan, the Town's~~

~~population figures for 1987 have been adjusted to 21,923 persons. Using these adjusted figures indicates the actual GPD per person potable water consumption by the Town was 377 GPD per person in 1987. This figure compared to the current 1995 water consumption figure of 322 GPD indicates Town conservation has led to a 15% reduction in potable water use. In July 1996, the Town adopted Ord. 10-96 limiting irrigation of lawns, landscaped areas and outdoor vegetation, and requiring water sensing devices on all new automatic irrigation systems.~~

~~All of the information supplied by the City of West Palm Beach related to the Town's potable water system will need to be re-evaluated and included in the Town's Ten-Year Water Supply Facility Work Plan.~~

AQUIFER RECHARGE

The Town of Palm Beach is underlain by two aquifer systems; the surficial aquifer and the more deeply located Floridan aquifer. These are separated from each other by the Hawthorn Formation which prevents any recharge from reaching the Floridan aquifer. Neither aquifer is used as a source of potable water.

Urban development in the Town, including the placement of poorly drained urban fill, has affected the quantity of recharge to the surficial aquifer. Pomello fine sand and, to a lesser extent, Palm Beach Urban Complex, are probably the most active recharge soils. According to the Palm Beach County Soil Survey, most native sandy soils are located along the beach ridge, and in the north end of Town, directly behind the beach ridge.

The surficial aquifer is not considered a suitable source of potable water, nor as a major source for irrigation because of its high chloride (salt) content.

Fresh water is less molecularly dense than salt water. Therefore it tends to "float" on top of salt water forming a fresh water lens. Often this lens can supply usable water so long as it is sufficiently replenished by infiltration. The extent and quality of the fresh water lens under the Town has not been determined, however, the SFWMD is testing the surficial aquifer in a comparable location in West Palm Beach.

The Biltmore condominium has a consumptive use permit from the South Florida Water Management District (SFWMD) for groundwater to cool its air conditioning system. The Breakers has received SFWMD permitting for use of a non-potable shallow water well for its golf course irrigation system. Small cooling or irrigation wells exist which did not require a SFWMD permit. Such wells, however, do require a permit by the Town. There is no evidence to suggest that the existing limited use of the aquifer has caused, or will cause, degradation of the aquifer.

The Town protects recharge through its storm water retention requirements and its minimum landscaped area requirements, which ensure pervious areas for water percolation to the aquifer. In

addition, there are few septic tanks in the Town; no existing or potential identified problems with hazardous waste contamination; and no known sources of aquifer contamination or depletion. In the event that the Town chooses to utilize the surficial aquifer as a non-potable water source for irrigation, measures should be taken, in accordance with rules of the South Florida Water Management District, to protect the aquifer and overlying soils and vegetation from negative consequences of drawdown.

The Town has reduced density in some residential districts over primary recharge areas, and will continue as Town policy to reduce redevelopment densities in the Town as a whole. Existing land uses in primary recharge areas will be maintained, and beaches and dunes will be protected, as described in the "Protection and Restoration of Beaches and Dunes" section of the Coastal Zone Management/Conservation Element of this Plan. The Town will also continue to prohibit industry and hazardous waste storage within its limits.

The Town further improves aquifer recharge by requiring new development and redevelopment in primary aquifer recharge areas to run storm water through vegetated areas prior to discharge into the Town's drainage system. No further programs or regulations are deemed necessary, unless future use of the aquifer necessitates further measures.

UNDERGROUND UTILITIES

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.

~~In April 2003, the Town's Strategic Planning Board recommended the pursuit of a plan to place utilities underground which included the following elements:~~

~~● Oversee an evaluation of the technological and economic feasibility of installing utility lines underground to provide information to decide on the desirability of proceeding on a long-term project. The study should include alternate methods of financing. The word "oversee" is used since there are resources such as local civic organizations, representative of other municipalities, etc., who are readily available to assist in such an effort.~~

~~● Investigate opportunities for limited, prioritized, high visibility "demonstration projects", including finance mechanisms and public-private cost sharing.~~

~~● Investigate the feasibility of a program to place utilities underground following a natural disaster.~~

Impacts of the Issue

The impacts of the Town-wide underground utilities conversion project include installing underground utilities for all areas of the Town that presently has overhead utilities. There are some areas within the Town that have already converted their utilities to underground. Those areas include: Everglades Island; Via Fontana; Lake Towers; 300 block of Dunbar Road (summer of 2016); and Nightingale and LaPuerta (started summer of 2016). The conversion will include locating most of the utilities in the Town's road right-of-ways wherever possible. The utilities will be located in alley ways in those neighborhoods which have rear access alleys wide enough for truck access.

The construction is anticipated to take 6 to 10 years. The most disruptive construction will take place during the summer months with the actual utility connections to take place during the winter months. The last step of removing poles and equipment primarily from rear yards will take place the following spring. The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the Capital Improvements Section of the Comprehensive Plan.

~~The potential impact of undertaking a Town-wide underground utilities conversion project is such that the project can be construed as the initiation of a Community Redevelopment Plan. The underground utilities project has potential impact to the Transportation Element of the Comprehensive Plan as well as to the Infrastructure Element and the Capital Improvements Element.~~

~~Specifically, the underground utilities project, if approved by the Town's voters, will affect the pavement and/or right-of-way associated with every road within the Town. Also, every property owner will be impacted to some degree. Therefore, the underground utilities project must be coordinated with every capital improvement planned for road paving, potable water, drainage collection and pumping facilities, sanitary sewer collection and pumping facilities, streetlights and sidewalks and pedestrian/bike pathways replacement programs. Private property construction activities will have to be coordinated with this major public works project.~~

~~The Intergovernmental Element is also potentially affected to the extent that potable water improvements must be coordinated with the City of West Palm Beach Utilities Department.~~

~~Unanticipated Changes in Circumstances~~

~~The extent to which utility lines were downed during the hurricanes of the 2004-2005 was unexpected, and provided an impetus to consideration of the need to bury utility lines underground. Of course, additional unanticipated changes in circumstances could affect the timing for the initiation of the underground utilities project in any given area of Town as well as the available funding and/or financing for the underground utilities work to be done. Also, this project will not proceed without voter approval.~~

Resulting Problems or Opportunities

Problems associated with the underground utilities project include:

- Easements will be required for transformers and other above ground equipment. There is a potential that eminent domain will be required for some easements. ~~Need for funds is great~~
- Disruption to the community, including noise and traffic congestion is anticipated. ~~tie-ups~~
- Project cost may exceed the approved referendum amount. ~~Generation of funds, taxation versus assessments~~
- Removal of equipment from poles has been a challenge in similar communities. ~~Need for new utility corridors consisting of rights-of-way and easements~~
- ~~Potential need for use of eminent domain~~

Opportunities ~~are~~ include:

- Increased reliability for all utilities. ~~Results in provision of modern public utility systems throughout Town~~
- Improved aesthetics for the entire community due to removal of wood and concrete poles. ~~Enhanced utility reliability~~
- Potential for improved broadband and wireless services. ~~Enhanced community aesthetics~~
- ~~Enhanced public services opportunity to upgrade potentially affected infrastructure simultaneously with the underground utilities project~~

Needed Actions to Address the Issue

- Complete Master Plan which includes construction sequencing and project estimate of cost. ~~A referendum of the electorate to approve the project.~~

Timeframe: Master Plan for first assessment phase of the Town will be completed in 2017. ~~Pending - Referendum scheduled for February 2009.~~

- ~~Policy decisions from the Town Council relative to amount to finance, use of special non-ad valorem assessments, use of eminent domain and coordination of other infrastructure improvements simultaneous with the underground utilities project.~~
  ~~*Timeframe: Pending*~~

- ~~Legislation and Public Service Commission tariffs to facilitate and reduce the cost of initiating local government underground utilities projects.~~

  ~~*Timeframe: Ongoing*~~
- ~~Finalize contracts with 3 major utility companies.~~

  ~~*Timeframe: Ongoing*~~

GOALS, OBJECTIVES AND POLICIES

GOAL

MAINTAIN ADEQUATE LEVELS OF UTILITY SERVICES FOR EXISTING AND FUTURE POPULATIONS, AND MAXIMIZE UTILIZATION OF EXISTING INVESTMENT AND FACILITIES.

SANITARY SEWER SERVICES

OBJECTIVE 1

The Town shall assure that all existing and future residents, and businesses in the Town, will have access to sanitary sewer facilities; maximize the use of existing collection and treatment facilities; and, meet future needs through continuation of its Sanitary Sewer Rehabilitation Program. The measurement of this objective is whether or not sanitary sewer facilities are available to all users, and the extent to which the following policies are implemented.

POLICY 1.1

The Town shall rehabilitate or replace its sanitary sewer collection lines, as necessary, to reduce infiltration. The Town's goal is to reduce flows by one-half percent per year through the planning period.

POLICY 1.2

Through its concurrency management system, the Town will, on an annual basis, continue to discuss the Town's LOS with ~~notify~~ the City of West Palm Beach ~~of the Town's LOS~~ and request confirmation of available capacity.

OBJECTIVE 2

Development orders and permits for new development or redevelopment shall be issued only if sanitary sewer facilities, necessary to meet the Town's adopted level of service standards, are available concurrent with the impacts of the development.

POLICY 2.1

The Town's level of service for sanitary sewer collection and treatment shall be ~~an average of 246 gallons/person/day,~~ the same as that established ~~for the Town~~ in the City of West Palm

Beach's Comprehensive Plan: ~~; a maximum peak flow of 0.941 (mgd) for the Lake Worth force main over a rolling three month average; and, a maximum of 5 mgd through the northern force main.~~

Waste Water Collection

Development Type	**Avg. Daily Water Water Flow**
Single Family	350 gpd/DU
Multifamily	250 gpd/DU
Commercial	0.20 gpd/SF
Industrial	0.15 gpd/Sf
Hotel	100 gpd/room

DU=dwelling unit	gpd=gallons per day
SF=Square feet	AC=acre

Pumping Station

Peaking Factor	**Avg. Daily Flow (MGD)**
3.5	0.01 to 0.05
3.0	0.05 to 0.25
2.5	0.25 to 2.0
2.0	>2.0

Peaking factors for other facilities shall be determined using historical flow records

POLICY 2.2

Prior to the issuance of a development order or permit, the Town shall make and record a determination that the East Central Regional Sewage Treatment Plant retains capacity to treat, and the Town's facilities are adequate to collect and transport, ~~at least 330 gallons/ person/day;~~ or, that the development order or permit is specifically conditioned on the availability of the necessary facilities and services, and that said facilities are authorized at the time the project is authorized.

OBJECTIVE 3

The Town will coordinate with the City of West Palm Beach in the City's efforts to extend, or increase, the capacity of its sanitary sewer treatment facilities to meet future needs. The measurement of this objective is whether or not the Town coordinates with the City in its efforts, and the extent to which the following policy is implemented.

POLICY 3.1

A representative of the Town will meet with representatives of the City of West Palm Beach, upon request, to coordinate and assist the City in its efforts to establish priorities for

replacement of, or corrections of deficiencies to, sanitary sewer treatment facilities, as well as provision for future sanitary sewer treatment needs.

OBJECTIVES AND POLICIES NOT INCLUDED

No objective for correcting existing sanitary sewer treatment facility deficiencies is necessary or applicable, since the data and analysis provided in the supporting documentation identify that no such deficiencies exist.

No objectives or policies pertaining to discouraging the proliferation of urban sprawl are necessary or applicable in the Town, because the Town is virtually fully developed and the only areas for potential development are located on "in-fill" parcels.

No objectives or policies are necessary with regard to protecting the functions of natural groundwater recharge areas, since the only such areas are the surficial aquifer, and these areas are developed with single-family homes. Further, no objectives or policies are necessary with regard to protecting natural drainage features, since these have already been largely altered by urban development and the Town has no sanitary sewer treatment facilities, but provides only local collection lines which have no effect upon the area's natural drainage features.

SOLID WASTE DISPOSAL

OBJECTIVE 4

The Town shall maximize utilization of its capital facilities, and work with the County's Solid Waste Authority to maximize utilization of its new resource recovery facility. The measurement of this objective is the extent to which the following policy is implemented.

POLICY 4.1

Prior to any development of the Pinewalk area and loss of use of the Pinewalk Transfer Station, the Town shall locate a mainland or on-island site for a replacement transfer station, increase the size of its packer fleet, or explore possible purchase or other alternatives for continued use of the transfer station with officials at Flagler Systems, Inc.

OBJECTIVE 5

Development orders and permits for new development or redevelopment shall be issued only if the Solid Waste Authority's disposal facilities, necessary to meet the Town's adopted level of service standards, are available concurrent with the impacts of the development.

POLICY 5.1

The Town's level of service for garbage collection and disposal shall be 2.55 pounds/person/day.

POLICY 5.2

Prior to the issuance of a development order or permit, the Town shall make and record a determination that the Town has adequate capacity to collect, and the County's Solid Waste Authority has adequate capacity to dispose of, garbage generated in the Town, at the average rate of 2.55 pounds per person per day; or, that the development order or permit is specifically conditioned on the availability of the necessary facilities and services, and that said facilities are authorized at the time the project is authorized.

OBJECTIVE 6

The Town will coordinate with the Palm Beach County Solid Waste Authority in its efforts to extend or increase the capacity of its solid waste disposal facilities to meet future needs. The measurement of this objective is whether or not the Town coordinates with the Water and Sewer Authority in its efforts, and the extent to which the following policy is implemented.

POLICY 6.1 ~~[9J-5.011(2)(c)1]~~

A representative of the Town will meet with representatives of the Solid Waste Authority, upon request, to coordinate and assist in its efforts to establish priorities for replacement of, or corrections of deficiencies to, solid waste disposal facilities, as well as provision for future solid waste disposal needs.

OBJECTIVES AND POLICIES NOT INCLUDED

No objectives or policies are necessary with regard to correcting existing solid waste disposal facility deficiencies, since the information contained in the supporting documentation indicates there are no such deficiencies.

No objectives or policies pertaining to discouraging the proliferation of urban sprawl are necessary or applicable in the Town of Palm Beach, because it is virtually fully developed and the only areas for potential development are located on "in-fill" parcels.

No objectives or policies are necessary with regard to protecting the functions of natural groundwater recharge areas, since the only such areas are to the surficial aquifer, and these areas are developed with single-family homes. Further, no objectives or policies are necessary with

regard to protecting natural drainage features, since these have already been largely altered by urban development, and the Town has no solid waste disposal facilities, but provides only local collection and transfer which have no effect upon the area's natural drainage features.

DRAINAGE

OBJECTIVE 7

The Town shall maximize its existing drainage facilities by correcting drainage problems in Town and explore methods of improving the quality of stormwater discharge. The measurement of this objective is the extent to which identified drainage problems are corrected, and the degree to which the following policies are implemented.

POLICY 7.1

The Town shall incorporate the funding of drainage improvements in its Capital Improvements Element with first priority to be given to actions that will eliminate identified problem areas or actions that will protect the natural functions of Lake Worth.

POLICY 7.2

The Town shall implement trunk lines and pump stations as set forth in the Town's adopted drainage improvement program.

POLICY 7.3

Following the implementation of Policy 7.2, the Town shall re-evaluate needs, priorities, and financing of future storm drainage improvements on residential side streets.

POLICY 7.4

The Town shall maintain ~~update~~ its Long Range Public Works Plan (Storm Drainage Chapter) to continue to comply with the following items and actions:

7.4a ~~Comply with t~~ The Environmental Protection Agency NPDES Program with respect to methods for instituting water quality analysis of the Town's stormwater discharge into Lake Worth.

7.4b The current FEMA Flood Mapping Data ~~Update watershed mapping~~;

7.4c Update existing stormwater ~~drainage~~ system information, as needed ~~mapping~~;

7.4d Determine “hot spots” where pollutant loadings and water quality problems are severe, if they exist.

7.4e Implement NPDES Permit requirements.

~~7.4f Establish management goal(s) and timetable for improvements to meet problems identified in the Town’s NPDES Permit.~~

~~7.4g Analyze the feasibility of implementing techniques~~

POLICY 7.5

The town shall request, coordinate and follow through with the Florida Department of Transportation to improve drainage collection on State Roads, especially S.R. A.1.A., South County Road.

OBJECTIVE 8

Development orders and permits for new development or redevelopment shall be issued only if the proposed project meets the Town's adopted level of service standards, or if needed expansion of facilities is coordinated with future development.

POLICY 8.1

The Town shall establish the following level of service standards:

1. Flooding will not occur during a one-year storm for systems served by pumping stations, or during a three-year storm for systems with gravity outfalls; and, the minor flooding associated with a five-year storm shall be carried off within sixty minutes.

2. Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system, or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater.

POLICY 8.2

Prior to the issuance of a development order or permit, the Town shall review drainage plans and calculations for all projects, and shall make and record a determination that:

For all commercial or residential development or redevelopment, where the proposed work

falls into one of the following categories:

8.2a The proposed work exceeds 25% of the market value of the property;

8.2b The proposed work includes the construction of a new swimming pool;

8.2c The proposed work includes the redevelopment of more than 20% of landscaped open space, 20% of the impervious area of the site including buildings, patios, etc. or a combination thereof which exceeds 20%;

8.2d The proposed work includes new driveways or parking areas;

8.2e The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or

8.2f Other development as may be deemed appropriate by the Town Engineer.

POLICY 8.3

The town shall encourage the installation of upgraded storm drainage systems to meet current or new storm water standards on properties which are not otherwise being redeveloped.

OBJECTIVES AND POLICIES NOT INCLUDED

Other than dunes and coastal wetlands, no natural drainage features remain in the Town. Objectives and policies for protecting dunes and wetlands are included in the Coastal Zone Management/Conservation Element, specifically, dunes in Objective 5 and Policies 5.1 through 5.8, and wetlands in Objective 2 and Policy 2.7. Further policies relating to restoration of wetlands are described in Policies 2.1 and 2.3.

POTABLE WATER

~~**OBJECTIVE 9**~~

~~To reduce per capita potable water consumption to a level 20% below that identified as the LOS in the Town's 1989 Comprehensive Plan.~~

OBJECTIVE 9 ~~10~~

Development orders and permits for new development or redevelopment shall be issued only if potable water capacity is available concurrent with the impacts of the development.

POLICY 9 ~~10~~.1

The Town shall establish a potable water level of service standard in accordance with the City of West Palm Beach, the Town's water provider. The City's current Potable Water LOS is 272 gallons/day/capita ~~Objective 9~~.

POLICY 9~~10~~.2

Consultation with the Town's Public Works Department shall be required prior to the issuance of a building permit to ensure that adequate water supply is available to serve new development by the date of issuance of its certificate of occupancy.

OBJECTIVE 10 11

The Town shall, either on its own initiative or through support of, and participation in, a regional effort, undertake a water conservation program. The Town will also address the following water quality issues:

1. Clean water (smell and taste).

2. Water supply (as related to drought, in addition to conservation measures)

POLICY 10 ~~11~~.1

The Town will establish and implement a program of public education to promote water conservation, preferably in conjunction with the City of West Palm Beach and the South Florida Water Management District~~, at the time of the initial plan amendment adoption hearing~~. ~~A water conservation workshop, involving water use and irrigation specialists who will provide practical information on how to conserve water on a daily basis and how to efficiently operate irrigation systems, will be conducted by year-end 2010. Such a program may be co-produced with the South Florida Water Management District, the City of West Palm Beach, and/or other coastal communities with high per capita water consumption rates.~~

POLICY 10 ~~11~~.2

The Town shall adopt and implement land development regulations to include a water conserving landscape design (Florida Friendly ~~xeriscaping~~) ordinance applicable to new development and redevelopment.

POLICY 10 ~~11~~.3

The Town shall modify its land development regulations to require water saving devices in new construction, such as low volume shower heads and toilets, soil tensiometers, or similar

control mechanisms, in all irrigation systems and water saving sink faucets.

POLICY 10 ~~11~~.4

The Town shall implement any lawn watering restrictions enacted by the City of West Palm Beach or the South Florida Water Management District.

POLICY 10 ~~11~~.5

The Town shall continue to implement and enforce ~~Ord. 10-96 which imposes~~ watering restrictions and requires new water sensing devices on new automatic irrigation systems.

OBJECTIVE 11 ~~12~~

The Town will coordinate with the City of West Palm Beach in the City's efforts to extend, or increase, the capacity of its potable water facilities or meet future needs. Town shall also ensure that the water quality shall meet all federal, state, and county standards. The measurement of this objective is whether or not the Town coordinates with the City in its efforts, and the extent to which the following policy is implemented.

POLICY 11 ~~12~~.1

A representative of the Town will meet with representatives of the City of West Palm Beach on an annual basis to coordinate and assist the City in its efforts to establish priorities for replacement of, or corrections of, deficiencies to potable water quality, facilities, as well as provision for future potable water needs.

~~POLICY 12.2~~

~~South Florida Water Management District adopted the Lower East Coast (LEC) Regional Water Supply Plan in February 2007. By August 15 2008, Town shall update this potable water sub-element to incorporate the alternative water supply projects selected by the Town to meet the supply needs. The Town will coordinate with its water supplier, i.e. the City of West Palm Beach in this regard.~~

POLICY 11.2 ~~12.3~~

The Town, coordinating with SFWMD, originally created a 10-Year Water Supply Facility Work Plan in 2010, and amended it in 2017 (incorporated and adopted herein by reference as Exhibit "A"), that takes into account the Lower East Coast (LEC) Regional Water Supply Plan. The Town shall send a letter to SFWMD with identified projects for future water supply needs of the Town. Projects must be selected from the LEC Regional Water Supply Plan or must have prior approval by SFWMD. The Town will coordinate with its water

supplier, i.e. the City of West Palm Beach, in this regard. The Town shall address future updates by SFWMD within 18 months of adoption by SFWMD of a new LEC Regional Water Supply Plan, by revising the Town's 10-Year Water Supply Facility Work Plan.

POLICY 11.3

The Town may explore future options for water service following the expiration of the current potable water contract with the City of West Palm Beach.

AQUIFER RECHARGE

GOAL

MAINTAIN AND IMPROVE THE NATURAL DRAINAGE FUNCTIONS AND QUALITY OF THE SURFICIAL AQUIFER

OBJECTIVE 12 ~~13~~

The Town shall protect, maintain and improve the potential for high recharge, prime recharge and surficial recharge areas within its municipal limits, thereby protecting the remaining natural functions of natural groundwater recharge areas. The measurement of this objective is the degree to which the following policies are implemented.

POLICY 12 ~~13~~.1

The Town shall amend its land development regulations to require that any new development, on lands identified in its Comprehensive Plan as overlying a groundwater recharge area, shall run its stormwater over grassy areas prior to discharge into the Town's system.

POLICY 12 ~~13~~.2

The Town shall continue to prohibit industry and the storage of hazardous materials.

POLICY 12 ~~13~~.3

In the event that the Town utilizes the surficial aquifer as a water source in the future, the Town shall develop, prior to such uses, additional policies which will protect the aquifer from degradation.

POLICY 12 ~~13~~.4

Existing land uses in the aquifer recharge area will remain as indicated on the Future Land Use Map.

POLICY 12 ~~13~~.5

The Town shall protect high recharge and prime recharge areas commensurate with their significance to natural systems or status as current or future sources of potable water.

OBJECTIVES AND POLICIES NOT INCLUDED

No objectives or policies pertaining to discouraging the proliferation of urban sprawl are necessary or applicable in the Town of Palm Beach, because it is virtually fully developed and the only areas for potential development are located on "in-fill" parcels.

COASTAL MANAGEMENT/CONSERVATION ELEMENT

INTRODUCTION

The Town of Palm Beach lies entirely within the coastal zone. Consequently, this Element incorporates the Coastal Management and Conservation Elements into one comprehensive inventory, and analysis of the Town's coastal and natural resources.

The purposes of this Element are to plan for and, where appropriate, restrict development activities where such activities would damage or destroy coastal resources; to protect human life; to limit public expenditures in areas subject to destruction by natural disaster; and to promote the conservation, use, and protection of natural resources.

This Element of the Plan has been ~~developed~~ updated based upon:

1. Analysis of existing land uses in the coastal area as of ~~January, 2006~~ April 2016; conflicts among shoreline uses; need for water-dependent and water-related uses; areas in need of redevelopment; and, the economic base of the coastal area;

2. Analysis of the effect of future land uses on natural resources;

3. Analysis of the impacts of development on historic resources and sites;

4. Analysis of estuarine pollution conditions;

5. Analysis of natural disaster planning concerns;

6. Analysis of beach and dune conditions;

7. Analysis of public access facilities;

8. Analysis of existing infrastructure;

9. Analysis of pertinent natural resources in the community;

10. Analysis of existing commercial, recreational, and conservation uses of these natural resources; potential for their conservation, use, or protection; and, known pollution problems;

11. Analysis of current and projected water needs and sources.

EXECUTIVE SUMMARY

While all of the ~~areas~~ comprehensive plan elements required by F.S. 163 ~~and rule 9J-5 were~~ have been inventoried and analyzed, the ~~highly urban~~ built-out landscape of Palm Beach limits concern to but a few specific issues and problems. These are chiefly associated with ~~water quality, land and water use conflicts, and~~ natural resource protection. ~~The resolution of these problems depends upon the development of a soundly based system of resource management.~~

HAZARDOUS WASTES

The Town will continue to protect its soils and groundwater through existing prohibitions on industry, standard operating procedures, and intergovernmental coordination with appropriate agencies.

DRAINAGE

The natural drainage patterns of the Town have been altered by urban development. Stormwater is either held in retention areas or routed to Lake Worth. In 1986, all new construction and major renovations have been required to retain the first inch of rainfall per the Town's code in conformance with requirements of the South Florida Water Management District. However, this requirement was increased to two inches in 1992. More detailed inventory and analysis of drainage and related infrastructure are contained in the Infrastructure Element.

FLOODPLAINS

The Town of Palm Beach can experience flooding from Lake Worth, the Atlantic Ocean, or from surface accumulation of rainwater. Map V-2, in the companion volume *Supporting Documentation*, shows areas in the Town which are subject to flooding during a "one hundred-year storm", as identified on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA). Land along the Atlantic is also subject to tidal surge and wave velocity in the event of a major storm, although no structures lie within the velocity zone. Nearly all of the flood prone area is already developed.

GROUNDWATER

The Town promotes recharge through its stormwater retention requirements, and through minimum landscaped area requirements, which ensure pervious areas for water percolation into the aquifer. In addition, there are few septic tanks in the Town, no existing or known potential problems with hazardous waste contamination, and no known sources of potential aquifer contamination or depletion. In the event that the Town chooses to use the surficial aquifer more extensively, measures should be taken to protect the aquifer from salt water intrusion.

POTABLE WATER

Potable water resources, needs, and conservation methods are explored in the Potable Water sub-element of the Infrastructure Element. Specifically, water sources are discussed under the heading "Facilities, Treatment, and Capacity"; needs and water quantity under "Present and Future Needs"; water quality under "Potable Water Quality"; and, conservation under "Water Conservation.

NATURAL RESOURCES

Vegetation and Wildlife

A variety of mammals, reptiles, birds, aquatic species, and other animals live in and around Palm Beach. These are generally attracted to specific vegetational and aquatic communities. The Atlantic Ocean and its associated beaches, dunes and nearshore reef outcrops support a variety of animal life and marine species. Chart V-1 summarizes and describes the various ecological communities in terms of their vegetation, wildlife and ecological needs.

Most native wildlife in Palm Beach is centered around remaining natural communities. However, there are also a variety of species which have adapted to the urban environment. Among these are the red fox, possum, raccoon, squirrel, rat, mouse, songbirds (including a flock of wild parrots), and shore birds. The Town is a dedicated Bird Sanctuary.

A patchy series of nearshore and offshore reefs or rock outcrops lies parallel to the Town's Atlantic coastline. Offshore areas are subject to variability. Some nearshore areas can have a very limited diversity or density of species due to naturally high sedimentation rates and low rock relief. Others may support relatively rich populations of plant and animal life. As a rule, diversity and abundance of species increase with greater water depth and distance from the shore. However, site specific studies need to be conducted to determine the ecological value of any given offshore environment.

The Lake Worth Lagoon supports a rich variety of wildlife. The spoil islands in the Lagoon serve as bird rookeries for ibis, reddish and snowy egrets, anhingas, great blue herons, night herons, and tricolor herons, many of which are listed as threatened or endangered species by State or Federal agencies. Fisherman's Island, Hunter's Island, John’s Island, and Bingham Island are leased by the Audubon Society specifically as rookeries and bird sanctuaries. Native wetland areas along the shore of the Lake Worth Lagoon serve as roosting areas for these birds, and also provide food and shelter for a variety of small mammals.

Although the Florida Department of Environmental Protection (FDEP) has prohibited shellfishing in the Lake due to its poor water quality, shellfish beds are located on tidal flats and around the periphery of spoil islands. One species of oysters live on the prop roots of red mangroves. A

unique sub-specie of clam, native to the area, lives in the sand of the Lagoon.

Air and Other Physical Conditions

The Town of Palm Beach has very good air quality. There are no point sources of pollution within the Town. Increased ~~, and~~ mobile pollution sources, ~~such as~~ including automobiles and air traffic, ~~do not constitute a known problem~~ will continue to cause a concern. Air quality is enhanced by the Town's location on the coast, where it benefits from regular sea breezes. Air quality is also improved by the profuse vegetation in the Town, which naturally purifies the air.

The Town should continue to maintain its good air quality by preventing industries from operation in the Town; discouraging increased commercialism; and, maintaining and encouraging rich vegetation on both public and private properties.

The Florida Mining Atlas identifies two potentially valuable mineral resources in Palm Beach: coquina and sand. However, the exclusive residential nature of the Town and subsequent high real estate values preclude any mining of these resources, either presently or in the future.

The Town addresses wind-borne soil erosion due to demolition or construction through its Fugitive Dust and Blowing Sand Ordinance, which requires exposed soils and fill to be stabilized with webbing. In addition, the Town requires unvegetated vacant areas to be sodded.

CHART V-1 Town of Palm Beach

SUMMARY OF ECOLOGICAL COMMUNITIES

COMMUNITY	ATLANTIC OCEAN	ATLANTIC BEACH & DUNES	BARRIER ISLAND INTERIOR	LAGOONAL WATER'S EDGE	LAGOON	MANGROVE ISLAND
DESCRIPTION	Zone begins 3 miles east of the MHW line & extends west through the breaking surf to the MHW lines.	Area extends from the MHW line of the beach to the trough behind the dune zone.	West of dunes to the edge of the Lake Worth Lagoon.	Wetland Bordering Lake Worth Lagoon	Lake Worth	Various natural and spoil islands in Lake Worth
SOILS	Submerged, unconsolidated sand; coquina outcroppings from reefs.	Well drained sane and shells.	Moderately drained sand, and urban fill.	Well drained sand and shells overlying organic layer of poorly drained peat.	Submerged, unconsolidated sand	Composition ranges from mixed sand and shells to organic materials
VEGETATION	Plankton, sarragussum, seaweed, red and brown algae.	Salt tolerant dune grasses, herbaceous plants, vines, shrubs, and stunted trees.	Live oak, slash pine, cabbage palm, saw palmetto; invasion by Australian pine, Brazilian pepper.	Black, red & white mangroves, salt marsh grass; invasion of Brazilian pepper & Australian pine.	Sea grass beds	Red and black mangroves, Australian pine and Brazilian pepper on upland spoil areas; some hardwoods on native island uplands
LISTED SPECIES	Brown pelican. Sea turtles (see Beach and Dunes). Sea Gulls.	Atlantic loggerhead turtle Atlantic green turtle Leatherback turtle Atlantic hawksbill turtle Atlantic Kipp Ridley turtle Sea lavender Prickly pear Roseate tern Least tern Osprey Sea Oats Sea Grape		Roseate tern Least tern Atlantic saltmarsh snake Snowy egret, reddish egret Southern Kestrel Southern bald eagle Great Blue heron, Little Blue heron, other herons Other shorebirds Anhingas Cormorant Osprey	West Indian Manatee	Roseate tern Least tern Atlantic saltmarsh snake Snowy egret Southern Kestrel Southern bald eagle Great Blue and other herons Limpkin White ibis Osprey
NATURAL FUNCTION	-Marine habitat -Moderation of climate	-Wind & wave protection for island -Shoreline maintenance -Interface between marine & terrestrial wildlife -Shallow aquifer recharge (dunes)	-Wildlife habitat -Shallow aquifer recharge in elevated areas -Vegetation purifies air	-Shoreline stability -Maintenance of water quality -Wildlife habitat -Detrital source -Important nursery area for marine wildlife	-Feeding area for manatees -Source of detrital food web -Vital nursery habitat for larval & juvenile stages of marine life -Maintenance water quality	-Habitat, rookeries for birds -Maintenance of water quality -Maintenance of marine life -Detrital source
ELEMENTS ESSENTIAL TO NATURAL FUNCTION	-Good water quality	-Natural beach profile -Uninterrupted littoral drift -Natural dune form -Hardy vegetation -Good water quality	-Vegetation -Good water quality	-Healthy and profuse vegetation -Good water quality	-Good water quality -Natural circulation -Undisturbed bottom	-Healthy vegetation -Good water quality -Minimal disturbance by man
POST DEVELOPMENT CHARACTER	-Water pollution (oil residue & garbage)	-Intense development of primary dune area -Removal of foredune & replacement with bulkhead -Breaches of dune due to Pedestrian and vehicular activity	-Most of area heavily urbanized. Native vegetation replaced with exotic landscaping	-Most of wetland edge filled and elevated for residential development and cleared of natural vegetation -Shoreline hardened -Invasion of exotic vegetation	-Some areas dredged for boat channels -Seagrass loss due to poor water quality, dredge and fill -Habitat loss for marine organisms	-Invasion of exotic vegetation -Litter -Disturbance by boaters, trespassers

Prepared by Adley, Brisson, Engman, Inc. 10/96

Beach and Dune Conditions

Beach erosion has been a continuing problem for the Town since 1924 when the Lake Worth Inlet was deepened and stabilized with jetties on either side. Sand immediately began to build up in the north jetty as the southerly littoral drift was interrupted. The beaches on the north side of the Inlet began to experience accretion, while those to the south, where the Town is located, suffered from erosion. Sand starvation caused by the Inlet has combined with other factors, such as the rising sea level and numerous storm events, resulting in a dramatic and continuing loss of beach. Through the years the Town has responded to beach erosion with shore protection structures, artificial beach nourishment, and a sand bypass program at the Inlet.

The Town has carefully controlled beach protection through a beach management plan, passed in 1935, which designates the locations, dimensions, and lengths of bulkheads and groins within the municipal limits of the Town. Since 1935, protective structures have generally been placed in accordance with this Plan.

Comprehensive Coastal Management Plan

Recognizing the importance of managing its beach resources, the Town commissioned Cubit Engineering to prepare its Comprehensive Coastal Management Plan (CCMP). This report, dated August, 1986, contained the following eight (8) major objectives. The Town's progress towards meeting the original objectives is shown in italics beneath each.

1. Replace the sand bypass plant at Lake Worth Inlet.

   The Sand Transfer Plant ceased operation in May, 1990. The County, who operated the plant under an interlocal agreement, reported that its condition was beyond normal maintenance repair. The Town has funded the restoration of the Sand Transfer Plant which should provide enhanced transfer capability. Two new discharge pipes under the inlet, a new pump, motor and electrical system were installed in November, 1995.

   The Town began a study of the Lake Worth inlet through the initiation of the Lake Worth Inlet Management Plan. The Plan, with 75% State funding, will explore the optimal way to move sand past the Lake Worth Inlet. The Plan has already recommended replacement of the transfer station with upgraded bypass capabilities. It is anticipated that the Plan will be completed in the near future. Upon completion, the Town will implement it with the assistance of the U.S. Corps of Engineers and Florida Department of Environmental Protection.

   The Sand Transfer Plant was structurally and mechanically rehabilitated by the Town in late 2009 and early 2010. Following rehabilitation, the plant successfully bypassed sand until impacts from Hurricane Sandy damaged the

plant's infrastructure in October 2012. The plant was operational again in mid-2013 and regularly bypassed sand until electrical connection issues persisted in 2015. The electrical connections were replaced and the Sand Transfer Plant has been in continual operation through much of 2016.

In June 2016, by Resolution No. 94-2016, Town Council approved an interlocal agreement with Palm Beach County that details responsibilities for operation and maintenance of the Sand Transfer Plant until September 2035. The interlocal agreement obligates the County to operate and maintain the plant and obligates the Town to be responsible for repairs. This agreement was approved by the Palm Beach County Board of County Commissioners in August 2016.

2. Require all sand bypass plant discharge and beach quality maintenance dredge spoil to be placed south of Onondaga Avenue so that it will be of greatest benefit.

~~*The preliminary Management Plan recommends extension of the pipe with multiple discharge points.*~~

The Town manages the Sand Transfer Plant consistent with the FDEP-adopted Lake Worth Inlet Management Plan (IMP) of 1995, the FDEP Palm Beach Island Beach Management Agreement (BMA) of 2013, and the FDEP Strategic Beach Management Plan updated in 2015. Both the IMP and BMA recommend lengthening the discharge pipelines and to allow for multiple discharge points to be located as far as 2,500 feet south of the south jetty. The State's strategy for inlet bypassing, which includes the combination of the operation of the sand transfer plant and beach placement of maintenance dredge material from the federally authorized navigation channel, to place all beach compatible material on the downdrift beaches of Reach 1 and in an extended beach placement in Reach 2. The FDEP Strategic Beach Management Plan details that an extension of the plant's discharge pipeline can be sited as far as 3,600 feet south of the south jetty.

3. Renourish the Mid-Town Public Beach to enhance that area and provide downcoast property protection.

The Town's Mid-Town Beach Restoration project, with the construction of groins to stabilize the beach, began in October, 1995, and was completed in March, 1996. Following the project, a dune vegetation project was initiated for approximately 4,000 feet of the project. ~~The~~ Mid-Town Beach was renourished in 2003 and 2006 following hurricanes Frances and Jeanne. A Mid-Town Beach Renourishment Project was constructed in 2015.

4. Endorse the Department of Transportation revetment at Widener's Curve to Sloan's Curve.

The revetment is in place.

5. Maintain the seawalls to ensure that storm protection to upland property and infrastructure is provided.

   Seawalls are maintained on an "as needed" basis. Construction of a replacement seawall fronting North Ocean Boulevard across from the Palm Beach Country Club in Reach 2 was completed in 2016.

6. Maintain and/or modify only those groins that are presently effective; abandon and remove all others as may be physically and financially practical.

   The BMA included the repair, rehabilitation, or removal of groins in Reaches 2, 4, 5, and 6 as an authorized activity to maintain sand placement projects. In February 2015, a Town consultant completed a Groin Rehabilitation Execution Plan that outlines a multi-phased long-term effort to maintain, modify, abandon, or remove groins, as necessary. The first phase of implementation may occur following Town Council direction after the federal permitting process has been completed.

7. Enhance the dune areas with vegetation and sand fence techniques between Sloan's Curve and Kreusler Park.

   The Phipps Ocean Park Beach Restoration was undertaken and completed in 2006 between Phipps Park and the Ambassador Hotel. A dune vegetation restoration project was also completed there in 2007. Nourishment of Phipps Ocean Park and Reach 7 was completed in 2016. This project extended beach nourishment from the Ambassador Hotel to Kreusler Park. Following the nourishment of sand, dune vegetation was planted along the entire Town-portion of Reach 7, which extends from Sloan's Curve to Kreusler Park.

8. Monitor the Town's beach to develop a better data base of information concerning beach characteristics so that future planning decisions can be made."

   The Town performs a yearly shoreline survey to design and monitor beach restoration and renourishment activities.

The Comprehensive Coastal Management Program (CCMP) includes a detailed schedule and budget. The scope and cost of the CCMP is reviewed annually by Town staff, the Shore Protection Board, and Town Council. The Town ~~has~~ continues to implement~~ed most of it's~~ the CCMP objectives.

The Town Council appointed a Shore Protection Board on July 11, 1995, to investigate and evaluate the Town's beaches and develop a plan to address the erosion of this piece of the Town's infrastructure. The Board met regularly for over three years. After investigating the broadest array of beach management options, the Board oversaw the production of the ~~Comprehensive Coastal Management Plan - Update (~~CCMP~~)~~ Update, dated September 1997, by Applied Technology & Management, Inc. Thereafter the Board oversaw a separate Peer Review of the CCMP. The Peer Review emphasized that uncertainty exists in the science of managing our coastal resources, and therefore recommended that the CCMP by Aubrey Consulting, Inc. (later referred to as Woods Hole Group, Inc.) be implemented in phases, thereby allowing for flexibility and adjustments through a process called "adaptive management.". ~~—~~ This process involves incorporating specific, measurable goals in each beach nourishment project and learning from the observed successes and failures, or outcomes of those projects when compared against the projects original expectations. Summarizing the process below:

(1) Monitoring the implementation of each project in a manner meant to reveal any critical knowledge that was lacking in the project's original design,

(2) Analyzing the outcome of each project against its original objectives, and

(3) Incorporating these results into future decisions regarding the projects included in the adopted CCMP by means of appropriate mid-course corrections.

In January of 1999, the Shore Protection Board issued its final report, making a number of recommendations to the Mayor and Town Council, including the implementation of the CCMP through adaptive management.

The Town Council reviewed the CCMP, and held three public meetings throughout the Town to receive input into the decision-making process. The CCMP was further discussed at Town Council meetings over a number of months where public debate continued. Some citizens raised concerns about the environmental damage that might be caused by the projects, the method of apportioning the costs of the projects (having them spread among all property owners in the Town in contrast to just beachfront property owners), and the potential effects of creating the Erosion Control line on the privacy and property rights of the Town's residents. The Town Council adopted a scaled-back Coastal Management Plan on December 1, 1999. That action and the Town Council's subsequent actions on these projects substantially outweigh the potential negative impacts. The prevailing opinion expressed by the residents at the Community Forums in November 2001 strongly supported this determination.

The CCMP update of 1999 summarized the 1986 CCMP objectives and included the following key action elements:

- Implement the Lake Worth Inlet Management Plan;

- Construct sand retention structures and restore and maintain beaches along the designated Reaches;
- Implement a comprehensive coastal monitoring and modeling program;
- Maintain, restore and/or replace existing coastal structures; and
- Renourish restored reaches periodically to sustain project benefits.

With the above listed elements identified to be implemented over a 10-year period, the Shore Protection Board was sunset by Town Council in 1999.

Per Ordinance No. 1-08, on July 8, 2008, the Town Council established that the Shore Protection Board "act in an advisory capacity to the Town Council and shall make recommendations to the Town Council on all matters relating to shore protection in the Town of Palm Beach." On December 9, 2008, Town Council appointed seven (7) members who held their first meeting on December 17, 2008. During their first year, the board developed goals and objectives. With eight (8) objectives identified, the board prepared an Objectives Plan which included data collection, fact-finding, short-term shore protection actions, and long-term coastal management solutions. While assessing the Town's coastal program through their Objectives Plan, the board also applied the twelve (12) conclusions, recommendations, and comments from the previous Shore Protection Board. Projects were prioritized and the Shore Protection Board concluded their first year of meetings with nine (9) specific recommendations to Town Council on November 10, 2009. In addition to the recommendations, the Shore Protection Board provided Town Council with a 10-Year Coastal Management Plan. Although the 10-Year plan was not adopted by Town Council, the document served as the framework for a plan later adopted by Town Council.

In June 2013, following more than one (1) year of peer review performed by Woods Hole Group, Town Council adopted a long-term 10-Year Plan for the Town's Coastal Management Program. The plan called for implementation of specific projects and monitoring to occur between fiscal years 2014 and 2023.

The Shore Protection Board continues to meet at least four (4) times per year and reports to the Town Council annually. To facilitate civic involvement by its citizens the Town Council adopted Ordinance No. 06-2017 which will impose term limits for the Shore Protection Board members and add three (3) alternate members.

~~The purpose of Chapter 163, as stated in Section 163.3161, is to encourage "the most appropriate use of land, water and resources." Hence, the Town's Comprehensive Plan should identify submerged lands and waters within the Town limits with an appropriate land use category or categories. While the Town's Comprehensive Plan and Zoning Code provide guidance as to the status of submerged lands located within the Town limits, but lying west of the shoreline of Lake Worth, neither the Future Land Use Map nor the Zoning Map clearly reflect this status~~.

Impacts of the Issue

The impact of shoreline protection and the protection of submerged lands is paramount to the continued quality of life, and perhaps even the survival of Palm Beach. This topic has broad implications from social, economic, and environmental points of view. The issue is not new to Palm Beach since the Town has been dealing with beach nourishment and environmental protection issues for years. The recreational opportunities afforded by the Town's beaches and natural areas constitute the economic foundation for the living environment. It is anticipated that the issues outlined in this section will receive the highest level of priority from the Town Council. The Town's Comprehensive Plan and Zoning Code provide guidance as to the status of submerged lands located within the Town limits.

~~Because submerged lands and waters beyond the physical shoreline of the Town are not clearly delineated on the Future Land Use Map, and have not been given a clear land use designation, the Town has had to rely upon interpretations of a number of documents to determine the extent to which development may or may not be undertaken on such properties. This can cause uncertainty and challenges to the Town's efforts to protect such lands within the Town's limits from urban development.~~

Submerged land beyond the physical shoreline of Lake Worth and the Palm Beach Inlet within the Town's corporate limits has a future land use designation of Conservation and no land development or redevelopment is allowed. This prohibition does not preclude Palm Beach County, Florida Inland Navigation District or the Army Corp. from creating spoil islands that would be designated Conservation on the Town's Future Land Use Map. Historically, since 1960 (Ordinance No. 3-60, prior to the Comprehensive Plan, as defined by the 1975 Growth Management Act, the Town's land development regulations have not allowed structures, other than docks, constructed over the waters of Lake Worth. The Town continues to vigorously enforce these regulations.

Unanticipated Changes in Circumstances

Although this high priority issue is ongoing, many unanticipated changes in circumstances routinely evolve throughout the implementation process. Funding, availability of federal, state and other revenue sources as well as multi-jurisdictional regulatory review processes affect the timing, scale and scope of these types of projects.

~~In 2003, the Town staff was approached regarding a proposal to develop submerged lands located west of A-1-A and east of the bulkhead line in Lake Worth, as it was depicted on certain Town maps but not on the Future Land Use Map. Staff notified the owner that development of submerged lands was not permitted. The property owner subsequently sued the Town. While the suit was not successful, the substance of the dispute was not entirely resolved.~~

Resulting Problems or Opportunities

~~Both Section 253.12 of the State Statutes and~~ Policy 5.6 in the Town's Coastal Management/ Conservation Element identify the bulkhead line in Lake Worth as the mean high water line (MHWL). However, the Town believes that in order to prevent future attempts at development of submerged lands in Lake Worth (with the exception of docks), lands west of the mean high water line ~~should be designated~~ shall always be Conservation ~~ion~~ the Future Land Use Map. ~~Element. The Department of Community Affairs has also suggested that submerged lands west of the MHWL should be identified in the Comprehensive Plan, but should be assigned no density.~~

~~During review of this issue, it was also noted that the Town allows docks as accessory structures in all residential zoning districts in the Town. Of necessity docks must extend beyond the mean high water line, and provision for such types of uses should be included in the Conservation land use category.~~

Dunes are created when onshore winds move sand inland from the beach, forming mounds of sand which are trapped and stabilized by specially adapted grasses and herbaceous vines.

Dunes are easily disturbed by pedestrian and vehicular traffic, which destroy the delicate vegetative fabric holding the sand in place. Small disturbances often develop into large barren areas, or "blowouts", which can be self-perpetuating, ultimately resulting in gaps in the dunes which diminish landward property protection. Many of the dunes in Palm Beach have been built upon, landscaped as part of residential yards, or used as a roadbed. With a seawall fronting the dune, and its other surfaces covered by man-made improvements, the dune has often been transformed from a natural and dynamic element of the shoreline ecology to an essentially stable, topographic feature.

In some areas of the Town, construction has been limited to the top of the foredune, leaving the seaward slope of the dune principally unaltered. Because these dunes cannot migrate away from the eroding beach, they often experience severe erosion. Examples are scattered throughout the Town, but are most evident south of the Lake Worth Municipal Park. These 20' high dunes are experiencing erosion along nearly the entire stretch of beach. As erosion increases, dunes backed by a shore protection structure are likely to begin experiencing erosion as well.

Phipps Ocean Park has a healthy foredune slope, but is similarly stabilized on and behind the ridge by old State Road A1A, and picnic and parking areas. This dune is mainly vegetated by seaoats, with seagrapes growing on the upper part. Seedlings and pines are removed by the Town's Public Works Department before they damage the native dune vegetation.

Several dynamic dune systems remain. The Town-owned Par Three Golf Course fronts an undulating series of 15' to 20' dunes mainly vegetated by seaoats with scattered growths of low-lying herbaceous plants. The northern part of the Town, near the Lake Worth Inlet jetties, has a very low series of moderately vegetated dunes. This area receives the benefits of the Inlet sand transfer plant, and thus has a wide, gently sloping beach.

Dunes are protected by Town Ordinance, which prohibits disturbance of dunes or dune vegetation without a special permit from the Town. The ordinance includes strict vegetation planting and trimming controls, and includes a dune maintenance program.

Utilization of Natural Resources

The natural environment in the Town of Palm Beach is almost exclusively used for recreation and aesthetic enjoyment. No commercial fishing industries operate from Palm Beach. The Town is a dedicated bird sanctuary.

The majority of the Town's natural resources are concentrated along shoreline areas. The beaches are the focus of swimming, walking, snorkeling and surfing activities. Vistas to the Ocean and Lake Worth Lagoon are a valued accommodation. Lake Worth Lagoon is also used to moor boats and to obtain access to the Intracoastal Waterway.

Much of the Town's unique beauty arises from the prolific, lush vegetation growing around homes and along roads. This vegetation also improves air quality, reduces noise, and moderates the climate. Native species receive additional benefits, such as habitat for endangered wildlife, shoreline stabilization, and protection for coastal areas. Estuarine shoreline vegetation, such as mangroves and salt marsh, can also improve water quality.

The Town protects its unique vegetative environment with an ordinance requiring Town Council approval for trimming and removal of designated historic trees; another ordinance that prevents removal, and strictly controls trimming of mangroves; and, a general policy that discourages the removal of trees unprotected by these ordinances. The Town ~~could achieve greater control with a~~ will be ~~Landscaping Ordinance~~ updating their regulations in 2017/2018 to further clarify ~~specifying~~ tree removal and landscaping standards, prohibiting planting of pestilent exotics, and outlining ways in which ecologically beneficial communities could be created as part of revegetation projects.

The elimination of pestilent exotics is a major environmental concern. Gradual removal would prevent shock to surrounding native vegetation. Dead vegetation decomposes, becoming part of the natural system. This is an excellent, inexpensive method for isolated areas, such as spoil islands, where the cost and labor of removing exotic vegetation is prohibitive. Herbicide should be applied by professionals under advisement of a qualified biologist, and should not be applied during nesting season, as the birds are easily frightened by human disturbances. The Town requires removal of Brazilian Pepper and Australian Pine during site development.

EXISTING LAND USE AND RELATED LAND USE ISSUES

The Town Beach lies entirely within the coastal zone and is an urban, built-up area approaching saturation. Land uses are primarily in the form of residential, commercial, public, private group

use, and conservation uses. There are no agricultural or industrial uses in the Town. More detailed discussion of land use patterns is provided in the Land Use Element.

Water-dependent and water-related uses in the Town are identified and described on the map and table provided in the supporting documentation to the Plan.

~~There are approximately 200 boats docked in Palm Beach during the height of the season. Three municipal docks have 77 slips, and the Sailfish Club has 70 slips. The remainder are scattered along the shoreline at private docks.~~

Of the Town's twelve miles of shoreline, approximately 4,760 linear feet, or approximately 8%, is accessible for public bathing and recreational purposes. Of this, about 4,245 linear feet is in Town ownership, 515 linear feet is owned by the County. The City of Lake Worth's "Casino Complex" includes an additional 1,300 linear feet of public beach which is actually located between Kreusler Park and the southernmost 1.2 miles of the Town. There are also several street ends that provide public access to the beach in the northern part of Town.

FUTURE LAND USE AND DEVELOPMENT IMPACTS

Little or no affect is expected upon estuarine conditions as a result of development or redevelopment. The Town is ~~over 97% developed~~ essentially built out, and future development is limited ~~by the scarcity of vacant land~~. Redevelopment is possible in certain areas where, consistent with the Town's comprehensive plan and zoning regulations~~,~~. The previous update to the comprehensive plan identified that estate~~s can~~ could be subdivided into smaller parcels, however the recent trend has been combining lots to create larger parcels as opposed to subdividing.

While the Town generally considers any loss of remaining areas of estate character or increase in density to be undesirable, it is possible that new development or redevelopment could improve water quality, due to the requirement that such developments provide for on-site retention of the first two inches of rainfall.

The majority of remaining native shoreline vegetation is located on narrow undevelopable strips along State Road A1A, or on spoil islands in the Lagoon. Mangroves are protected by a Town ordinance, and by State and County regulations. The Army Corps of Engineers and the State Department of Environmental Protection also have authority if dredge and fill activity is involved.

In June of 2015, the Florida Department of Environmental Protection (FDEP) released a study, Critically Eroded Beaches, and noted the "area extending south of Lake Worth Inlet along the town of Palm Beach (R76-R128) as 10.9 miles of critical erosion threatening private development, local parks, and State Road AIA.

As a result of that study a new policy has been added to explore the possibility of designating the

Town as an Area of Critical Concern pursuant to Florida Statutes 380.05(3). The Areas of Critical State Concern Program was created by the "Florida Environmental Land and Water Management Act of 1972." According to the State of Florida Department of Economic Opportunity (DEO), the program is "intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources." Based on the need to protect the Town's shoreline, natural and historic resources coupled with sea level rise and development impacts from adjacent municipalities and agencies, this designation should at least be explored as a way to protect and preserve the community.

REMEDIES FOR EXISTING POLLUTION

Stormwater discharge is a major water quality problem for the Town. Drainage improvements have focused on eliminating flood-prone pockets on the Island rather than on improving water requirements. New developments must retain the first two inches of rainfall to prevent any further degradation of water quality from this source. It is more difficult, however, to remedy existing sources of stormwater runoff since the high water table would require large surface areas for retention. Given the fact that the Town is virtually fully developed, there is little or no opportunity to create new upland retention areas which would allow infiltration and settling prior to discharge into the Lake. Exfiltration drainage systems, which operate underground, are also limited by the high water table.

The Town recognizes the importance of improved water quality in Lake Worth, but also realizes that any major retrofitting of the system will require study and time. ~~Most of the update of the Storm Drainage Chapter of the Town's Long Range Public Works Plan, as proposed in the Drainage sub-element of the Town's 1990 Infrastructure Element, will be provided through the Town's NPDES permitting process.~~ The Town's National Pollutant Discharge Elimination System (NPDES) permit will require a number of preventative methods and techniques, structural controls, and public education to improve the quality of stormwater runoff from upland properties. ~~Many of the regional program elements are currently being implemented by the Town.~~

Water quality can be improved by revegetating shorelines, as described earlier in this Element. Shoreline vegetation would supply nutrient absorption and moderate sediment stabilization. In addition, using County funds to place rip-rap along bulkhead shores would reduce wave energies, and encourage new mangroves and seagrasses in those areas shallow enough to promote such growth. The Town and the County have entered into an Inter Local Agreement to provide environmental enhancement to Town owned properties along the Lake Worth Lagoon. Projects are to include capping mud sediments, placement of hard structures to encourage oyster growth and planting grasses and mangroves.

INFRASTRUCTURE AND NATURAL DISASTER PLANNING

Since the Town is located entirely within the coastal zone, inventory and analyses of existing and needed public infrastructure are covered in detail in other Elements of this Plan.

All of Palm Beach is within the hurricane vulnerability zone; therefore, there are no suitable evacuation shelters within the Town. Consequently, Town residents must rely upon public or private shelters located in inland areas of the County. However, in 2012 Palm Beach County updated its mandatory evacuation maps whereby the Town is not under a mandatory evacuation unless it is a Category 2 storm or higher. ~~The Town's Storm Emergency Response Plan, revised annually, identifies the West Palm Beach Auditorium as the primary shelter for those requiring special medical attention. It has a capacity of 4,000 evacuees at a standard of 40 square feet per person.~~

~~Two mainland shelter locations, with an aggregate capacity to handle up to 4,350 evacuees, have been designated in the Region's Plan for residents of Evacuation Zones 7 through 10 which include Palm Beach. The Lower Southeast Florida Hurricane Evacuation Study, prepared in 1983, indicated no shelter capacity problem for the eastern portions of Palm Beach County.~~

~~There are four bridges leading to the mainland to serve residents of the Town: the Flagler Memorial, Royal Park, Southern Boulevard, and Robert A. Harris Memorial (Lake Worth Road) Bridges. All residents are expected to evacuate the Island via the nearest bridge unless its approaches are flooded due to heavy rains or high tides.~~

~~The Region's hurricane evacuation study did not identify any roadway points along the evacuation routes to be used by evacuees from the Town of Palm Beach that are expected to be inundated by storm surges prior to arrival of the hurricane. However, the Town's Storm Emergency Response Plan recognizes that the approaches to any of the bridges may become inundated due to heavy rains, especially those at the Robert A. Harris Memorial and Royal Park Bridges, and urges residents to stay tuned to local radio and television stations for information pertaining to the conditions affecting their primary evacuation routes.~~

~~The 1983 Lower Southeast Florida Hurricane Evacuation Study indicated the evacuation in Palm Beach County would have to be initiated between 12 and 16 hours before landfall of a low intensity ("A") storm, and as much as 13.5 to 17.5 hours before landfall of a high intensity ("B") storm. The Town's Storm Emergency Response Plan outlines, in detail, the actions the Town will take in concert with other involved local, State, and national agencies.~~

~~The definition for the~~ Coastal High Hazard Area (CHHA) ~~has been revised since the Town's last Evaluation and Appraisal Report (EAR), which was done in 1997. The CHHA~~ is ~~now~~ defined as "[t]he area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." This area is a narrow area along the coast of the island, and is delineated in the future land use map series. Future infrastructure and public and private development within the CHHA will be restricted except when

doing so is not feasible. The Town is legally limited in its ability to restrict development of private properties located in the CHHA. However, the Town has long recognized the wisdom of limiting development densities and discouraging inordinate growth. The Town will continue to do so through the implementation of this Comprehensive Plan which has as one of its basic tenets the effort to lower the patterns of density wherever legally and practically possible.

The area seaward of the Coastal Construction Control Line (CCCL) is the area of most significant exposure to natural disasters. ~~Additional information regarding the Coastal High Hazard Area is provided in the companion "Supporting Document" volume of the Comprehensive Plan.~~

The development history of Palm Beach is punctuated by the occurrence of two types of severe storms: hurricanes and northeasters. ~~Although the entire Town is located within the CHHA, t~~The Town recognizes that rebuilding of privately owned structures which are located outside of the areas of major exposure to natural disasters must be permitted. Areas located seaward of the CCCL are those with greatest exposure to natural disasters. Therefore, following damage from a major storm, local government has a number of alternatives:

- The first is to decide the level of damage beyond which the Town will consider alternatives to reconstruction of the structure to its pre-storm state. The threshold most commonly used is 50% of the value of the structure. This is also the standard used in the National Flood Insurance Program.

- An alternative is to require reconstruction landward of the CCCL only if there is sufficient land to accommodate reconstruction in this area, or to allow reconstruction seaward of the CCCL if Florida Department of Environmental Protection (FDEP) standards are met.

  In addition, it would be beneficial to require that all post-disaster redevelopment of properties, damaged greater than 50% of their pre-storm value, provide for on-site drainage retention.

  The Town implemented a reverse 911 system several years ago but decided to eliminate the service due to high cost and little use. Instead, the Town has access to Palm Beach County's Reverse 911 program to make calls directly to Town residents in the event of an emergency situation. Other notification services, such as electronic alerts sent via email and text messages have been added over the last few years as a part of the Town's efforts to improve communications to its residents and business community.

  The Town's Comprehensive Emergency Management Plan (CEMP) was re-written in 2012. The CEMP, which includes the Storm Emergency Response Plan (SERP) and Continuity of Operations Plan (COOP) is reviewed and updated annually (as needed). The Town's Emergency Planning Team (EPT) includes representatives from each department and is responsible for year-round planning efforts to ensure the Town is properly prepared to respond to emergency situations.

Lessons learned from recent hurricanes

Since the early 1990's the Town has had a detailed and well organized storm Emergency Response Plan. Through continuous updating of this plan and related training, the Town staff has always been well prepared to address the inevitable hurricane which will someday directly damage property and threaten the lives of Town residents. The Town Comprehensive Emergency Management Plan was modified two years ago to expand the excellent level of storm preparedness to a similarly detailed state of readiness for other types of emergency situations (such as plane crash, civil disturbance, or act of terrorism). The Town also constructed an Emergency Operations Center (EOC), hardened to withstand a substantial hurricane, in the new Central Fire-Rescue Station. The Town plans to continue its long standing practice of communicating and coordinating with other area governments on emergency preparedness, since intergovernmental coordination is essential to achieving successful responses to, and recovery from major disasters, which generally affect more than just one community.

Impacts of the Issue

The Town's responsibilities are focused upon public facilities and public safety issues. The Town provides public education about the need to prepare for disasters, and about the resources available to residents during the recovery period. This need is especially acute regarding storm preparedness and recovery, since a severe storm is the type of emergency which is most likely to cause the greatest amount of personal distress to the greatest number of Town residents. Proper preparation and response to disasters, both natural and man-made, are critical to preserving lives, limiting the extent of property damage, and returning Town operations and the lives of its residents to normalcy in as short a period of time and with as limited disruption as possible.

Unanticipated Changes in Circumstances

A number of hurricanes such as Francis, Jeanne and Wilma struck the Town and caused considerable damage and various other associated problems. Francis, the first of the three hurricanes, caused more damage than the other two hurricanes.

Resulting Problems or Opportunities

1. While none of the hurricanes were strong Category 3 storms, Frances in particular, showed how important tree trimming is to prevent loss of power and other utilities. It was found that tree limbs hitting power lines were the primary cause of downed utility lines. The subsequent loss of utility service, particularly electricity, was the biggest complaint among Town residents. One method of eliminating this problem is to locate utility lines underground. This solution is discussed in detail in the Infrastructure Element.

   The placement of trees in close proximity to power lines is a safety issue. Florida Power and Light has suggested the "right tree, right place" concept when new homes are being constructed. The intent is to ensure new trees are located in a manner such that as the trees grow and mature they will not require trimming to avoid power lines. According Florida Power and Light:

~~*"Small, immature trees planted today can grow into problem trees in the future. Selecting the right tree and planting it in the right place around power lines can eliminate potential safety hazards and improve the reliability of your electric service. In addition, your tree can achieve the proper height and form desired. Use the information below as a guide when planning your landscape design.*~~

~~*The following non-native problem trees can cause conflicts when planted adjacent to or under overhead power lines. These trees may be prohibited in some municipalities. Any tall-growing tree that could ultimately reach the power lines could cause a problem.*~~

~~*Australian pine · Brazilian pepper · Schefflera · Melaleuca · Tree bamboo · Ficus · Chinese tallow · Camphor"*~~

~~2. The Town has implemented a number of communication mechanisms, such as the Town website, a 1-800 line and a local hotline manned by Town representatives. However, improvement is still needed, especially in the areas of automatic notification and warnings. Some residents have expressed concern over not being notified in a timely manner as to when, and under what circumstances they may return to the island after a hurricane.~~

~~3. The Town has always had a plan~~ adopted language in the code of ordinances regarding ~~to notify contractors/builders to secure~~ing ~~their construction site~~s ~~in advance of an impending storm to reduce the opportunity for damage resulting from flying construction debris. However, there is some doubt as to whether or not all contractors/builders know how to adequately secure their construction sites.~~

~~4. There is concern that, since the recent storms have been only of moderate strength, an increasing number of residents may be willing to stay on the island rather than evacuating in advance of a hurricane.~~

~~Needed Actions to Address the Issue~~

~~• Consider adding a new sub-item 1.1h under Policy 1.1 in the Future Land Use Element to include the "right tree – right place".~~

~~• Consider implementing a "reverse 911" type system. Such a system allows residents to automatically receive notifications and information from the Town on their home phone. In addition, a resident may register to receive such notifications on their cell phone.~~

- ~~Consider working with contractors/builders to develop a list of simple things to do at construction sites during the hurricane season to ensure that they can be adequately secured prior to the arrival of a storm. This could include guidelines for the placement and storage of construction materials during the hurricane season.~~

- ~~Expand the Town's education and notification process to emphasize the unpredictability of the power of an approaching storm and the need to evacuate early upon an evacuation warning.~~

~~Emergency Management Actions were specifically identified in the Town's Strategic Plan, as follows:~~

- ~~Comprehensive Emergency Management Plan: Complete, review, update, and strengthen the Town's Emergency Management Plan.~~
  ~~*Timeframe: Ongoing - Update Annually*~~

- ~~Coordination: Provide for optimal coordination with County, State and Federal emergency management agencies.~~
  ~~*Timeframe: Ongoing*~~

- ~~Public Education: Increase outreach to residents regarding how each can individually be better prepared for and effectively recover from a severe storm or other disaster.~~
  ~~*Timeframe: Ongoing*~~
- ~~Human resources: Plan to utilize contractual services, temporary employees, and volunteers, as needed, to ensure a sufficient work force to accomplish post-disaster damage assessment, communication and relief services.~~
  ~~*Timeframe: Ongoing*~~

- ~~Building Code: Identify opportunities to strengthen the local building code to reduce risks of property damage.~~
  ~~*Timeframe: Ongoing*~~

- ~~Financial Preparedness: Be prepared to establish an emergency line of credit to draw upon during recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster.~~
  ~~*Timeframe: Ongoing*~~

GOALS, OBJECTIVES AND POLICIES

GOAL

PRESERVE, PROTECT AND ENHANCE THE NATURAL AND HISTORIC RESOURCES OF THE TOWN, AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS, WHILE ENSURING MAXIMUM ENJOYMENT AND MINIMUM EXPOSURE OF HUMAN LIFE IN THE COASTAL ZONE.

OBJECTIVE 1

The Town shall protect the quality of its air from degradation. The measurement of this objective is the extent to which air quality is protected, and the degree to which the following policies are implemented.

POLICY 1.1

Continue to prohibit industry within the Town through existing restraints in the Zoning Code.

POLICY 1.2

Continue to prohibit commercial development from spreading beyond commercial areas as designated in the Zoning Code.

POLICY 1.3

Maintain lush vegetated strips, along roadways and in high density areas, through enforcement of the Historic and Specimen Tree Ordinance, ~~and the~~ landscaping ordinance ~~proposed in this Plan~~, and through Town initiated landscaping projects.

POLICY 1.4

The Town will annually review the Palm Beach County Air Quality Report. Should this report cite the Town for air quality degradation, the Town shall develop methods for addressing the problems within one year of the report date. Implementation of proposed methods will ensue within an additional year.

OBJECTIVE 2

The Town shall protect native vegetational communities and their associated wildlife. The measurement of this objective is the extent to which native vegetation is protected and restored,

and the degree to which the following policies are implemented.

POLICY 2.1

Modify the Town's Landscape Ordinance to:

~~2.1~~a Incorporate standards for tree removal, landscaping aesthetics, and minimum native vegetation requirements;

~~2.1~~b Prohibit planting of pestilent exotics; and require removal of pestilent exotic species from sites of new construction or development.

~~2.1~~c Prohibit removal of vegetation species listed as endangered or threatened by State or Federal agencies on publicly-owned property and new private development.

~~2.1~~d Allow very limited trimming of shoreline vegetation for visual access, upon the approval of the Town and any other government agencies having jurisdiction.

POLICY 2.2

The Town will continue to serve as coordinator ~~between DERM and private concerns~~ in support of efforts to revegetate, and remove exotic vegetation from, the Lake Worth shoreline.

POLICY 2.3

The Town will continue to use native or drought resistant vegetation in all public landscaping projects.

POLICY 2.4

The Town shall change its land redevelopment regulations to stipulate that no development or construction which destroys wetland vegetation, including seagrass beds, shall be permitted in the Town unless the loss is 100% mitigated, and unless the applicant has received the approval of any other governmental agency having jurisdiction.

OBJECTIVE 3

Protect and preserve, native vegetated areas, wildlife and its habitats, especially those species listed by State and Federal agencies as threatened or endangered. The measurement of this objective shall be the extent to which wildlife is protected and preserved, and the degree to which the following policies are implemented.

POLICY 3.1

Continue ~~contracting for~~ assisting with sea turtle nesting studies each year for the duration of the planning period.

POLICY 3.2

The Town will ~~consider the effects of beach nourishment activities on listed species and marine outeroppings as part of all studies, reports, and applications concerning beach nourishment.~~ continue to cooperate with the appropriate local, state and federal agencies for the protection of wildlife, endangered and threatened species and significant plant, flora, fauna and animal habitats.

POLICY 3.3

The Town will ~~modify its land development regulations to require developers to prepare management plans for listed species when they are identified on a development site.~~ continue to ~~P~~protect and conserve the natural functions of existing soils, fisheries, rivers, lakes, floodplains, estuarine marshes, native habitats/plant materials/ecosystems and marine habitats through enforcement of existing local, state, and federal regulations designed to protect and conserve these functions

POLICY 3.4

The Town will continue to enforce landscaping standards that require the preservation of existing natural growth where practical, and the removal of invasive, exotic plant species.

OBJECTIVE 4

Protect and restore wetland habitat and estuarine water quality in the Town, thereby protecting fisheries and marine habitat. The measurement of this objective is the extent to which wetland habitat and estuarine quality are protected, and the degree to which the following policies are implemented.

POLICY 4.1

The Town shall update its Long Range Public Works Plan (Storm Drainage Chapter) regularly to meet the requirements of the EPA NPDES Program,~~–~~when necessary~~.~~ ~~Elements of the update are expected to include:~~

~~4.1a Identify methods of instituting water quality analysis of the Town's discharge into Lake Worth;~~

~~4.1b Update watershed mapping;~~

~~4.1c Update existing storm drainage system mapping;~~

~~4.1d Determine "hot spots" where pollutant loadings and water quality problems are severe;~~

~~4.1e Determine appropriate management practices that can be used to achieve better water quality;~~

~~4.1f Set a management goal and timetable for improvements;~~

~~4.1g Analyze the feasibility of implementing techniques.~~

POLICY 4.2

Ensure that the negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system, or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater.

~~POLICY 4.3~~

~~The Town shall designate the mangrove islands in Lake Worth, which lie within Town limits, as environmentally sensitive lands by designating them as conservation areas on the Future Land Use Map.~~

OBJECTIVE 5

The Town shall protect and restore its beaches and dunes. The measurement of this objective is the extent to which beaches and shores are protected and restored, and the degree to which the following policies are implemented.

POLICY 5.1

~~The Town shall continue to be the local sponsor of the Section 111 Sand Transfer Plant upgrade and pipeline extension project.~~ The Town will manage its beach resources through the Comprehensive Coastal Management Plan (CCMP) and the scope and cost of the CCMP will be reviewed annually by Town staff, the Shore Protection Board, and Town Council

POLICY 5.2

The Town shall consider all possible structural or non-structural alternatives for beach protection and beach erosion prevention, consistent with the Town's Comprehensive Coastal Management Plan.

POLICY 5.3

The Town shall require that all new development and redevelopment on the Atlantic shore restore dunes, where restoration potential exists and is necessary, as determined by the Town and FDEP.

POLICY 5.4

The Town shall maintain its bulkhead line along Lake Worth at the mean high water line.

POLICY 5.5

The Town shall ~~adopt~~ continue to enforce Land Development Regulations ~~to specify construction standards~~ which minimize the impact of man-made structures on beach and dune systems, as well as specific measures and guidelines for dune protection, restoration and maintenance.

POLICY 5.6

The Town shall evaluate opportunities to protect coastal investments and infrastructure, as necessary and feasible, from the impacts of climate change. Specifically, the Town will maintain shoreline protection and erosion control by:
a) Continuing the appropriate use of beach nourishment;
b) Facilitating the installation and maintenance of native beach dune vegetation along appropriate areas of beach;
c)~~The Shore Protection Board will develop recommendations, and the Town will consider and adopt by January 1, 2010, a~~ Continuing to implement the ~~c~~Comprehensive Coastal Management Plan through 2023 with input from the Shore Protection Board~~which includes priorities and budget allocations, for the protection of its shores and the completion of the Sand Transfer Plan~~t.
d) Establishing the bulkhead line in Lake Worth as the Mean High Water Line (MHWL).

POLICY 5.7

Explore the possibility with the Treasure Coast Regional Planning Council, pursuant to Florida Statutes 380.05(3) of designating the Town as an Area of Critical Concern as it relates to the shoreline, natural and historic resources and sea level rise. The basis for seeking this designation is the Florida Department of Environmental Protection (FDEP) June 2015 Study, Critically Eroded Beaches, noted the "area extending south of Lake Worth Inlet along the town of Palm Beach (R76-R128) are 10.9 miles of critical erosion threatening private development, local parks, and State Road AIA.

OBJECTIVE 6

Protect soils and groundwater by establishing standards which will minimize the impacts of construction, and by preventing hazardous wastes contamination. The measurement of this objective is the extent to which soils and groundwater are protected, and the degree to which the following policies are implemented.

POLICY 6.1

The Town will require soil erosion control techniques be used during construction.

POLICY 6.2

The Town will regulate the installation of underground storage tanks for petroleum products in a manner consistent with the regulations of the Florida Department of Environmental Protection.

POLICY 6.3

The Town will continue mutual aid agreements with West Palm Beach and Palm Beach County for hazardous materials removal and storage.

OBJECTIVE 7

The Town ~~shall adopt~~ will continue to enforce Land Development Regulations which establish priorities for shoreline uses.

POLICY 7.1

The Town shall continue to implement priorities for the remaining limited opportunities for shoreline land uses in the Town.

OBJECTIVE 8

The Town will provide and maintain existing public access to ~~at the street-end beach access points,~~ beach areas which have been nourished at public expense, ~~the five~~ publicly-owned beachfront parks, and the Municipal Docks on Lake Worth. The measurability of this objective is the extent to which public access is provided and maintained, and the degree to which the following policies are implemented.

POLICY 8.1

The Town will inspect public access facilities on an annual basis for impediments or structural damage. The Town will eliminate any impediments to public access on a priority basis~~within one year~~.

POLICY 8.2

In order to ~~improve~~ maintain visual access to Lake Worth, the Town shall allow selective trimming of vegetated areas along the shoreline when such trimming is accompanied by measures to improve the natural resources of the shoreline.

POLICY 8.3

The Town shall provide public access to beach areas nourished at public expense unless otherwise exempted by the Florida Department of Environmental Protection.

POLICY 8.4

The Town will enforce the public access requirements of the 1985 Coastal Zone Protection Act ~~through its Land Development Regulations.~~

POLICY 8.5

The Town shall continue to provide and maintain existing on-street parking facilities ~~at~~ near beach access points.

OBJECTIVE 9

The Town shall protect and preserve its prehistoric and historic resources. The measurement of this objective shall be the extent to which such resources are protected, and the degree to which the following policies are implemented.

POLICY 9.1

The Town will update its list of historic structures as needed ~~on an annual basis~~.

POLICY 9.2

Continue to designate structures, sites, and districts considered worthy of Landmarking in accordance with ~~Chapter 16, Article III, of~~ the Town's Code of Ordinances.

POLICY 9.3

Prevent destruction of Historic Landmark Structures through provisions in ~~Chapter 16, Article III, of~~ the Town's Code of Ordinances.

POLICY 9.4

The Town will address preservation of prehistoric resources in its optional Historic Preservation Element.

~~**OBJECTIVE 10**~~

~~As the entire Town is within the coastal zone, levels of service, phasing, and service areas of infrastructure in the coastal area are contained in the Transportation Element, the Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element, the Recreation/Open Space Element, and the Future Land Use Element of this Plan.~~

~~POLICY 10.1~~

~~No development orders or permits shall be issued to new development or redevelopment unless:~~

~~10.1a such development is consistent with densities proposed in the Future Land Use Plan;~~

~~10.1b the population of any new residential development can be expected to be evacuated from the island within 12 hours of an order to evacuate; and,~~

~~10.1c infrastructure within the Town is capable of serving the development at the adopted levels of service, or else funding is available to undertake improvements necessary to maintain the adopted levels of service standards.~~

OBJECTIVE ~~11~~10

The Town shall increase public awareness of potential hazards to human life in the event of a natural disaster. The measurement of this objective is the extent which public awareness is increased, and the degree which the following policy is implemented.

POLICY ~~11~~10.1

At least once per year during the hurricane season, publish basic hurricane evacuation precautionary information.

OBJECTIVE ~~12~~11

When an emergency evacuation is necessary, protect, within the Town's ability, residents and visitors, and maintain or reduce evacuation times. The measurement of this objective is the extent which population exodus is provided, and the degree which the following policies are implemented.

POLICY ~~12~~11.1

Once a hurricane watch has been declared, the Town shall coordinate with the County Emergency Management officials to facilitate orderly and timely evacuation of residents and visitors in the Town.

POLICY ~~12~~11.2

The Town shall annually review Palm Beach County's Hurricane Evacuation Plan to identify any changes that may affect the evacuation of Town residents during a storm event, and shall ensure that the Town's Hurricane Evacuation Plan remains integrated with the County's Plan by amending the Town's Plan, as necessary.

POLICY 11.3

Through the Treasure Coast Regional Planning Council (TCRPC) and their Hurricane Evacuation Model, ensure traffic impacts of proposed development in adjacent municipalities within concurrency exemption zones address all factors including, but not limited to:

a. Increased development
b. Bridge crossing and times
c. Increased passenger rail traffic
d. Increased freight rail
e. Hurricane sheltering

OBJECTIVE ~~13~~12

Foster post-disaster redevelopment that will reduce or minimize exposure of human life and public or private property to the effects of natural disasters, particularly hurricanes. The measurement of this objective is the extent which exposure of life and property is reduced, and the degree which the following policies are implemented.

POLICY ~~13~~12.1

The Town will continue to support and use the post-disaster redevelopment plan sponsored and published by the Countywide Issues Forum.

~~OBJECTIVE 14~~

~~The Town shall limit development within the Coastal High Hazard Area. The measurement of this objective is the extent which population is redirected.~~

~~POLICY 14.1~~

~~The Town will limit residential development within the Coastal High Hazard Area (CHHA).~~

~~POLICY 14.2~~

~~The Town will limit public building and infrastructure investment in the CHHA.~~

~~POLICY 14.3~~

~~City-funded public facilities shall not be built in the coastal high hazard area, except for purposes of public safety and/or access, enhancement of water-related activities or significant resource protection.~~

~~POLICY 14.4~~

~~The Town will not permit density increases in the CHHA for redevelopment and new development unless such requests are consistent with this Comprehensive Plan.~~

~~OBJECTIVE 15~~

~~The Town shall not subsidize development in the Coastal High Hazard Area.~~

~~POLICY 15.1~~

~~Publicly funded facilities that subsidize development will not be built in the Coastal High Hazard Area. However, this limitation does not apply to such facilities necessary to serve projects approved under prior development orders but not yet built, or to such facilities necessary to maintain adequate levels of public facilities and services to existing residents. Nor does it apply to publicly funded projects associated with providing beach restoration, public access, recreation, resource restoration, or the rehabilitation, maintenance or construction of shore protection structures such as groins, revetments or seawalls.~~

~~POLICY 15.2~~

~~The Town shall not expand utility systems or public services that would be necessitated by increased development within the Coastal High Hazard Area.~~

~~POLICY 15.3~~

~~The Town will continue to enforce its building code and drainage requirements. The Town will coordinate with, and will rely on, the Florida Department of Environmental Protection to enforce building limitations seaward of the Coastal Construction Control Line.~~

~~POLICY 15.4~~

~~The Town shall continue to prohibit the use of septic tanks.~~

~~POLICY 15.5~~

~~The Town will mitigate hazards through building practices and implementation of FEMA requirements, stormwater retention requirements, and other restrictions within the Coastal High Hazard Area.~~

OBJECTIVE ~~16~~13

The Town shall continue to employ its criteria for marina siting.

POLICY 16<u>13</u>.1

The Town shall continue to require, as part of its building permitting process, that:

~~16.1~~a All new marinas, docks, and boat ramps will be located and designed in accordance with the Manatee Protection Plan, published by the FDEP and Palm Beach County.

~~16.1~~b Marinas are situated adjacent to recreational or commercial land uses, and have adequate upland support services.

~~16.1~~c Marinas do not adversely affect environmental quality of Lake Worth.

~~16.1~~d Marinas are economically feasible as established by a feasibility study.

~~OBJECTIVE 17~~

~~While no areas in the Town are in need of redevelopment, at least once a year, the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.~~

~~POLICY 17.1~~

~~If greater than 25% of structures in a neighborhood are determined to be substandard, that neighborhood will be considered in danger of deterioration, and the Town will develop a plan for stabilization and/or redevelopment within two years of such identification, including provisions for elimination of unsafe conditions and inappropriate uses.~~

OBJECTIVE ~~18~~14

Public access shall be maintained to all recreational facilities, including recreational and commercial working waterfronts ~~as defined in F.S. 342.07~~consistent with Florida Statutes, under the jurisdiction of the Town of Palm Beach.

~~POLICY 18.1~~

~~The Town of Palm Beach shall identify inadequate access to its recreation facilities within one year of the adoption of this Comprehensive Plan EAR-Based Amendments~~.

~~POLICY 18.2~~

~~The Town of Palm Beach shall continue to implement corrective measures on all access points identified as inadequate.~~

POLICY ~~18.3~~14.1

The Town will, on a~~n~~ ~~annual~~ continuing basis, inspect public access points at public facilities located within the Town of Palm Beach, but not under the Town's jurisdiction, to identify any impediments to access. The Town will notify respective governing agencies of impediments within three months of their identification.

~~POLICY 18.4~~

~~Pursuant to F.S. 163.3177 & 163.3178, the Town shall devise regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in F.S. 342.07.~~

OBJECTIVE 15

The Town shall adopt and implement policies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events

POLICY 15.1

The Town will continue to participate in the National Flood Insurance Program Community Rating System (CRS) and strive to maintain or improve its current CRS rating.

POLICY 15.2

The Town will require that the impact of sea level rise be addressed in all Future Land Use Map amendments

POLICY 15.1

Publicly funded facilities that subsidize development will not be built in the Coastal High Hazard Area. However, this limitation does not apply to such facilities necessary to serve projects approved under prior development orders but not yet built, or to such facilities necessary to maintain adequate levels of public facilities and services to existing residents. Nor does it apply to publicly funded projects associated with providing beach restoration, public access, recreation, resource restoration, or the rehabilitation, maintenance or construction of shore protection structures such as groins, revetments or seawalls.

POLICY 15.2

The Town shall not expand utility systems or public services that would be necessitated by increased development within the Coastal High Hazard Area.

POLICY 15.3

The Town will continue to enforce its building code and drainage requirements. The Town will coordinate with, and will rely on, the Florida Department of Environmental Protection to enforce building limitations seaward of the Coastal Construction Control Line.

POLICY 15.4

The Town shall continue to prohibit the use of septic tanks.

POLICY 15.5

The Town will mitigate hazards through building practices and implementation of FEMA requirements, stormwater retention requirements, and other restrictions within the Coastal High Hazard Area.

POLICY 15.6

The Town will limit residential development within the Coastal High Hazard Area (CHHA).

POLICY 15.7

The Town will limit public building and infrastructure investment in the CHHA.

POLICY 15.8

Town-funded public facilities shall not be built in the coastal high hazard area, except for purposes of public safety and/or access, enhancement of water-related activities or significant resource protection.

POLICY 15.9

The Town will not permit density increases in the CHHA for redevelopment and new development unless such requests are consistent with this Comprehensive Plan.

POLICY 15.10

Continue to examine community-wide strategies to increase the resiliency of the Town to address future effects of coastal storms and climate change on the community.

POLICY 15.11

The Town shall collaborate with Palm Beach County to increase regional resilience by sharing technical expertise, assessing local vulnerabilities, advancing agreed upon mitigation and adaptation strategies, and developing joint state and federal legislation policies and programs.

POLICY 15.12

The Town shall continue to utilize best practices and initiate mitigation strategies to reduce the risk of flooding in coastal areas that may result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

OBJECTIVE 16

The Town will continue to promote ways to reduce Greenhouse Gas Emissions and become more Energy Efficient.

POLICY 16.1

As provided in the Town's Energy Efficiency and Conservation Strategy (EECS) the Town will help the community take advantage of technologies, incentives, and knowledge to conserve energy use in homes and businesses.

POLICY 16.2

The Town will use the EECS to optimize the way energy is consumed within municipal operations and identify ways to use renewable energy and offset energy use overall.

~~OBJECTIVES AND POLICIES NOT INCLUDED~~

~~Objectives regarding the protection of the quality and quantity of water sources in the Town are addressed in the Infrastructure Element.~~

~~Policies relating to protection of water quality and emergency conservation programs are located in the Infrastructure Element, specifically, Policy 9.8 and Policies 11.1 through 11.4.~~

~~No objective or policies regarding conservation use and protection of mineral resources in the Town are included or necessary. Palm Beach is located on a coastal barrier which is almost entirely developed. The low quality of the existing mineral, as opposed to the very high value of the overlying real estate, in addition to the Town's commitment to preventing industry, make it improbable that any mining could occur in the future.~~

~~No policies relating to the preservation of natural reservations are included, as there are no such reservations identified within the Town.~~

~~No policies concerning cooperation between adjacent local governments over unique vegetational communities located in more than one jurisdiction are included, as no such situations exist in the Town.~~

~~There are no policies limiting the impacts of development or redevelopment on the quantity of water in the Town because there are no water sources in the Town to be measured.~~

~~No policies relating to the protection and conservation of rivers, lakes, or harbors are included, as none of these features exist in the Town of Palm Beach.~~

RECREATION/OPEN SPACE ELEMENT

INTRODUCTION

The purpose of this Element is to plan for a comprehensive system of public and private recreation and open space sites which are available to the public.

This Element of the Plan has been developed based upon:

1. Inventory and analysis of existing public and private recreation sites, and open spaces available to the public;

2. Analysis of current need for recreation sites;

3. Analysis of projected future needs for recreation sites, open space and recreation facilities.

EXECUTIVE SUMMARY

RECREATION INVENTORY

Town of Palm Beach residents enjoy the opportunity to participate in a wide variety of recreational pursuits provided by several local, State and national resources, and facilities located in the general vicinity.

Parks, Open Space and Water Access

Only two of the four major recreation areas within the Town are fully under the jurisdiction of the Town itself. The Casino Complex is located in and owned by the City of Lake Worth. Kreusler Park is a Palm Beach County Park ~~under the County's control~~, although it is located within the Town's corporate limits.

~~The total number of public recreation facilities, by type include:~~

~~1~~	~~Historic Structure~~	~~1~~	~~Soccer/Football Field~~
~~1~~	~~Fishing Pier~~	~~1~~	~~Baseball Field~~
~~12~~	~~Swings~~	~~1~~	~~Softball Field~~
~~1~~	~~Monkey Bar Set~~	~~1~~	~~Tot Lot~~
~~12~~	~~Teeter-Totters~~	~~1~~	~~Basketball Court~~
~~4760~~	~~Linear Feet of Beach~~	~~8~~	~~Tennis Courts~~
~~77~~	~~Picnic Tables~~	~~1~~	~~Community Building~~
~~28~~	~~Outdoor Grilles~~	~~1~~	~~18 Hole Golf Course~~
~~5~~	~~Play Fields~~	~~77~~	~~Boat Slips~~
~~1~~	~~Pool~~	~~9.3~~	~~Miles Pedestrian/Bike Paths~~
~~1~~	~~Gymnasium~~	~~1~~	~~Auditorium~~
~~1500~~	~~Linear Feet of Lake Front~~	~~13~~	~~Beach Access Points~~

Table VI-1 provides a summary of all recreation and park areas of the Town~~, by type~~. Table VI-2 provides a summary of the cultural and school facilities within the Town that are counted at 50% for the Town's recreation Level of Service. Table VI-3 provides a summary of private clubs and recreation facilities within the Town. Please refer to the Supporting Documents for a map identifying the locations of these recreational facilities.

TABLE VI-1
Town Recreation, Park, and Open Space Facilities
Town of Palm Beach

PARK FACILITY	APPROX. ACREAGE
Major Recreation Areas	
Phipps Ocean Park	20.59
Lake Worth Casino and Beach Complex[1]	8.30
Kreusler Park[2]	4.23
Seaview Park	4.57
Neighborhood / Mini / Other Parks	
Boyd Park	0.16
Bradley Park	3.70
Ibis Isle Road Park	1.09
Lake Drive Park	2.53
Midtown Beach	12.80
Palm Beach Par 3 Golf Course	31.60
Palmo Way Park	2.56
Park Avenue Park	0.12
Peruvian Park	0.44
Phipps Plaza Park	0.50
Southern Causeway	9.60
Town Square	0.39
Wrightsman Estate Park (Tangier/Miraflores Drive)	1.49
Total Town Park Acreages	**104.67**
Other Town Park Facilities	
Lake Trail	4.7 miles
Palm Beach Inlet Dock	1 dock
Southern Pedestrian Bicycle Path	3.5 miles
Town Docks	83 slips

[1] Owned and Operated by the City of Lake Worth
[2] Owned and Operated by Palm Beach County Park & Recreation

Note: Lake Worth Casino and Beach Complex and Kreusler Park have always be included as part of the Town's Recreation LOS

TABLE VI-2
Town Cultural and School Facilities and Private Parks
Town of Palm Beach

FACILITY	APPROX. ACREAGE
Cultural Facilities	
Flagler Museum	2.80
Kaplan Park (Public Access)	0.30
Palm Beach Preservation Foundation – Ambassador Earl T. Smith Memorial Park and Foundation	0.24
Palm Beach Preservation Foundation – Pan's Garden	0.43
Preservation Park (Public Access)	0.24
Royal Poinciana Playhouse	0.30
Society of the Four Arts	3.75
School Facilities	
Palm Beach Elementary School	1.60
Palm Beach Day Academy	1.50
Total Cultural and School Facilities Acreage	**11.16**
Acreage towards Town Park LOS (50%)	**5.58**

Note: Cultural Facilities have previously been utilized at 50% to meet the Town's Recreation LOS.

TABLE VI-3
Private Clubs and Facilities
Town of Palm Beach

FACILITY	APPROX. ACREAGE
Mar a Lago	17.51
Bath and Tennis Club	11.69
Palm Beach Country Club	84.01
Breakers	140.00
Everglades Club	91.43

Beach Club	4.56
Sailfish Club	3.02
Total Private Parks and Facilities Acreage	**352.22**

~~**TABLE VI-1**~~
~~**RECREATION/OPEN SPACE FACILITIES**~~
~~**Town of Palm Beach**~~

~~**FACILITY**~~	~~**APPROX. ACREAGE**~~
~~**Major Recreation Areas**~~	
~~Phipps Ocean Park~~	~~24.0~~
~~Casino Complex (1)~~	~~16.6~~
~~Kreusler Park (2)~~	~~3.8~~
~~Seaview Avenue Park~~	~~4.6~~
~~**Neighborhood/Mini Parks**~~	
~~Bradley Park~~	~~4.5~~
~~Kaplan Park~~	~~0.3~~
~~Other small parks (Boyd Park & Park Av. Mini-park)~~	~~0.1~~
~~**Special Use Parks, Facilities and Others**~~	
~~Palm Beach Par 3 Golf Club~~	~~37.0~~
~~Public Park on the Beach~~	~~3.0~~
~~Memorial Fountain~~	~~0.3~~
~~Mid-Town Beach~~	~~12.8~~
~~Municipal Docks~~	~~5.3~~
~~Ibis Island~~	~~0.8~~
~~Phipps Plaza Park~~	~~0.5~~
~~Southern Boulevard Causeway~~	~~9.6~~
~~Thirteen Beach Access Points~~	~~1.1~~
~~Palm Beach Inlet Dock~~	~~0.6~~
~~Tangier/Miraflores Park~~	~~1.5~~
~~Pedestrian/Bicycle Pathway~~	~~10.9~~
~~Natural Island~~	~~39.0~~

~~Palm Beach Public School [3]~~	~~1.8~~
~~Palm Beach Day School [3]~~	~~1.1~~
~~**Total**~~	~~**179.2**~~

~~(1) City of Lake Worth Facility~~
~~(2) Palm Beach County Facility~~
~~(3) The Town has agreements with the County School Board for joint use. Acreage for the two school facilities are counted at 50%.~~

Bicycle Paths

Lake Trail: This 4.7 walk and bicycle path includes the original Lake Trail which parallels Lake Worth from approximately Worth Avenue to the Palm Beach Inlet area. The original Lake Trail is a beautiful setting ~~an exquisite land use~~, offering residents not only a transportation route, but a recreational experience as well.

County Road Pedestrian Path/Bicycle Lane ~~Path~~: This 1.1-mile general path and bicycle lane extends from Kawama Lane to Bahama Lane and provides a more tranquil travel route from the heavily traveled North County Road. It is Town maintained.

Southern Pedestrian/Bicycle Path: This 3.5 mile path runs from the southern Town limits to Sloan's Curve on the west side of A1A. Although allowing access to Phipps Park, it borders the heavily traveled A1A, and thus lacks the beauty and tranquility of Lake Trail. It is maintained by the Town.

Lake Worth and Public Beach Access

Public access to Lake Worth ~~this significant body of water~~ is provided from the Town's municipal docks. Additionally, the numerous private docks located within the Town provide access for certain private property owners. The Town also has numerous public beach access points throughout the Town and within the Town's beachfront parks.

Fishing

Although favorite fishing locations have not been documented as part of this planning study, fishing is available from many locations along the Atlantic Ocean and on Lake Worth.

Natural Islands

This series of islands, totaling approximately 39 acres, stretches from Everglades Island south to Ibis Isle, and is strictly limited in use. Deed restrictions, designating the islands for public or bird sanctuary use, are placed on the islands owned by the State of Florida (Trustees of the Internal Improvement Fund). Other islands are leased to the National Audubon Society for 99 years and serve as bird sanctuaries.

Cultural Facilities

Royal Poinciana Playhouse ~~(503)~~: Located on 0.30 ~~0.5~~ acres, at Cocoanut Row and Royal Poinciana Way, the Playhouse in the past offered ~~s~~ ballet, opera, Broadway plays, and cultural events from January until April~~.~~ and during ~~During~~ the off-season, the theater conducted ~~s~~ children's events, workshops, artist's recitals and concerts. The venue has been closed ~~for over three years~~ but is still structurally sound and may be re-utilized as a theatre in the future.

Henry Morrison Flagler Museum ~~(501)~~: Located on Whitehall Way, this restored 1901 home was built by oil and railroad tycoon, H.M. Flagler. The entire complex of "Whitehall", encompassing 2.80 ~~8.3~~ acres, is included in the National Register of Historic Places, the Historical Buildings Survey of the Department of the Interior, and the "Florida Trail of History."

In addition to the period rooms, the mansion displays collections of porcelain, silver, glass, lace, dolls, costumes, and paintings acquired by the family. Local historical exhibits, accented by Florida East Coast Railroad background, including Mr. Flagler's private rail car, are also available for viewing. A library, of the Post-Times issues from 1916-1956 is maintained within the home. Charitable events, concerts, lectures, special exhibitions, and school proms often take place at "Whitehall".

Society of the Four Arts ~~(502)~~: Occupying 3.75 ~~3.1~~ acres, located in the Four Arts Plaza and founded in 1936, the Society has as its objective the encouragement of an appreciation of art, music, drama, and literature. The Society accomplishes its objectives through the maintenance of a sculpture garden and library, and sponsorship of programs, including: exhibitions, lectures, concerts, and films.

Programs sponsored by the Society of the Four Arts are available from December through mid-April. The library and gardens are open to the public year-round. The Town supports the operations of the Library through an annual contribution.

Palm Beach Preservation Foundation — Ambassador Earl T. Smith Memorial Park and Fountain ~~(209)~~: Occupying 0.24 acres, this small pedestrian-oriented park facility is open to the public year-round, 24-hours. The park features lush landscaping and a fountain with casual seating.

Palm Beach Preservation Foundation — Pan's Garden ~~(210)~~: Occupying 0.43 acres, this facility includes a demonstration of native plant species and small office and lecture facilities for public viewing, school lectures on native habitat, and private functions. The park is generally open to the public at limited, variable hours and may be closed for private functions, lectures or limited public ceremonies.

> NOTE: For recreation inventory calculation purposes, cultural facilities have been credited at 3.76 ~~6.3~~ acres, 50% of actual acreage, and are used by the Town to meet its recreation standard.

Civic Clubs/Associations

The key role which private clubs play in the Town of Palm Beach recreational scene is very apparent in their relations with the civic clubs/associations' activities.

Private Facilities

Private clubs and golf courses represent a very real and active sector of the recreation scene in the Town of Palm Beach. In combination, these clubs and courses provide ~~three~~ 18-hole golf courses, ~~26~~ tennis courts, and ~~70~~ boat slips. In addition, several thousand ~~5,450~~ linear feet of beach frontage is under private/club ownership. In total these uses provide 352.22 ~~270.6~~ acres of recreational facilities in the Town. These facilities are not used by the Town in meeting its recreation standard.

Handicapped Facilities

Restroom facilities at all public recreation areas are accessible to the handicapped.

RECREATION STANDARDS

~~Before facilities can be properly evaluated, it is necessary that realistic park and recreation standards be developed.~~

~~The State of Florida, which produces Florida's statewide Comprehensive Outdoor Recreation Plan, *Outdoor Recreation in Florida*[1], has synthesized numerous recreation standards from both national and state sources to provide general guidelines for Florida's use.~~

~~These guidelines refer to seven types of parks and facilities. Two of the park types, Regional and Urban District, require large acreage as well as a minimum support population at least twice the build-out population of the Town. Although the Town's beaches and cultural facilities serve district and regional clientele, these two park types are inappropriate for inclusion in the Town's standard, due to their size and population requirements.~~

~~The remaining five park and facility types taken collectively total 6 acres per 1,000 population and appear to mirror the composite intent of the Town's park, recreation and open space system.~~

The Town of Palm Beach is uniquely characterized by a number of factors, including: its linear configuration, a predominately older population, a scarcity of available vacant land, and the presence of a community whose "plan" was well thought-out and executed. The Town's natural resources, beach-oriented parks, municipal docks, public golf course, and Seaview Park complex

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[1]~~Outdoor Recreation in Florida, 1994, Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning.~~

are adequate to provide both the community and neighborhood recreation needs of Town residents. Consequently, it has been the Town's policy to provide a variety of community-serving facilities and activities along its beachfront, and a limited number and scope of neighborhood parks and facilities.

The Town of Palm Beach has been able to provide sufficient recreation acreage to meet or exceed its recreation standard of six acres per one thousand population for its ~~peak seasonal~~ population through a long and consistent dedication to recreation planning, and the private sector's support through provision of cultural facilities.

EXISTING AND FUTURE RECREATION NEEDS

The development of a cohesive recreation plan for the Town must reflect those factors which affect the optimum size, type and distribution of recreation facilities. Such factors include the size, age and distribution of the existing and future population, and the location and condition of existing facilities, as well as the supporting role which the private sector plays in the recreation network.

The Town's planning standard is six acres of recreation per thousand population. The Town currently has 104.67 acres of park land and open space including the Kreusler Park (Palm Beach County) and Lake Worth Casino and Beach Complex (City of Lake Worth) both of which have always been counted towards the Town's recreation Level of Service (LOS). In addition, the Town has counted 50% of the acreage of the cultural and school facilities within the Town which represents an additional 5.58 acres resulting in a total of 110.25 acres of park land and open space. Based on the corrected 2010 U.S. Census population figure for the Town of 8,161 residents, the Town is expected to have a minimum of 48.97 acres of recreation land. Therefore, the Town is exceeding the minimum required LOS for recreation. The Town will continue to meet the LOS for recreation through the year 2027. ~~This standard is expected to be exceeded by the current inventory of 185.5 acres of public recreation and private cultural facilities in the Town through the year 2019.~~

Table VI-4
Level of Service for Recreation and Open Space Acreage 2010 - 2025
Town of Palm Beach

Year	Population	Park Acres	Demand	Surplus
2010[1]	8,161	110.25	48.97	+61.28
2015[2]	8,227	110.25	49.36	+60.89
2020[2]	8,234	110.25	49.40	+60.85
2025[2]	8,425	110.25	50.55	+59.70

[1] 2010 U.S. Census; [2] Palm Beach County, 2016

As stated in the preceding sections, the Town of Palm Beach is not a typical community. Town residents place great emphasis on private golf courses, clubs, and cultural enrichment. To a significant extent, these activities add to the Town's public recreational facilities by providing for more personalized, service-oriented, recreation. In 2016, the Town conducted an extensive

community survey regarding the Town's park and recreation facilities and opportunities. The survey lead to a needs assessment and master plan for the Town's Seaview Park and Recreation Center. Other park and recreation improvements were also identified.

In summation, the Town of Palm Beach, at present and into the future, has an excellent cultural/recreational mixture of public parks and facilities, supported by private golf courses and clubs.

GOALS, OBJECTIVES AND POLICIES

GOAL

ENSURE THE PROVISION OF LOW-INTENSITY RECREATIONAL USES, WHILE PRESERVING, TO THE MAXIMUM EXTENT POSSIBLE, THE RESIDENTIAL CHARACTER OF THE TOWN OF PALM BEACH.

OBJECTIVE 1

Public access shall be maintained to all recreational facilities, including recreational and commercial working waterfronts as defined in F.S. 342.07, under the jurisdiction of the Town of Palm Beach.

POLICY 1.1

The Town of Palm Beach shall identify inadequate access to its recreation facilities within one year of the adoption of this Comprehensive Plan.

POLICY 1.2

The Town of Palm Beach shall continue to implement corrective measures on all access points identified as inadequate.

POLICY 1.3

The Town will, as needed ~~on an annual basis~~, inspect public access points at public facilities located within the Town, but not under the Town's jurisdiction, to identify any impediments to access. The Town will notify respective governing agencies of identified impediments within three months of their identification.

POLICY 1.4

Pursuant to F.S. 163.3177 and 163.3178, the Town shall devise regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in F.S. 342.07.

OBJECTIVE 2

In providing recreational amenities, the Town will ensure the continued mutual relationship between it and public and private sector ventures.

POLICY 2.1

The Town will offer regulatory assistance to protect private sector recreational providers which do not employ membership, employment, or usage policies that discriminate on the basis of race, color, sex, religion, or marital status. The Town will schedule, as needed ~~on an annual basis~~, a staff workshop targeted at identifying and resolving private sector recreational issues.

POLICY 2.2

The Town recognizes the importance of the present informal mutual use agreement for the public and private school sites. The Town shall continue to maintain formal agreements with the Palm Beach County School Board and the Palm Beach Day Academy to ensure continued joint use.

OBJECTIVE 3

The Town will continue to maintain its system of parks and recreational facilities to meet the needs of the current and future resident population.

POLICY 3.1

The Town of Palm Beach adopts a minimum recreation standard of six acres per one thousand population. Acreage to be used in calculations to meet this standard shall include all public parks and recreation facilities in the Town, the Lake Worth Casino, and 50% of land associated with school facilities and private cultural facilities open to the public.

POLICY 3.2

Through the use of adequate operating budgets and proper management techniques, the Town will preserve and maintain existing parks and recreation facilities. The Town will review its operating budgets and management techniques as needed ~~annually~~ to ensure continued high level performance.

POLICY 3.3

All acquisitions of, and physical improvements to, park and recreation facilities costing greater than $25,000 each, included in this Element, shall be scheduled in the Capital Improvements Element of this Comprehensive Plan. Capital items shall be prioritized

and included on an as needed ~~annual~~ basis.

POLICY 3.4

The Town of Palm Beach shall review its park and recreation facilities for deficiency identification as needed ~~every five years~~.

POLICY 3.5

The Town of Palm Beach shall develop a master plan for maintaining, improving or redeveloping Seaview Park and Recreation Center.

POLICY 3.6

The Town of Palm Beach shall prioritize potential improvements to Town park and recreation facilities.

OBJECTIVE 4

Lands designated as open space will be protected, as provided in this and the Coastal Management/Conservation Element, and will remain functionally intact.

POLICY 4.1

Article 6, Section 21, of the Town's Zoning Ordinance, which requires that buffering be provided between parking lots and non-compatible adjacent uses (e.g. residential adjoining commercial), shall be maintained or strengthened during the Town's periodic update of its land development regulations.

POLICY 4.2

Article 4 of the Town's Zoning Ordinance provides, through its PUD provisions, for additional building height in exchange for decreased impervious ground coverage. This provision shall be maintained ~~or modified during~~ in the Town's ~~update of its~~ land development regulations.

POLICY 4.3

The Town shall continue to maintain written agreements with the State of Florida Trustees of the Internal Improvement Fund and the Audubon Society that ensure the designation of

the 39-acre natural islands for conservation use.

INTERGOVERNMENTAL COORDINATION ELEMENT

INTRODUCTION

The purpose of this Element is to identify and resolve incompatible aspects of proposed comprehensive plans of local governments, and to determine and respond to the needs for coordination processes and procedures with adjacent local governments and regional and state agencies.

This Element of the Plan has been developed based upon:

1. Identification, analysis, and description of coordination mechanisms with local governments and other agencies with which the Town of Palm Beach coordinates;

2. Analysis of the effectiveness of existing coordination mechanisms;

3. Analysis of specific problems and needs which would benefit from improved intergovernmental coordination;

4. Analysis of growth and development proposed in the local Comprehensive Plan;

5. Analysis pertaining to the relationship of the Plan with a designated Area of Critical State Concern, if applicable.

EXECUTIVE SUMMARY

This Element is intended to show relationships and identify principles and guidelines to be used to coordinate with, and show consideration of, the effects of the Town's Comprehensive Plan upon the plans of: school boards and other units of local government providing services, but not having regulatory authority over the use of lands in the Town; adjacent municipalities; the County, adjacent counties, or the region; and, the State.

In order to ensure that the actions of one governmental body do not impair the effectiveness and efficiency of another, a continuing and meaningful dialogue among the various parties is essential. It is the purpose of the Intergovernmental Coordination Element to ensure that the existing machinery of coordination continues and to establish other areas of coordination and cooperation.

Plans of the County and other local governments have been reviewed to determine impacts upon, or conflicts with, the Town's Plan. The Town will continue to review and evaluate plans of other governmental entities as they become available, while simultaneously submitting its Plan for review by the governing bodies of surrounding areas; regional agencies such as the South Florida Water Management District and the Treasure Coast Regional Planning Council; and, the State.

The Town's Comprehensive Plan is supportive of the major goals and objectives of the State Comprehensive Plan.

ANALYSIS

The Town's intergovernmental coordination with Federal, State, and regional agencies, and its interlocal agreements and contact with adjacent municipalities, has, unless noted below, proven to be effective.

~~However, historically, there has been a lack of consistent and~~ The Town will continue to coordinate~~d~~ the management of the Lake Worth lagoon with Palm Beach County. ~~Palm Beach County has taken several measures to update materials and create enhanced funding sources, but has yet to form a committee of local governments and other related entities to facilitate management of the Lake. The Town has made a formal request to the County for the formation of such a committee upon which the Town would have permanent representation, but to date, no such committee has been formed. The Town should continue to urge the County to act on this issue.~~

There are no land use conflicts between existing or proposed uses in Palm Beach and the adjacent jurisdiction to the south. No conflicts between the goals, objectives or policies of the Town's Plan and the Regional Policy Plan exist. From a regional perspective, however, continued coordination is needed between the Town, County, region, adjacent municipalities, and other governmental entities, with regard to (1) development and resultant traffic generation on sections of roadways in Palm Beach; (2) coastal zone management issues; and, (3) plans for hurricane evacuation.

The individual elements of the Town's Comprehensive Plan have been examined to identify existing mechanisms for intergovernmental coordination, areas involving regional issues, and problem areas which can benefit from additional intergovernmental coordination. This analysis presents methods for identifying potential solutions to problems on an element-by-element basis.

Palm Beach is an urban, built-up area approaching saturation, with virtually no ~~only three percent of its~~ land area remaining undeveloped. Therefore, future growth and development will be minimal. A review of the Treasure Coast Regional Policy Plan established that no additional coordination with the region will be necessary to guide growth in the Town.

The Town is not in an Area of Critical State Concern, and no coordination is necessary in this regard.

The Town's Public School Facilities Element (PSFE) has been eliminated as a result of changes in the Florida Statutes that eliminated requirements for school level of service and school concurrency and the inclusion of a Public School Facilities Element within local Comprehensive Plans. Instead the Town has added goals, objectives and policies to the Intergovernmental

Coordination Element with regard to public school siting and development coordination (former Goal 2 and associated objectives and policies of the previous PSFE).

In order to implement the objectives and intent of the various Elements of the Town's Plan, it will be necessary for the following activities to be undertaken.

TRANSPORTATION ELEMENT

- Continue coordination with the Florida Department of Transportation, and other appropriate agencies and local governments, regarding drainage work along State Road A1A; studies for rehabilitation of the Royal Park, Flagler Memorial, and Southern Boulevard Bridges; the possible addition of turning lanes on SR A1A between Lake Worth Road and Sloan's Curve; and, the possible provision of bicycle and pedestrian ways in future transportation planning. Coordination will occur through the Town's Public Works Department, as needed, in writing.

- Make ~~yearly~~ recommendations to the Metropolitan Planning Organization as needed, based on ~~an annual~~ review of the Transportation Element, and coordinate with the Regional Planning Council, regarding ways in which proposed projects could improve design deficiencies on major thoroughfares in the Town. Recommendations will be presented verbally or in writing to the Technical Advisory Committee by the Town's appointed member. Coordination with the Regional Planning Council will occur verbally and in writing through the Town's Planner/Projects Coordinator.

- Contact the Florida DOT for the purpose of determining an appropriate methodology for determining the level of service on roadways in the Town where there are no signals. The purpose of this effort will be to develop a constrained roadway strategy for SR A1A and Southern Boulevard within the Town.

- Coordinate the Town's transportation planning efforts with the plans and programs of the Metropolitan Planning Organization and the Florida Department of Transportation's Adopted 5-Year Work Program, and take into consideration public transportation and bicycle and pedestrian ways in future transportation planning.

- Review the Transportation Element as needed ~~once each year~~ to determine its consistency with the Florida Department of Transportation's Adopted 5-Year Work Program, and plans for the Metropolitan Planning Organization, and make appropriate recommendations to these agencies regarding proposed projects that will improve design deficiencies on major thoroughfares in the Town.

- ~~Request a meeting with PalmTran to discuss the feasibility of actions which PalmTran might implement to improve transit service and to increase transit ridership to the Town. The Town will seek to coordinate its ongoing Travel Demand Management (TDM) efforts~~

~~with those of PalmTran. This will include the feasibility of establishing numerical indicators of mobility.~~

- Coordinate with responsible governmental agencies external to the Town to incorporate provisions into their plans, programs and operations and developments within their jurisdictions which will minimize transportation impacts to the Town consistent with the Town's efforts to manage traffic congestion on its roadways. A primary objective is to minimize traffic impacts to SR 80 and other regionally significant roads leading to the Town.

- Submit request to Multi-Jurisdictional Coordinating Forum that, when a new development is proposed which may increase traffic on regionally significant roadways in the Town, the jurisdiction in which such development is to be located will provide the Town with sufficient data to allow the Town to assess the traffic impact of the proposed development upon regionally significant roadways in the Town and upon the Town's transportation system in general.

HOUSING ELEMENT

- The Town's ~~Planner/Projects Coordinator~~ Planning Administrator shall maintain contact with the Florida Division of Archives in reference to the designation of additional historic or prehistoric sites or structures, through verbal communication, monthly written exchange, data exchange, and through other channels established by the Town's designation as a Certified Local Government.

- The Town's ~~Planner/Projects Coordinator~~ Planning Administrator shall coordinate with Palm Beach County on affordable housing issues through written and verbal contacts on an as needed basis.

INFRASTRUCTURE ELEMENT

- Continue to contract for sanitary sewer capacities and treatment from the City ~~cities~~ of West Palm Beach ~~and Lake Worth~~. Coordination will occur through the Town Manager's Office and Public Works.

- Continue to receive potable water from the City of West Palm Beach. Cooperate with the City in its efforts to upgrade distribution lines and storage capacity in the Town. Communicate on issues arising from the Town's planned alternative water source studies. Verbal and written contact will occur through the Town's Public Works Department and the Town Manager's Office.

- Explore future options for water service following the expiration of the current potable

water contract with the City of West Palm Beach.

- Coordinate with the South Florida Water Management District, the local Soil and Water Conservation District, Palm Beach County, and the City of West Palm Beach concerning possible water conservation programs, and ~~the Town's~~ alternative water use studies. Verbal and written communication will occur through the Public Works Department.
- Continue to participate in the areawide solid waste management program, operated by the Palm Beach County Solid Waste Authority, by maintaining written and verbal communication through the Town's Public Works Department.

- Utilize the concurrency management system as a means to coordinate establishment and maintenance of levels of service standards for sanitary sewer, potable water, and solid waste facilities provided by entities outside of the Town.

COASTAL MANAGEMENT/CONSERVATION ELEMENT

- Actively participate in the FDEP Palm Beach Island Beach Management Agreement (BMA) by obtaining Individual Project Approvals for coastal project implementation, constructing projects that provide storm protection and net-eco system benefits, ensuring Town obligations within the BMA are annually met, and assisting FDEP with hosting annual meetings.

- Annually submit Local Government Funding Requests to FDEP for coastal activities eligible for State cost-sharing.

- Maintain regular verbal and written communication between U.S. Army Corps of Engineers Civil Works staff, Coastal Program Manager, and other appropriate representatives of the Town, to best encourage dry beach placement of inlet dredged material associated with the Palm Beach Harbor/Lake Worth Inlet Maintenance Dredging project.

- Investigate drainage/water quality improvement possibilities in conjunction with the South Florida Water Management District, Florida Department of Environmental Protection, and other regulatory and permitting agencies. Written and verbal contact will occur through the Public Works Department, the Town's ~~Planner/Projects Coordinator~~ Planning Administrator, and the Town's chosen consultant.

- Participate in the Lake Worth Lagoon Steering Committee on the implementation of the FDEP'S program for the Lake Worth Lagoon Ecosystem Management Area. Verbal and written communication, in addition to meetings, will be conducted in conjunction with the ~~Town Engineer~~ Coastal Program Manager and the Town's ~~Planner/Projects Coordinator~~ Planning Administrator or other appropriate representative of the Town.

- Contact the Palm Beach County Health Department on an annual basis for a copy of its Annual Air Quality Report. In the event the Town is cited for air quality degradation, it will coordinate with the Health Department in determining an appropriate set of actions. The Town's ~~Planner/Projects Coordinator~~ Planning Administrator will coordinate, in writing, with the County.

- Continue mutual aid agreements with Palm Beach County and West Palm Beach regarding hazardous waste materials. Coordination will be maintained through written agreements and regular Fire Chief Association meetings.

- Continue to work closely with the U.S. Army Corps of Engineers, and the Florida Department of Environmental Protection, ~~Florida Shore and Beach Preservation Association, and the Palm Beach Countywide Beaches and Shores Council~~ on beach nourishment projects. The Town Manager's Office and the Public Works Department will continue to further the Town's beach nourishment efforts through continual verbal and written contact and meetings with Federal, State and ~~r~~Regional permitting and advising agencies.

- Continue to coordinate hurricane evacuation plans with County and State Offices of Emergency Management, the Treasure Coast Regional Planning Council, Palm Beach County, and the municipalities of West Palm Beach, Lake Worth, and South Palm Beach. The Town Manger's Office will maintain communication with these agencies through written and verbal contacts, including review and modification of hurricane evacuation plans.

- Coordination will be necessary to implement the Post Disaster Redevelopment Plan currently being developed by the Issues Forum. Coordination will take place through the Town Manager's office and the Town Planning Administrator.

- The Coastal Program Manager, or other appropriate representative of the Town shall maintain regular verbal and written communication with non-governmental organizations applicable to the implementation of the Town's Coastal Management Program.

RECREATION/OPEN SPACE ELEMENT

- Investigate the potential continuation of a former informal agreement with the Palm Beach County Public School Board to use school facilities, during non-school hours and in the summer. Coordinate and maintain this agreement through the Town's Recreation Department and the Town Manager's Office for this purpose.

CAPITAL IMPROVEMENTS ELEMENT

- Traffic improvements will require coordination with the Florida Department of Transportation, and any major drainage improvements will be subject to review by the Florida Department of Environmental Protection. Written and verbal coordination will occur through the Public Works Department, as necessary.

- ~~The Mid-Town~~ Beach Nourishment Project<u>s</u>, ~~removal of~~ groin~~s~~ <u>alterations</u>, and roadway protective seawall repairs <u>shall be</u> ~~required~~ coordinat~~ion~~<u>ed</u> with the U.S. Army Corps of Engineers, Florida Department of Environmental Protection, Florida Game and Freshwater Fish Commission, and Palm Beach County <u>as needed</u>. The Town Manager's Office, in conjunction with the Public Works Department, will coordinate any future similar projects with the various agencies through meetings and verbal and written communications.

IMPLEMENTATION

To facilitate intergovernmental coordination~~,~~ and show subject areas that should be coordinated, and the political bodies with which this coordination should be effected, an Intergovernmental Coordination Matrix ~~has been developed~~<u>is provided as Appendix A to this Element</u>. The dots in the matrix indicate those levels of government, or other entities which have some degree of responsibility in reference to the function addressed. This matrix is an ever-changing table which should be updated each time a new subject or area of concern is developed; when new governmental agencies are activated; or, when old agencies are abolished or altered with new or changed responsibilities.

The Town's Planning Administrator will be responsible for the ~~annual~~ review and perpetual implementation of the intergovernmental matrix.

GOALS, OBJECTIVES AND POLICIES

GOAL 1

An effective government which utilizes intergovernmental coordination to maximize efficiency in providing services and facilities; to reduce duplication of effort; and, to solve common problems.

OBJECTIVE 1.1

The Town shall participate in intergovernmental coordination processes to insure full consideration is given to the impacts of proposed comprehensive plan amendments and future developments on the ability of the Town and adjacent local governments to implement their comprehensive plans and to address area wide land use needs and justification for amendments.

POLICY 1.1.1

~~Upon adoption of the Comprehensive Plan,~~ the Town will maintain an atlas of existing land use (including land uses adjoining the Town) in the Town Clerk's Office~~, and will request each surrounding governmental unit to notify Palm Beach of any changes in adjacent land uses~~.

POLICY 1.1.2

The Town's Planning Administrator shall continue to review the Plan in light of the plans of adjacent local governments. During the review process the Planner will contact representatives of the County, School Board, adjacent municipalities, and other units of local government providing services, but having no regulatory authority within the Town of Palm Beach. The Planning Administrator will continue to review the Intergovernmental Coordination Element on an as needed ~~annual~~ basis for implementation and incompatibilities.

POLICY 1.1.3

The Town shall participate in the Palm Beach County IPARC Process and shall cooperate with the Treasure Coast Regional Planning Council and all other local governments in a voluntary dispute resolution process for the purpose of facilitating intergovernmental coordination. The IPARC process is established pursuant to the Comprehensive Plan Amendment Coordinated Review Inter-local Agreement, effective date October 1, 1993, and shall include results and any written determination from the IPARC Process as data and analysis to DEO ~~DCA~~ with proposed and adopted comprehensive plan amendments.

POLICY 1.1.4

The Town shall coordinate with those schools in its jurisdiction ~~which~~ that are part of the State University System regarding the development of campus master plans or amendments thereto, to be done in accordance with Section 240.155 of the Florida Statutes.

POLICY 1.1.5

The Town shall utilize the Palm Beach Countywide Intergovernmental Coordination Process as a regular formal forum in which to deal with issues unique to Palm Beach County and the municipalities therein. The Multi-Jurisdictional Issues Coordination Forum shall be utilized as a means of collaborating planning for matters of inter-jurisdictional significance including, but not limited to, the siting of facilities with countywide significance and locally unwanted land uses.

~~POLICY 1.6~~

~~The Town shall pursue interlocal agreements with local governments that have identified or adopted future land use designations for adjacent unincorporated areas. These agreements would establish "Joint Planning Areas" pursuant to Chapter 163.3171 F.S.. The Town shall encourage joint planning agreements that include as many of the following planning considerations as are applicable. Additional items could be addressed at the concurrence of both parties; including:~~

- ~~Cooperative planning and review of land development activities within areas covered by the agreement;~~
- ~~Specification of service delivery;~~
- ~~Funding and cost-sharing issues within Joint Planning Areas; and,~~
- ~~Enforcement/implementation~~

OBJECTIVE 1.2

In order to ensure coordination mechanisms to address impacts of developments proposed in and adjacent to the Town that may affect adjacent local governments, the Town will continue to participate on various intergovernmental advisory committees, boards, commissions or groups serving the Town.

POLICY 1.2.1

The Town will request the County to appoint at least two Town representatives to appropriate County advisory committees.

The Town will continue to participate in the Lake Worth Lagoon Steering Committee in relation to the Florida Department of Environmental Protection's program for the Lake Worth Lagoon Ecosystem Management Area.

POLICY 1.2.2

Coordinate with adjacent municipalities and governmental agencies to ensure increased

development from those adjacent municipalities and/or entities do not degrade LOS or negatively impact public safety within the Town.

POLICY 1.2.3

Work with the City of West Palm Beach in their review of the City's "Buildable Areas Monitoring Table" that is a projection of how the Downtown Master Plan will be developed to ensure any impacts to the Town can be addressed.

a. Parks and Recreation LOS for the Town of 4 acres per 1,000 persons should be met within the area defined in the downtown master plan.
b. Ensure spillover of neighboring residents into the Town's Parks and Recreation facilities do not negatively affect LOS.

POLICY 1.2.4

Continue and improve coordination with adjacent local governments of proposed development adjacent to the borders of the Town of Palm Beach.

POLICY 1.2.5

Through the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) request that proposed development and/or redevelopment in neighboring municipalities include findings that in relation to levels of service and identified concerns outlined in the Town's comprehensive plan.

POLICY 1.2.6

Pursue joint resolution on growth management, development and impact assessment issues with impacts transcending the Town's political jurisdiction.

POLICY 1.2.7

Issues of regional and state significance shall be coordinated with the Treasure Coast Regional Planning Council, the South Florida Water Management District, and/or State agencies having jurisdictional authority. Issues to be pursued include but are not limited to the following:

a. Impacts of land development activities within the Town of Palm Beach on Palm Beach County, the Cities of West Palm Beach, Lake Worth, South Palm Beach and the Port of Palm Beach, the region, the state, and any governmental entity that may be created in the future.
b. Land development activities adjacent to the Town's corporate limits within Palm Beach County or the Cities of West Palm Beach, Lake Worth, South Palm Beach and the Port of Palm Beach or any other governmental entity created in the future.
c. Area wide drainage and storm water management master plan, proposed improvements, and implementing programs.

d. Alternative water supply planning.
e. Solid waste disposal, including development of new landfill facilities, recycling resources, and other improvements.
f. Research, engineering, and strategies for managing level of service impacts of new development and tourism on major transportation linkages and critical intersections impacting the Town and adjacent areas.
g. Transit /multi-modal transportation activities and plans.
h. Public school facility planning.
i. Level of service standards for infrastructure system impacting the Town and adjacent areas.
j. Conservation of natural and historic resources.

POLICY 1.2.8

The Town shall take a leadership role in establishing a process providing for adjoining local governments and the Town to provide opportunities for input to ensure consistency related to planning and zoning matters with the intent of lessening and/or mitigating the potential objectionable impacts of development of the area and the establishment of equitable Level of Service standards for facility and service delivery systems.

a. Coordination shall be undertaken in the establishment of level of service standards for public facilities with any state, regional or local entity having operational and maintenance responsibility for such facilities.
b. Coordinate with entities having operational and maintenance responsibility for public facilities for which the Level of Service standards are being established to ensure mutually compatible and equitable standards.

OBJECTIVE 1.3

The Town will submit written comments or recommendations on permitting or planning issues, or on requests for information, to government agencies having operational or maintenance responsibility for facilities that either are located in the Town or have potential impacts upon the Town, prior to taking action that may materially affect such facilities. The Town also will notify representatives of cooperating agencies regarding public hearings or other programs that may affect their facilities.

POLICY 1.3.1

Immediately upon adoption of ~~its~~ amendments to the Comprehensive Plan, the Town will mail one copy to each required governmental agency.

OBJECTIVE 1.4

The Town will maintain citizen participation in its planning process, including policy development, planning, and operations.

POLICY 1.4.1

The Town shall continue to post notices of upcoming public meetings concerning planning and land development matters on the bulletin board in the lobby of Town Hall, and initiate legal advertisements as required.

POLICY 1.4.2

~~Upon adoption of the Comprehensive Plan,~~ Tthe Town shall maintain at least two copies of the Town's major land development documents and regulations in the offices of the Town Clerk and the Town's ~~Planner/Projects Coordinator~~ Planning Administrator, and provide updated copies as changes are made.

OBJECTIVE 1.5

~~Following adoption of the Town's Comprehensive Plan,~~ Tthe Town will coordinate its level of service standards for State roadways with the Florida Department of Transportation's Five-Year Plan, and the plans of the Metropolitan Planning Organization.

POLICY 1.5.1

As necessary, the Town will continue to coordinate its level of service standards to the Florida Department of Transportation and the Metropolitan Planning Organization to ensure continued coordination of levels of service.

POLICY 1.5.2

The Town will continue its participation in the Metropolitan Planning Organization's Technical Advisory Committee throughout the planning period.

POLICY 1.5.3

Prior to required updates of the Town's Comprehensive Plan, the Town will present its draft level of service standards to the Florida Department of Transportation and the Metropolitan Planning Organization, and will request review of these standards by these agencies.

OBJECTIVE 1.6

Coordinate LOS standards for sanitary sewer, solid waste and potable water with the appropriate entities which have operational responsibility for these facilities.

POLICY 1.6.1

The Town shall continue to implement its concurrency management system which specifies methods for coordinating LOS between the Town and entities with operational responsibilities for facilities.

POLICY 1.6.2

Contact each entity as specified in the Town's concurrency management system in regards to facility capacity and projected levels of service.

OBJECTIVE 1.7

The Town will coordinate with responsible governmental agencies external to the Town to incorporate provisions into their plans, programs and operations and developments within their jurisdictions which will minimize transportation impacts to the Town consistent with the Town's efforts to manage traffic congestion on its roadways. A primary objective is to minimize traffic impacts to SR 80 and other regionally significant roads leading to the Town.

POLICY 1.7.1

The Town will coordinate with the FDOT, Palm Beach County, West Palm Beach and other communities to minimize transportation impacts to the Town through participation in the MPO and its respective committees.

POLICY 1.7.2

The Town will coordinate directly with FDOT to mitigate traffic impacts on SR 80 and other regionally significant roads leading to Palm Beach.

GOAL 2: SCHOOL FACILITY SITING AND DEVELOPMENT COORDINATION

It is the goal of the Town of Palm Beach to maintain and enhance joint planning processes and procedures for coordination of public education facilities for planning and decision-making regarding population projections, public school siting, and the development of public education facilities concurrent with residential development and other services.

OBJECTIVE 2.1 School Facility Siting

Establish a process of coordination and collaboration between Palm Beach County, local governments, and the School District of Palm Beach County in the planning and siting of public school facilities in coordination with planned infrastructure and public facilities.

Policy 2.1.1: The Town of Palm Beach shall coordinate and provide for expedited review of development proposals with the School District during the development review process to ensure integration of public school facilities with surrounding land uses and the compatibility of uses with schools.

Policy 2.1.2: The Town shall abide by the school siting development review procedures outlined in the "Interlocal Agreement between the School Board of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning."

Policy 2.1.3: There shall be no significant environmental conditions and significant historical resources on a proposed site that cannot be mitigated or otherwise preclude development of the site for a public educational facility.

Policy 2.1.4: The proposed site shall be suitable or adaptable for development in accordance with applicable water management standards, and shall not be in conflict with the adopted or officially accepted plans of the South Florida Water Management District, or any applicable Stormwater Utility or Drainage District.

Policy 2.1.5: The proposed location shall comply with the provisions of the Coastal Management/Conservation Element of the comprehensive plan, if applicable to the site.

Policy 2.1.6: The Town of Palm Beach shall encourage the location of schools proximate to urban residential areas by:

- Assisting the School District in identifying funding and/or construction opportunities (including developer participation or Town of Palm Beach capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements;
- Providing for the review for all school sites as indicated in Policy 2.1.1 above; and,
- Allowing schools as a permitted use within all urban residential land use categories.

Policy 2.1.7: The Town of Palm Beach shall coordinate with the School District for the collocation of public facilities, such as parks, libraries, and community centers with schools, to the extent possible, as sites for these public facilities and schools are chosen and development plans prepared.

OBJECTIVE 2.2 Intergovernmental Coordination

To establish and maintain a cooperative relationship with the School District and municipalities in coordinating land use planning with development of public school facilities that are proximate to existing or proposed residential areas they will serve and that serve as community focal points.

Policy 2.2.1: As required, the Town of Palm Beach will abide by the "Interlocal Agreement between the School District of Palm Beach County, Palm Beach County and the Municipalities of Palm Beach County for Coordinated Planning" (the 2016 Interlocal Agreement), consistent with F.S.163.3177(6)(h)(1) and (2) and F.S. 163.3180 F.S.

Policy 2.2.2: As required, the Town of Palm Beach, in coordination with the School District, the County and other local governments, shall annually accept the updated School District of Palm Beach County Five-Year Capital Improvement Schedule by opting into the annual countywide ordinance. This provision is intended to maintain consistency with the School Board's adopted Five-Year Plan and to maintain a financially feasible capital improvements program and ensure that level of service standards will continue to be achieved and maintained in each year of the five year planning period.

Policy 2.2.3: As required, the Town of Palm Beach will provide the School District with necessary updates of projections of development and redevelopment information generated from the Town's development and approvals needed to maintain school capacity adequacy, including information required for the School District to establish:

1. School siting criteria;
2. School District's Five-Year Capital Facilities Plan;
3. School utilization.

Policy 2.2.4: The Town of Palm Beach shall provide the School District with its Comprehensive Plan, along with the five-year Land Use and population projections, to facilitate development of school enrollment projections and shall update this information as needed. The Town of Palm Beach shall coordinate its Comprehensive Plan and the Future Land Use Map with the School District's long range facilities maps, to ensure consistency and compatibility with the provisions of this Element.

Policy 2.2.5: The Town of Palm Beach shall advise the School District of a proposed public school site's consistency with the Town of Palm Beach's Comprehensive Plan and land development regulations, including the availability of necessary public infrastructure to support the development of the site.

Policy 2.2.6: The Town of Palm Beach shall provide opportunity for the School District to comment on comprehensive plan amendments, rezonings, and other land-use decisions that may be projected to impact on the public schools facilities plan.

Policy 2.2.7: The Town of Palm Beach shall coordinate with local governments and the School District on emergency preparedness issues that may include consideration of:

1. Design and/or retrofit of public schools as emergency shelters;
2. Enhancing public awareness of evacuation zones, shelter locations, and evacuation routes;
3. Designation of sites other than public schools as long term shelters, to allow schools to resume normal operations following emergency events.

OBJECTIVE 2.3 Population Projections

To establish a joint process of coordination and collaboration between the Town of Palm Beach, Palm Beach County and the School District in the planning and decision making on population projections.

Policy 2.3.1: The Town of Palm Beach commits to working with the School District and Palm Beach County to improve the population allocation methodology and enhance coordination with the plans of the School District and local governments. Population and student enrollment projections will be revised as needed to ensure that any new residential development and redevelopment information provided by the Town as well as changing demographic conditions are reflected in the updated projections.

GOAL 3: COASTAL PROTECTION AND BEACH EROSION

It is the goal of the Town of Palm Beach to work with Federal, State, County, and adjacent municipalities or agencies to protect and restore the existing coastal dune system and beaches along the City's beachfront and establish standards to minimize impacts resulting from beach erosion.

OBJECTIVE 3.1

The Town will coordinate with appropriate agencies to address sand starvation caused by the inlet, sea level rise and storm events, resulting in a dramatic and continuing eroding of the beach.

POLICY 3.1.1

Actively participate in the FDEP Palm Beach Island Beach Management Agreement (BMA) by obtaining Individual Project Approvals for coastal project implementation, constructing

projects that provide storm protection and net-eco system benefits, ensuring Town obligations within the BMA are annually met, and assisting FDEP with hosting annual meetings.

POLICY 3.1.2

Submit Local Government Funding Requests to FDEP for coastal activities eligible for State cost-sharing.

POLICY 3.1.3

Maintain regular verbal and written communication between U.S. Army Corps of Engineers Civil Works staff, Coastal Program Manager, and other appropriate representatives of the Town, to best encourage dry beach placement of inlet dredged material associated with the Palm Beach Harbor/Lake Worth Inlet Maintenance Dredging project.

POLICY 3.1.4

Investigate drainage/water quality improvement possibilities in conjunction with the South Florida Water Management District, Florida Department of Environmental Protection, and other regulatory and permitting agencies, the appropriate Town staff representative, and Town's chosen consultant.

POLICY 3.1.5

Participate in the Lake Worth Lagoon Steering Committee on the implementation of the FDEP's program for the Lake Worth Lagoon Ecosystem Management Area. Verbal and written communication, in addition to meetings, will be conducted in conjunction with the Coastal Program Manager and the Planning Administrator or other appropriate representative of the Town.

POLICY 3.1.6

Contact the Palm Beach County Health Department for a copy of its Annual Air Quality Report. In the event the Town is cited for air quality degradation, it will coordinate with the Health Department in determining an appropriate set of actions. The Planning Administrator will coordinate, in writing, with the County.

POLICY 3.1.7

Continue mutual aid agreements with Palm Beach County and West Palm Beach regarding hazardous waste materials. Coordination will be maintained through written agreements and regular Fire Chief Association meetings.

POLICY 3.1.8

Continue to work closely with the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection on beach nourishment projects. The Town Manager's Office and Public Works Department further beach nourishment efforts through continual verbal and written contact and meetings with Federal, State, Regional permitting and advisory agencies.

POLICY 3.1.9

Continue to coordinate hurricane evacuation plans with County and State Offices of Emergency Management, the Treasure Coast Regional Planning Council, Palm Beach County, and the municipalities of West Palm Beach, Lake Worth, and South Palm Beach.

POLICY 8.10

Coordinate the implementation of the Post Disaster Redevelopment Plan currently being developed by the Issues Forum. Coordination will take place through the Town Manager's Office and the Town Planning Administrator.

POLICY 3.1.11

Maintain regular verbal and written communication with non-governmental organizations applicable to the implementation of the Town's Coastal Management Program with the Coastal Program Manager or other appropriate representative of the Town.

POLICY 3.1.12

Explore the possibility with the Treasure Coast Regional Planning Council, pursuant to 380.05(3) of designating the Town as an Area of Critical Concern as is relates to the shoreline, natural and historic resources and sea level rise as a result of Florida Department of Environmental Protection June 2015 Study, Critically Eroded Beaches that NOTED the "area extending south of Lake Worth Inlet along the town of Palm Beach (R76-R128) are 10.9 miles of critical erosion threatening private development, local parks, and State Road AIA

CAPITAL IMPROVEMENTS ELEMENT

INTRODUCTION

The purpose of this Element is to evaluate the need for public facilities, as identified in the other Plan Elements; to estimate the cost of improvements for which the Town of Palm Beach has fiscal responsibility; to analyze the Town's fiscal capability to finance and construct such improvements; and to adopt financial policies to guide funding and construction of capital improvements when required, based on needs identified in the other Plan Elements.

This Element of the Plan has been developed based upon:

1. Public facility needs identified in other Plan Elements~~, including locations of major components for the public education and health systems in Palm Beach~~;

2. Identification and analysis of revenue sources and funding mechanisms available for capital improvement financing;

3. Analysis of local practices guiding the timing and location, extension, or increase in capacity of local public facilities;

4. Analysis of the general fiscal implications of current deficiencies and future needs for each type of public facility;

5. Analysis of the costs of capital improvements for mitigation of existing deficiencies, replacement, and new growth needs;

6. Analysis of the impact of new or improved public educational and health care systems and facilities on provision of infrastructure;

7. Analysis of the timing and location of capital improvements to public facilities to support efficient land development and the goals, objectives, and policies in the Future Land Use Element; and

8. An assessment of the Town's ability to finance capital improvements based upon anticipated population and revenues.

9. Analysis of quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

EXECUTIVE SUMMARY

The Capital Improvements Element commences in fiscal year 2016 ~~1996~~ and identifies potential projects by year for a five-year period. The primary thrust of the Element is to present generalized needs and funding of projects.

DEFINITIONS

The following definitions apply within this Element:

Capital Improvements are any major non-recurring expenditure, or any expenditure for physical facilities having an estimated useful life in excess of ten years and an acquisition cost of $10,000 or more.

Schedule of Capital Improvements (SCI) is a schedule of approved projects and equipment to be built or purchased by the local government during a specified multi-year period.

A five-year programming period has been chosen to correspond to the requirements in Florida Statutes, Section 163, ~~Department of Community Affairs' Administrative Regulations Governing Comprehensive Planning, Rule 9J-5~~. Long-term needs have also ~~been~~ generally been identified to allow a data base for future programs. The program is revised annually~~, and projected one year~~ in light of ~~to allow for~~ changed conditions and past accomplishments.

LOCAL POLICIES AND PRACTICES

Local practices to guide the timing and location of capital improvement projects weigh needs against projected revenue sources, including the availability of grants. The Town does not have a formalized procedure for prioritizing capital improvements. However, it does use the following set of considerations in balancing project needs with available funds:

- Public health, safety, and welfare benefits of the facility;
- Degree of public benefit;
- Maintenance of established levels of service, including prevention of future capital costs;
- Critical nature of facility need;
- Financial feasibility;
- Overall distribution of projects between facility types and geographical location.
- Quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

This informal process has proven very effective for the Town which, because of ~~due to~~ its small size and nearly fully developed state, is able to keep close tabs on the nature of its facility needs. However, the Town should consider establishing a more formal ranking system for use in the future.

EXISTING AND FUTURE PUBLIC EDUCATION FACILITIES

Educational facilities in Palm Beach are located on Seaview Avenue and Cocoanut Row (Palm Beach Public School and Palm Beach Day Academy) adjacent to Seaview Park. The Palm Beach Public School and the Palm Beach Day Academy are directly adjacent to each other; the Public School is owned and operated by the Palm Beach County School Board, and the Day Academy privately owned and operated. The public school ~~County schools~~ serves kindergarten through fifth ~~eighth~~ grade classes and the Palm Beach Day Academy serves Pre-K through ninth grade classes.

~~Public School enrollment in the Town of Palm Beach has declined in recent years, and projected enrollment figures for the next five years indicate that no new demands involving increased enrollment are anticipated. The existing schools are adequately served with all utilities, and no additional demands are anticipated due to expansion of educational facilities.~~

The Town of Palm Beach maintains ~~a~~ minimum level of service for transportation, potable water and sanitary sewer, recreation and open space, and fire-rescue. ~~The School District of Palm Beach County shall maintain minimum level of service standards for public school facilities, in accordance with the adopted Inter-local Agreement.~~

EXISTING AND FUTURE HEALTH CARE FACILITIES

There are no health care facilities located in the Town of Palm Beach. Good Samaritan Hospital is located in the City of West Palm Beach in the near vicinity of the Flagler Memorial Bridge which is a major access point at the north central portion of the Town. St. Mary's Hospital and JFK Hospital are also both located within fifteen minutes driving time from most parts of the Town.

The Town of Palm Beach will not need to provide any services should any of these health care facilities need to expand in the future.

SUMMARY OF BUDGETED CAPITAL ITEMS

~~Table VIII-1 sets forth~~ ~~t~~The Town's proposed Schedule of Capital Improvements (SCI) and budget for FY 2016 ~~2008~~ (carry-over) through FY 2021 ~~2013~~ are provided as appendices to this Element. Appendix A includes the "Pay-as-you-Go" schedule of improvements and Appendix B includes the "Accelerated Capital Improvement Projects" schedule. Appendix C is Recreation Fund capital improvements for FY2017 through FY2021. These~~is~~ programs and budgets reflect the needs identified in the various Elements of the Comprehensive Plan as well as other capital

needs identified by the Town. No projects or needs have been identified that are necessary to maintain the Town's various levels of service. The Town also has no level of service deficiencies. Because of the very limited anticipated growth in the Town over the next five to ten years (as shown in the population projections found in the Future Land Use Element), most of the existing infrastructure can continue to support the needs of the Town's residents. Many of the projects identified in the Schedule of Capital Improvements are those needed for maintenance of the infrastructure to further ensure that the adopted LOS standards are met or exceeded, and the Town is taking a pro-active approach to address these matters rather than waiting until the infrastructure maintenance becomes critical.

~~The exception to this are the drainage improvement projects, which have been done and continue to be done in order to improve the LOS for drainage in the Town, which was one of the special items of concern raised in the Town's most recent Evaluation and Appraisal Report. In 2003 the Town increased the on-site drainage retention requirement from the first inch of rainfall to the second inch of rainfall in order to reduce the potential for flooding. The drainage projects listed in the Schedule of Capital Improvements are a very high priority, and will work well with the new on-site retention requirement to further reduce the potential for flooding, and improve the LOS for drainage.~~

Other activities that ~~which~~ will be undertaken within the next five years are not listed because they are subject to funding from other sources (such as the Florida Department of Transportation) or because their costs do not qualify as capital expenditures.

CAPITAL IMPROVEMENT PROGRAM PROJECT DESCRIPTION

Wastewater Pump Station Improvement

A Town Wide assessment of existing wastewater pump stations was completed March 2016. Through the Accelerated Capital Improvements Program, the majority of the critical deficiencies were addressed. This assessment identified the remaining deficiencies and prioritized improvements along with providing budgetary estimates for addressing the deficiency. Priorities have been identified for the next 5 years.

> **Project Budget $5,955,000**
> Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Stormwater Pump Station Improvement

A Town Wide assessment of existing stormwater pump stations was completed December 2015. Through the Accelerated Capital Improvements Program, the majority of the critical deficiencies were addressed. The one stormwater pump station that still needs significant upgrades is the D-14 Stormwater Pump Station which is addressed as an individual project within this section. The remaining deficiencies have been identified for the next 5 years.

Project Budget $3,995,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Undergrounding Utility Lines Town Wide

The residents of the Town of Palm Beach passed a referendum in March 2016 to fund the Town Wide Undergrounding of all utilities. The Town expects to move forward on the first phase of construction in May 2017. The overall project will take 6 to 10 years to complete.

Project Budget $90,000,000 (estimated)

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

D-14 Stormwater Pump Station $5,065,000

The D-14 Stormwater Pump Station is located adjacent to the Intracoastal Waterway in the north west corner of the Society of the Four Arts parking lot next to the Lake Trail. A number of the station's mechanical, electrical, and structural components are showing signs that they are approaching the end of their life expectancy. Major mechanical components that have been identified for replacement include the main pumps, duty pump, pump cans, discharge pipe, valves, blower, and generator. Major electrical components that have been identified for replacement include the service to the station, motor control center, control panels, panel boards, disconnect, automatic transfer switch, conduit, wiring, site lights, and interior lights. Major structural components that have been identified for replacement include the access ladders, access grating, door frames, and modifications to the wetwell access. The improvements to the mechanical and electrical components of the project will also necessitate structural modifications to accommodate the new mechanical and electrical components. Replacement of these major components that are approaching their life expectancy will increase the reliability of the station and allow the station to continue to provide stormwater protection for its surrounding area.

Project Budget $5,065,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Bradley Place Roadway Improvements

Accelerated Capital Improvements Program, 2013 Bond, funds were allocated to correct roadway drivability issues, drainage, curbing sidewalk and update curb ramps to ADA standards where possible. Improvements also include replacing the existing street lights along the corridor and "trombone" style mast arms at Sunrise Avenue with a decorative mast arm that meets the current State windload criteria

Project Budget $2,095,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Street Lighting Upgrade, South Ocean Boulevard, Sloan's Curve to Lake Worth Road

Accelerated Capital Improvements Program, 2013 Bond funds were allocated to replace the existing FPL-owned cobra head lighting system on the existing power line poles and replace them with decorative street light poles and fixtures. A new underground conduit and wire system will need to be installed. The poles and fixtures will match those along SR A1A south of Lake Worth Road.

Project Budget $2,500,000.00

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Landfill Improvements

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for improvements at the Town-owned and operated landfills. The landfills are in need of some general upgrades and improvements. These improvements include: replacement of the existing structure at the Skees Road site, new access roads at the Okeechobee site, and landscaping at both.

Project Budget $435,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Mast Arm Replacement/Upgrades

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for the replacement and/or upgrade to the Town owned and operated traffic signals. The majority of the traffic signal poles in the Town were installed in the early 1970's. The poles do not meet the current wind load standards. Some of these 1970's era poles have been replaced by FDOT with upgraded poles along South County Road at Hammon Avenue, Worth Avenue, and Peruvian Avenue. The town has requested FDOT upgrade their poles at other locations in the Town. The existing "trombone" style poles will be replaced with a decorative pole that meets the current State windload criteria.

Project Budget $2,362,500

Operating Budget Impact; There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Mid-Town Drainage Improvements

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for the replacement and/or upgrade of drainage improvements in the 400 block of Worth Avenue, a collection of small undersized pipes pieced together to drain puddles. This project will consist of construction of a proper drainage collection system and rebuilding the roadway surface. Drainage improvements also include the D-6 and D-7 basins with the possibility to make multiple interconnects between the basins to equalize storm water flows when one basin has greater flows than the other or if pumps in one station were to fail.

Project Budget $2,797,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

Lake Trail Paving and Drainage Improvements

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for improvements on the Town-maintained Lake Trail pedestrian path. Pavement and drainage along Lake Trail from Royal Palm Way to Reef Road are in need of significant improvements. These improvements also include the Lake Trail access paths.

Project Budget $2,300,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $5,000 annually.)

North County Road Drainage Improvements (from Wells Rd. to Miraflores Dr.)

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for improvements to develop alternatives for protecting the grass medians and improving drainage along North County Road from Wells Road to Miraflores Drive. The budget shown below excludes construction costs and is only for design and bid phase services.

Project Budget $690,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $3,000 annually.)

Ocean Outfall Abandonment

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for the abandonment/ elimination of all stormwater discharge to the beach. This effort will include the rerouting of the stormwater at each of the identified locations.

Project Budget $1,192,500
Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $3,000 annually.)

Drainage Basins D-2 and D-9 Interconnect
Accelerated Capital Improvements Program, 2013 Bond funds were allocated for the analysis of the efficiency of the D-2 and D-9 Stormwater Drainage Basins and to improve the basins' efficiency through the installation of an interconnect.

Project Budget $1,000,000
Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $3,000 annually.)

Queens Lane, Monterey Road, Onondaga Avenue, and Orange Grove Road Drainage Improvements
Accelerated Capital Improvements Program, 2013 Bond funds were allocated for improvements that include roadway regrading, curb replacement, and catch basin upgrades. Construction for this project is to be coordinated with the utility undergrounding conversion effort.

Project Budget $2,060,780
Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $5,000 annually.)

Joint Wastewater Transmission Pipeline (Interlocal Agreement with the City of West Palm Beach)
Accelerated Capital Improvements Program, 2013 Bond funds were allocated for improvements to the City of West Palm Beach/Town of Palm Beach shared wastewater pipeline. The pipe, which discharges into the East Central Regional Wastewater Treatment Facility, is beginning to fail at the joints. The improvements will consist of lining the existing pre-stressed concrete cylinder pipe.

Project Budget $3,338,037 (Town of Palm Beach portion)
Operating Budget Impact (TOPB): There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

~~**Storm Water Drainage Improvements**~~

FY09 will complete the projects proposed for the seventh year of the original 10-year, North-end drainage program. The FY09 projects include the design and construction of improvements to Tangier Avenue and No. Lake Way between El Dorado Lane and Plantation Road and interim renovations to the D-9 (Mediterranean) pump station. There are monies available to address any unanticipated storm pump structure rehabilitation needs.

Project Budget **$3,302,000***

Operating Budget Impact There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

Sanitary Sewer Improvements (Including Force Main Rehabilitation)

This program allows for general improvements to the sanitary sewerage system. These improvements will include replacement of collection system lines, lining of existing mains, and unscheduled emergency repairs at major and minor pumping stations. This project also includes a multi-year program to systematically replace an aging force main system and install air release valves as necessary. There is an intent to replace existing expelsior and ejector stations with new submersible pump stations.

Public Works will be constructing a booster pump station utilizing in-line variable speed pumps to eliminate the need for use of the West Palm Beach Central Pump Station. This will eliminate the operation and maintenance costs at the Central Pump Station and the Town will operate and maintain its own pump station. This project includes monies to fund planned or emergency repairs of the Town's sewage force main and its sewage facilities shared with the City of West Palm Beach, which leads to the regional sewage treatment facility.

Project Budget **$2,016,000***

Operating Budget Impact There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

Streets and Roads

Funds were allocated for the purpose of rehabilitating Town maintained bridges and to continue the annual $500,000 Town-wide milling and resurfacing program as well as milling and resurfacing No. Lake way from Garden Avenue and Onondaga Avenue for $107,000. Included within these funds is $451,000 for street lights and decorative improvements along SR A1A between Southern Blvd and Royal Palm Way and for street lights along SR A1A from Lake Avenue south to the southerly Town limit.

Project Budget **$1,178,000***

Operating Budget Impact There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

Undergrounding Utility Lines (throughout Town)

Funds were allocated for the purpose of facilitating the Town's on-going investigation of the feasibility of converting aerial utility lines to underground service. Funds may be used for demonstration projects, engineering studies, special counsel expenses and for other purposes to facilitate a more reliable utility service delivery system for Town residents and business owners.

Project Budget	**$430,000***
Operating Budget Impact	There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

Refurbish Memorial Fountain at Town Hall (360 S. County Road)

This project would clean or replace exposed reinforcing steel and replace damaged sections of concrete/stone finish.

Project Budget	**$46,000**
Operating Budget Impact	There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

Water Main Improvements WPB

This project includes funds from the 2008 Interlocal Agreement with the City of West Palm Beach for the Town to make improvements to designated water mains throughout the Town.

Project Budget	**$580,000***
Operating Budget Impact	There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

Fuel Tank Replacement Program

These funds will allow for the continuation of improvements to the Town's fuel tanks and/or piping to remain in compliance with state regulations. The following is a list of the fuel tanks that are to be replaced (including their locations):

1) A-42 Wastewater Pump Station - 3001 South Ocean Boulevard
2) A-6 Wastewater Pump Station - 300 South Lake Drive
3) A-7 Wastewater Pump Station - South County Road at Island Road
4) A-39 Wastewater Pump Station - 2171 South Ocean Boulevard
5) A-41 Wastewater Pump Station - 2500 South Ocean Boulevard
6) A-43 Wastewater Pump Station - 3400 South Ocean Boulevard
7) S-2 Master Pump Station - 9 Lake Trail
8) D-4 Stormwater Pump Station - 445 North Lake Way
9) D-9 Stormwater Pump Station - West-end of Mediterranean
10) D-10 Stormwater Pump Station - 1060 North Lake Way

11) D-12 Stormwater Pump Station - 269 Seminole (Wetwell @ Everglades)
12) D-15 Stormwater Pump Station - 420 South Lake Drive
13) Police Station - 360 South County Road
14) Fire Station #1 - 355 South County Road
15) Fire Station #2 - 300 North County Road
16) Fire Station #3 - 2185 South Ocean Boulevard
17) Town Hall - 360 South County Road
18) Public Works - 951 Old Okeechobee Road (West Palm Beach)
19) Par 3 Golf Course - 2345 South Ocean Boulevard
20) Seaview Tennis Center - 340 Seaview Avenue

Project Budget	**$1,964,000***
Operating Budget Impact	There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

North Fire-Rescue Station

These funds will allow for construction of a traffic signal and the continuation of a two-year program to replace windows.

Project Budget	**$199,200***
Operating Budget Impact	There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < $5,000 annually.)

*Includes FY08 Estimated Carry-over Budget

~~**TABLE VIII-1**~~
~~**Five-Year Schedule of Capital Improvements (SCI)**~~
~~**FY 2008/2009 - FY 2012/2013**~~

Capital Improvement Program
Proposed FY08 Carry-over and Five Year Plan - Fund 307

Expenditure Budget - Project Description	FY08 Carry-over Budget	Proposed Year 1 FY2009	Subtotal	Projected Requirements Year 2 FY2010	Year 3 FY2011	Year 4 FY2012	Year 5 FY 2013	Five Year Total
Storm Water System	2,027,000	1,275,000	3,302,000	950,000	1,150,000	1,150,000	1,150,000	7,702,000
General Improvements	1,536,000	775,000	2,311,000	650,000	650,000	650,000	650,000	4,911,000
Rehabilitate Storm Pump Structures	491,000	500,000	991,000	300,000	500,000	500,000	500,000	2,791,000
Sanitary Sewer System	891,000	1,125,000	2,016,000	1,025,000	1,025,000	1,025,000	1,025,000	6,116,000
General Improvements	652,000	750,000	1,402,000	750,000	750,000	750,000	750,000	4,402,000
Force Main Rehabilitation	239,000	125,000	364,000	125,000	125,000	125,000	125,000	864,000
WPB Central Pump Bypass & Reserve	0	50,000	50,000	50,000	50,000	50,000	50,000	250,000
Rehab Sanitary Sewer Pumping Stations	0	200,000	200,000	100,000	100,000	100,000	100,000	600,000
Streets and Roads	571,000	607,000	1,178,000	500,000	500,000	500,000	500,000	3,178,000
Bridge Rehabilitation	120,000	0	120,000	0	0	0	0	120,000
Milling & Resurfacing Program	0	607,000	607,000	500,000	500,000	500,000	500,000	2,607,000
Street Lights SRA1A Lake Ave South (1)	31,000	0	31,000	0	0	0	0	31,000
Decorative Street Lights	420,000	0	420,000	0	0	0	0	420,000
Bury FPL Overhead Lines	430,000	0	430,000	0	0	0	0	430,000
Refurbish Memorial Fountain	46,000	0	46,000	0	0	0	0	46,000
Water Main Improvements WPB (2)	280,000	300,000	580,000	500,000	500,000	500,000	500,000	2,580,000
Fuel Tank Replacement Program (3)	1,964,000	0	1,964,000	0	0	0	0	1,964,000
North Fire-Rescue Station	114,200	85,000	199,200	0	0	0	0	199,200
Replacement of Windows	114,200	0	114,200	0	0	0	0	114,200
Traffic Signal Installation	0	0	0	0	0	0	0	0
Phase 1 - Warrant Study	0	25,000	25,000	0	0	0	0	25,000
Phase 2 - Construction	0	60,000	60,000	0	0	0	0	60,000
Total Expenditures	6,323,200	3,392,000	9,715,200	2,975,000	3,175,000	3,175,000	3,175,000	22,215,200

Offsetting Revenues:	FY2009	FY2010	FY2011	FY2012	FY2013	Total
Interest	425,000	375,000	325,000	275,000	225,000	1,625,000
WPB - Water Main Improvements (2)	300,000	500,000	500,000	500,000	500,000	2,300,000
Special Assessment Revenue	525,000	0	0	0	0	525,000
Recreation Enterprise Fund - Transfer for Fuel Tanks (3)	30,000	0	0	0	0	30,000
FDOT - Street Lights SRA1A Lake Ave South (1)	295,000	0	0	0	0	295,000
Total Offsets	1,575,000	875,000	825,000	775,000	725,000	4,480,000
Net Expenditure/Transfer from General Fund	1,817,000	2,100,000	2,350,000	2,400,000	2,450,000	4,805,000

IMPLEMENTATION

The Town presently employs a five-year Schedule of Capital Improvements (SCI) as an integral part of its annual budgeting process. Each year, the Town Manager, the Town Staff, and the Town Council (acting as the LPA) formally, and in a public meeting, will review the Schedule of Capital Improvements (SCI) to ensure its consistency with the Capital Improvements Element.

As a function of this review, the CIE will be examined for:

- Updating revenue sources, unanticipated expenses, and completion of scheduled projects;
- Consistency, both internally and with respect to other Plan Elements;
- The means for correcting identified deficiencies;
- The progress of the Town in securing financing, and other assistance from other agencies, to implement the Town's Program;
- Progress of the private development community in meeting the requirements expressed within the individual Plan Elements;
- The Town's progress towards meeting, and its ability to maintain, its adopted level of service standards; and
- The Town's progress toward implementing its intergovernmental coordination responsibilities.
- Quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

The Schedule of Capital Improvements (SCI) will be amended annually to reflect the above described review.

GOALS, OBJECTIVES AND POLICIES

GOAL

THE TOWN SHALL, USING SOUND FISCAL POLICIES, PROVIDE ADEQUATE SERVICES AND FACILITIES IN A TIMELY AND EFFICIENT MANNER.

OBJECTIVE 1

The Town shall utilize its Capital Improvements Element and five-year Schedule of Capital Improvements (SCI) to provide needed capital facilities, including those needed to overcome any existing deficiencies and those related to growth. ~~Schedule of Capital Improvements (SCI) shall be financially feasible as per the requirements of F.S. 163.3164(32).~~

POLICY 1.1

The Town shall continue to adopt an annual capital budget, which will identify expenditures necessitated by the policies of the various elements of the Comprehensive Plan, as part of its annual budgeting process.

POLICY 1.2

Appropriate Town departments shall establish and maintain a listing and schedule of capital equipment and facilities showing the expected life and replacement date of each. The schedule is to be integrated in the Schedule of Capital Improvements (SCI) and updated annually.

POLICY 1.3

The Town shall identify those projects needing renewal and replacement in its Schedule of Capital Improvements (SCI), and shall give first priority to funding those needed to maintain its adopted levels of service. The Town's current policy is to fund renewal and replacement of existing infrastructure on a cash basis unless the cost of the facilities or improvements are such that bonding would be a more equitable and appropriate method for funding certain facilities or improvements, and is deemed by the Town Council as a policy decision to be the most feasible financial alternative.

POLICY 1.4

The Town shall continue to establish a priority ranking system for capital improvement projects identified as necessary in the various elements of its Comprehensive Plan. This system will include consideration as to whether each project:

1.4a Is needed to eliminate public hazards;
1.4b Is needed to eliminate existing capacity deficiencies, or other current infrastructure deficiencies;
1.4c Prevents or reduces future capital costs;
1.4d Is located to serve new growth or redevelopment and existing needs for repairs and/or rehabilitation;
1.4e Is financially feasible; and
1.4f Is compatible with facility or acquisition plans of Federal, State, Regional, and local agencies that provide public facilities within the Town.

POLICY 1.5

The Town's maximum indebtedness shall not exceed 5% of the assessed value of taxable property in the Town.

POLICY 1.6

The Town shall ensure that the Capital Improvement Element and the entire Comprehensive Plan remains financially feasible~~, as defined by F.S. 163.3164(32)~~.

POLICY 1.7

The Town shall ensure that capital facilities to be funded by outside sources must be guaranteed by a development agreement, inter-local agreement or any other enforceable agreement.

OBJECTIVE 2

The Town shall expend no public funds that would subsidize development in the Coastal High Hazard Area, as defined by the Town, except when such expenditures are for restoration/ enhancement of natural resources or for shore protection.

POLICY 2.1

Town funded public facilities will not be built in the Coastal High Hazard Area, as defined by the Town, excepting facilities which provide public access, recreation, resource restoration/enhancement or shore protection; nor will the Town expand utility systems or public services that would be necessitated by increased development within the Coastal High Hazard Area.

OBJECTIVE 3

The Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements identified as necessary to maintain the Town's adopted Level of Service (LOS) standards and meet existing and future facility needs. These capital improvements and facility improvements shall have first priority for allocation of the Town's fiscal resources available for capital expenditures.

POLICY 3.1

The Town shall utilize the following Level of Service standards, found in other elements of the Town's Comprehensive Plan, for public facilities in the Town.

3.1a Stormwater Discharge or Runoff --

1) Flooding will not occur during a one-year storm for systems served by pumping stations or during a three-year storm for systems with gravity outfalls, and, the minor flooding associated with a five-year storm would be carried off within sixty minutes.

2) Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system; or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater.

3) For all commercial, multi-family, new residential subdivision, and single family lots of one-half acre or more:

a. the impact on the system will not lower the LOS as stated in Policy 3.1a 1 and 2; or,

b. the drainage problem area is scheduled and contracted for improvement in the Town's Schedule of Capital Improvements (SCI); or,

c. the developer upgrades the drainage system to meet LOS as stated in Policy 3.1a 1 and 2; or,

d. the post-development run-off does not exceed pre-development run-off, thereby preventing additional degradation of the system;

And, for all single family development of a half-acre or less which is not the result of new subdivision, that one of the four above requirements will be met, when feasible, or that no degradation of existing drainage capacity occurs as the result of development.

3.1b Potable Water – <u>272</u> ~~295~~ gallons/person/day;

3.1c Recreation -- 6 acres/1000 population;

3.1d Transportation -- two-way peak-hour, peak-season level of service (LOS) standards for facilities and segments listed below, effective one year from adoption of this Element.

FACILITY OR SEGMENT		"LOS"
(1)	SR AIA	"E"
(2)	Royal Poinciana Way	"D"
(3)	Cocoanut Row/Bradley Place from Seabreeze to north of Royal Poinciana Way	"E"
(4)	Southern Boulevard	"E"
(5)	All other roadways	"D"

3.1e Waste Water Collection

Development Type	**Avg. Daily Water Water Flow**
Single Family	350 gpd/DU
Multifamily	250 gpd/DU
Commercial	0.20 gpd/SF
Industrial	0.15 gpd/Sf
Hotel	100 gpd/room

DU=dwelling unit	gpd=gallons per day
SF=Square feet	AC=acre

Pumping Station

Peaking Factor	**Avg. Daily Flow (MGD)**
3.5	0.01 to 0.05
3.0	0.05 to 0.25
2.5	0.25 to 2.0
2.0	>2.0

Peaking factors for other facilities shall be determined using historical flow records

~~Sanitary Sewer -- 246 gallons/person/day, the same as that established for the Town in the City of West Palm Beach's Comprehensive Plan; a maximum peak flow of 0.941 mgd for the Lake Worth force main over a rolling three-month average; and a maximum of 5 mgd through its northern force main;~~

3.1f Solid Waste -- 2.55 pounds/person/day for garbage and 0.033 cubic yards per person per day for vegetative yard trash.

~~3.1g School Concurrency -- the School District of Palm Beach County shall maintain minimum level of service standards for public school facilities, as defined in the Public School Facilities Element and in accordance with the Palm Beach County Interlocal Agreement with Municipalities of Palm Beach County and The School District of Palm Beach County To Establish Public School Concurrency. In the case of public school facilities, the issuance of Development Orders, Development Permits or development approvals shall be based upon the School District of Palm Beach County's ability to maintain the minimum level of service standards.~~

OBJECTIVE 4

Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

POLICY 4.1

In order to ensure availability of public facilities and services necessary to support development concurrent with its impacts, prior to the issuance of a development order or permit, the Town shall make and record the ~~following~~ determination~~s~~ that the Level of Service Standards established in Policy 3.1 are met as required and the following:

~~4.1a 1) Flooding will not occur during a one-year storm for systems served by pumping stations or during a three-year storm for systems with gravity outfalls, and, the minor flooding associated with a five-year storm would be carried off within sixty minutes.~~

~~2) Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first one inch of rainfall prior to discharge into the Town system; or,~~

~~3) For all commercial, multi-family, new residential subdivision, and single family lots of one half-acre or more:~~

~~a. the impact on the system will not lower the LOS as stated in Policy 4.1a(1) and (2); or,~~

~~b. the drainage problem area is scheduled and contracted for improvement in the Town's Schedule of Capital Improvements (SCI); or,~~

~~c. the developer upgrades the drainage system to meet LOS as stated in Policy 4.1a(1) and (2); or,~~

~~d. the post-development run-off does not exceed pre-development run-off, thereby preventing additional degradation of the system;~~

~~And, for all single family development of a half-acre or less which is not the result of new subdivision, that one of the four above requirements will be met, when feasible, or that no degradation of existing drainage capacity occurs as the result of development.~~

~~4.1b There is adequate potable water supply capacity to continue providing at least 295 gallons/person/day;~~

~~4.1c There are adequate recreation facilities to maintain a standard of 10 acres/1000 population;~~

~~4.1d The traffic generation of the project will not reduce the level of service on roadways in the Town to a category lower than that established in this Plan;~~

~~4.1e There is adequate sanitary sewer capacity to continue treating an average of 246 gallons/person/day, the same as that established for the Town in the City of West Palm Beach's Comprehensive Plan; a maximum peak flow of 0.941 mgd for the Lake Worth force main over a rolling three-month average; and a maximum of 5 mgd through its northern force main;~~

~~4.1f There is adequate capacity to continue collecting and disposing of least 2.55 pounds of solid waste per person/day;~~

a. ~~4.1g~~ The project will not increase the time necessary to evacuate the Town, in the event of a hurricane, to greater than twelve hours; or

b. ~~4.1h~~ The development order or permit is specifically conditioned on the availability of the necessary facilities and services as identified in Policy 3.1 ~~for each of the above~~, and that said facilities are authorized at the time the project is authorized.

POLICY 4.2

The Town will continue to set, and maintain, its Level of Service standards such that it will ensure the availability of public facilities and services to serve developments for which development orders were issued prior to the adoption of the Comprehensive Plan.

~~**POLICY 4.3-a**~~

~~For public school facilities, the applicant for a Development Order or Development Permit which includes any residential component shall provide a determination of capacity by the School District of Palm Beach County that the proposed development will meet the public school facilities level of service. A determination by the School District is not required for existing single family legal lots of record, in accordance with the Public School Facilities Policy 1.1-h, and Capital Improvement Element Policy 1.2-k.~~

~~**POLICY 4.3-b**~~

~~In accordance with Policy 4.3-a, prior to issuance of a Development Order/Permit, the School District of Palm Beach County shall determine that the level of service for public school facilities can be achieved and maintained. The necessary public school facilities shall be considered to be in place when:~~

~~The phasing and construction of the improvements are made binding conditions of approval of the Development Order or Development Permit.~~

~~The construction appropriations for the necessary facilities and services are specified within the first three years of the most recently approved School District of Palm Beach County Six-Year Capital Improvement Schedule, as reflected in Table VIII-2 of this element, which shall reflect the addition of FISH capacity for each school as shown in Appendix A of the School Concurrency report, entitled Concurrency Service Area Table.~~

~~Sufficient capacity exists in the concurrency service area (CSA) in which the proposed development is located or an immediately adjacent CSA.~~

~~**POLICY 4.3-c**~~

~~The School District of Palm Beach County Six-Year Capital Improvement Schedule (Table VIII-2) is adopted as a supplement to the Town of Palm Beach Capital Improvement Element.~~

OBJECTIVE 5

Since there is little potential for growth in the Town, impact fees are presently considered to be unnecessary and an inefficient method of distributing the costs of new capital facilities in the Town. The Town will continue to levy ad valorem taxes and user fees as the primary methods

for distributing the burden of the cost of capital facilities for both existing and future development.

POLICY 5.1

Within six months of a project being denied a development order or permit under Objective 4 of this Element, the Town may elect to ~~shall~~ undertake and conclude an investigation into the legal and practical implications of the Town's assessing, to private interests, a pro rata share of the costs necessary to fund the facility expansion necessary to grant a development order or permit and adequately maintain the Town's adopted level of service standard(s).

OBJECTIVE 6

The Town shall include in its Schedule of Capital Improvements (SCI) all capital improvements needed within the five-year period covered by its CIP, including replacement of sanitary sewer infrastructure recognized as obsolete or worn-out and improvements needed to eliminate recognized deficiencies in its drainage system, as identified in the Comprehensive Plan,

POLICY 6.1

The Town's annual revision of its Schedule of Capital Improvements (SCI) shall include a finding that the funds available for capital expenditure will be adequate for capital items identified as necessary in the Comprehensive Plan and included in the Schedule of Capital Improvements (SCI).

~~**POLICY 6.2**~~

~~The Town will provide funding for an Alternative Water Source Study and an update of the Public Works Master Plan, Drainage Chapter, in advance of stipulated study deadlines, upon completion of the project proposal cost estimate process.~~

OBJECTIVE 7

The Town shall continue to ~~consider~~ bury~~ing~~ its overhead utility systems in a financially feasible manner to improve aesthetics, reliability and safety throughout the Town and to require future development to place utility lines underground.

POLICY 7.1

As approved by Town voters on March 15, 2016 ~~recommended by the Strategic Planning Board in April 2003~~, the Town shall continue to develop and implement a Master Plan ~~consider a plan~~ to place utilities underground. ~~, as follows:~~

~~7.1a. Oversee an evaluation of the technological and economic feasibility of installing utility lines underground to provide information to decide on the desirability of proceeding on a long-term project. The study should include alternate methods of financing.~~

~~7.1b. Investigate opportunities for limited, prioritized, high-visibility demonstration projects, including finance mechanisms and public-private cost sharing.~~

~~7.1c. Investigate the feasibility of a program to place utilities underground following a natural disaster.~~

~~POLICY 7.2~~

~~By December 2008, the Town Council shall make policy decisions relative to Objective 7, estimated capital costs, financing alternatives including the use of special non-ad valorem assessments, use of eminent domain and coordination with other infrastructure improvements simultaneous with the underground utilities projects.~~

~~OPTIONAL~~ HISTORIC PRESERVATION ELEMENT

INTRODUCTION

PURPOSE

The Town of Palm Beach Historic Preservation Element formally states Town policy with regard to the protection of its historic and archaeological resources. This element is optional ~~under Rule 9J-5~~ per Chapter 163.3177, F.S. but serves as a tool for coordinating the actions and policies of the Town of Palm Beach. Florida's 1975 Local Government Comprehensive Planning Act laid the foundation for local preservation planning in the State. The Act lists required elements for inclusion in the general plan, but also includes "historic preservation and scenic" as one of the options. The 1985 Local Government Comprehensive Planning and Land Development Regulation Act, which amended a portion of the 1975 legislation, requires coastal communities to address the preservation of historic and archeological resources. Although communities can fulfill the requirement by addressing the issue of preservation in the Land Use, Housing and Coastal Management elements, the Town of Palm Beach has decided that a separate element would best serve the community.

Increasingly in South Florida, historic and cultural resources are threatened by destruction due to rapid growth in population and ensuing development. These resources are links to the past, they make communities unique, giving them a "sense of place," and provide a source of pride. More importantly, historic resources allow for the education of present and future generations of their place and time in the continuum of the human experience and societal development. The purpose of historic preservation is not to halt growth or change, because it is recognized that both are needed to keep a community alive. The purpose of historic preservation is to integrate the past with the present and the future.

SUMMARY OF LANDMARKS PRESERVATION ORDINANCE

The Town of Palm Beach Landmarks Preservation Ordinance (Supporting Document I) was adopted in 1979, and was amended to its present reading in 1984. The purpose of creating a Landmarks Preservation Commission was to protect historic resources with intrinsic aesthetic, or architectural character, and to better facilitate the upkeep and maintenance of those structures so designated. The ordinance lists these as its goals:

1) Safeguard and enhance that which reflects the Town's history and heritage
2) Stabilize and improve property values
3) Foster civic pride in the notable accomplishments of the Town's past
4) Protect the Town's attraction to residents and visitors.
5) Strengthen the economy of the Town
6) Promote the education, pleasure and welfare of residents and visitors

The Commission consists of seven members and three alternates, all of whom have a special knowledge of, and interest in landmarks preservation. All Commissioners are required to be residents of the Town except one non-resident "expert", and all serve three year terms in this appointed office. A member cannot serve more than two consecutive three year terms.

The Landmarks Preservation Commission can only gain jurisdiction over a property after an extensive research process proves the structure is eligible for the distinction, by meeting at least one of the four criteria for designation. Once approved by the Commission, and sustained by the Town Council, the jurisdiction to oversee improvements, additions, and modification to the designated property is transferred from the Architectural Commission to the Landmarks Preservation Commission. When transferred from one commission to the other, there is no change regarding the Town's Zoning Code.

The Landmarks Preservation Commission reviews proposed changes to buildings, landscaping, garden walls, pools, fountains, driveways, signs, etc. in response to a property owner's request for a Certificate of Appropriateness. The Commission holds no jurisdiction over the interior building spaces of any property, but does review changes and modifications to courtyards.

The process is very similar to that of the Architectural Commission. Once the Landmarks Commission approves the proposed additions or alterations to a landmarked structure, the Certificate of Appropriateness is granted. Work may proceed after standard building permits have been applied for, and issued by the Building Department. For archaeological landmarks, the earth, rock, or subsoil cannot be moved or excavated without an approved Certificate of Appropriateness.

Minor changes to landmarked properties such as replacing door hardware, shutters, re-painting a structure in color to match existing or re-roof with same material, etc., which have a total estimated value of $2,000 or less, can be approved as, "minor exterior changes," at the discretion of the Planning Administrator ~~Landmarks Project Coordinator, with concurrence from the Chairman~~. Usually, no Certificate of Appropriateness would need to be filed for these approved minor changes.

GOALS, OBJECTIVES AND POLICIES

Beginning in 1927, structures designed, built or modified in Palm Beach have been regulated by an advisory body of the Town of Palm Beach. The original body was called the Art Jury, and members such as Addison Mizner, Maurice Fatio, and Charles Perrochet assisted in a sort of design critique to help ensure the beauty and visual harmony that made Palm Beach a unique resort area. Today, the Art Jury survives as two similar, but distinct, bodies: The Landmarks Preservation Commission and the Architectural Commission.

Generally speaking, the Architectural Commission is the old Art Jury, regulating the overall design, proportion, and concerns of contemporary design, as well as signage. The Landmarks Preservation Commission was created to serve in essentially the same capacity, but focuses on the needs and concerns of historic architecture, to protect the historic resources of the Town of Palm Beach.

GOAL

The goal of the Landmarks Preservation Ordinance is to protect the visual appearance of the Town of Palm Beach through the perpetuation of properties of special, notable, aesthetic, architectural, and/or historical significance. It is NOT the intention of the Ordinance to annex private property, to make private property open for public inspection, or to prevent owners from the right to expand, modify, or update the architectural and/or mechanical services of their property.

Legislation rewards owners of landmarked property with tax incentives, credits, and reductions as a reward for preserving a piece of the nation's heritage. Further, Federal and State programs offer financial and technical assistance to the owners of locally landmarked properties. In most places, owners of landmarked structures receive a greater return when selling their property.

In exchange for these rewards and incentives, the Landmarks Preservation Ordinance was written in such a way that before the owner(s) of a landmarked property may demolish or destroy an historic resource in the Town, he/she must show just cause to both the Landmarks Preservation Commission and to the Palm Beach Town Council.

The landmarking process ensures that only those properties of true architectural or historic significance are awarded the distinction, protection, and benefits allowed to the Town's designated landmarks.

OBJECTIVE 1: EVALUATION OF POTENTIAL STRUCTURAL SITES

When the Landmarks Preservation Ordinance was first enacted in 1979, a survey of all Palm Beach architecture fifty or more years old was completed, determining which structures were eligible for consideration as landmarks of the Town of Palm Beach. This effort concentrated on the oldest area of Town, from the Coral Cut to Sloan's Curve (Map: Supporting Document II).

The structures were evaluated and rated A to D, based primarily on their architectural merit. "A" structures were those properties that were eligible for consideration on both the local and the national level; "B" structures were equally eligible for consideration as local landmarks, but held little or no national merit; "C" structures were either smaller structures eligible for local consideration, or marginal large properties; and "D" structures were deemed not eligible for consideration at this time.

By 1988, the old survey became outdated. Since 1979, a considerable number of local buildings had crossed the fifty year threshold used for National Register eligibility, and as local architectural

scholarship improved, errors in the validity of some statements in the 1979 survey were discovered. A new survey was commissioned with three goals in mind: to add ten years of eligible structures to those already eligible for consideration; to correct the errors made in the 1979 survey; and to include the entire Town of Palm Beach, from the Palm Beach Inlet to the South Palm Beach line. The 1988 survey was simplified to read either "eligible" or "not eligible" for local designation, and the letter grading system was abandoned.

In 1996 and 2004 the Town received grants from the Florida Department of State, Division of Historical Resources to update the survey ~~again~~. The survey was done again in 2010. ~~That survey is on-going as this Historic Preservation Element is being prepared.~~ Currently 1,162 ~~1129~~ sites have been surveyed and included on the Florida Site File. The Town has designated 320 ~~253~~ landmarks as of May 2017.

OBJECTIVE 2: EVALUATION OF POTENTIAL ARCHAEOLOGICAL RESOURCES

The Town of Palm Beach is situated on a narrow barrier island. The island is bordered on the west by Lake Worth and on the east by the Atlantic Ocean. The north end of the island is terminated by a man made channel, the Lake Worth Inlet. There is no record of a natural inlet connecting the Atlantic Ocean with Lake Worth. Evidence that Lake Worth has been a freshwater lake for at least the last two thousand years has some support from archaeological evidence and historical documentation.

The western side of the island is an oolitic limestone ridge which runs from the Everglades Links Golf Club to the northern tip of the island. The ridge ranges in elevation from sea level to its highest point of thirty feet above mean sea level at the Palm Beach Country Club Golf Course.

The eastern side of the island fronts the ocean with a sea beach. Behind or to the west of this is a primary dune. At some points there are secondary sandy knolls or dunes behind the primary dune.

Perhaps the most significant natural feature in Palm Beach was located between the primary dune to the east and the oolitic limestone ridge on the west. Through this area a freshwater slough once existed that extended north to south. The slough extended from the Everglades Links Golf Course and extended north to the northwest tip of the island, opening into Lake Worth and not the ocean. This slough undoubtedly was fresh water or possibly brackish. Along the borders of this slough was tropical hammock. Trees included gumbo limbo, wild fig, and cabbage palm.

The soil in the slough has a surface of black muck soil which ranges in depth from as little as 15 cm to as much as 40 cm. Under this is a light tan fine-grained sand. Post hole tests excavated by the consultant along the edge of the slough indicated that under this light tan sand is sand that is the same as the sand which makes up the primary dune features. Local construction workers indicated that the depth of the sand in this slough is as much as 21 feet. This sediment horizon is only a short distance east from where the oolitic limestone rises to its highest point of thirty feet above the sea level. Whatever oolitic substrate exists here does not rise much above sea level and is not visible on the

surface even where construction has cut deeply into the dune and its surroundings.

At about the turn of the century this slough was filled in for development. When the consultant observed soil profiles in trenches in Sea Spray Street where water lines were being replaced, it was observed that the fill there is about 40 to 50 cm in thickness, under which lies the original black muck surface. Here the muck was about 40 cm thick with the usual light tan sandy substrate below.

South of the Everglades Links Golf Course the island consists only of the sea beach and dune feature, the western oolitic ridge stopping north of this point. Also, the island is much narrower here. The area between the end of the oolitic rise and the beginning of the narrow southern extension of the island was filled in, artificially expanding the island by filling the wetlands and shallows adjacent to Lake Worth.

Changes which have impacted Palm Beach's natural features have included storm erosion to the primary dune, (as much as 30 feet in recent years according to one life guard who said he had worked on the beach for the last 15 years); construction of condos, etc., directly on the primary dune; the filling of the slough; clearing of the top of the oolitic ridge for the construction of buildings, and all the other disturbances associated with the development of the Town, such as roads, utilities, etc. Very little of Palm Beach has escaped being altered by development.

The eleven known sites that lie within the town limits were visited and evaluated during a survey supported by the Florida Department of State, Division of Historical Resources in 1994. Five of these sites were found to be in association with the primary dune features along the Atlantic side of the island. Of these five sites, three were human burials (two without any recorded evidence of associated habitation and one had a combination of settlement and cemetery components). One of the burials, seems to have been non-native. Of the two remaining dune sites, one was an isolated archaeological feature, specially a cache of celts, with no other materials located. However, it is worth noting that similar celt caches have been associated with human burials. The other site, the Lake Worth Casino midden, could not be located during this survey and may actually have been a component of the nearby Patrician site.

The other six sites were located in association with the fresh water slough that ran north to south through the town. These sites included middens (habitation sites) and burial mounds and were located along the edge or on the shore of the slough. The midden material is confined to the hammock type of soil, which extends about twenty yards east from the road. (Supporting Document: *Preservation Plan*, Town of Plan Beach Landmarks Commission, 1995).

POLICY FOR THE ESTABLISHMENT OF SELECTION PRIORITIES

With over 1,162 ~~1129~~ structures considered eligible for consideration as local landmarks, the Landmarks Preservation Commission has ~~should~~ established priorities to better facilitate the landmarking process. These structures (together with limited historic information) are derived from the Florida Master Site Files periodically prepared for the Town by a historic preservation consultant.

~~The Landmarks Commission Staff, in conjunction with an architectural history consultant should revisit each of the structures eligible for consideration every five years, and cross reference the~~ sSite information is crossed referenced with historical records housed in the Town of Palm Beach Department of Planning, Zoning and Building Records Office, and in the Historical Society of Palm Beach County and the Preservation Foundation of Palm Beach.. The research should result in a more condensed, focused list of structures~~,~~ eligible for local designation under at least ~~two~~ one of the Landmarks Preservation Ordinance's criteria. The sites on the resulting list ~~should be categorized as either structures of primary significance, or as structures of secondary significance, and the list of primary sites~~ should be distributed to the Landmarks Commissioners.

Each commissioner should ~~must~~ independently visit every structure on the ~~primary~~ resulting list of targeted properties for discussion at~~, and nominate three structures of paramount priority and one alternate structure, in descending order. The priority list of properties will be established through this system~~ a public meeting. At said meeting, the Commission should actively discuss the properties listed during a presentation provided by the historic preservation consultant, and select properties to be placed under consideration for landmarking during the upcoming designation season. The Commission can conduct this process at multiple meetings if necessary.

~~The Landmarks Preservation Commission should then vote by motion to accept or deny this list, establishing a current priority list of properties, requesting that these sites be studied, and that reports be written.~~

If at any time, a property owner feels that his/her property is eligible for designation as a local landmark, a request can be made to any Landmarks Preservation Commissioner to place ~~nominate~~ the structure ~~to the list~~ under consideration. Likewise, individual Commissioners can propose to place any structure under consideration, which will then become a matter to be decided by the full Commission.

The list of those properties put under consideration should be turned over to the ~~an independent architectural history~~ historic preservation consultant who~~, with~~ will research, evaluate and prepare a Designation Report for each property ~~as prioritized by the Landmarks Commissioners~~. ~~Tech~~ Designation Reports should contain architectural and historical information on the structure, explanation of how each ~~criteria~~ criterion for designation is met, and a recommendation to consider or not consider the structure as a landmark of the Town of Palm Beach.

A public hearing should be announced and held to consider these properties individually in a public

forum, allowing the property owners, their representatives, and members of the community to express their opinion relative to the recommendations of the consultant and staff as put forth in the Designation Report(s).

After reviewing the information and recommendation of the consultant and the staff in the public forum, the Landmarks Commissioners should then vote to accept or deny the recommendation. If the Commissioners' vote favors accepting the structure as a landmark of the Town of Palm Beach, their decision will be sent to the Town Council for its final ratification.

The property owner, his/her representative, or a member of the community may appeal at either level.

This policy should be periodically revisited, and adjusted as necessary ~~new structures should be evaluated for their consideration, every two years~~. A new survey should be undertaken every ten years to correct the historical errors of the earlier efforts, and to add those structures that cross the National Register threshold of 50 or more years old.

POLICY FOR ARCHAEOLOGICAL MANAGEMENT PLAN

This Phase I Archaeological assessment indicated a total of eleven known archaeological sites within the town of Palm Beach. These sites are in various states of preservation and access, varying from sites heavily damaged, destroyed by development or obscured by fill, to sites with visible surface features and a high preservation quality.

The Town of Palm Beach's best tool for managing these archaeological resources is to use an archaeological zone overlay for each known archaeological site or potential site. An archaeological zone is an area of known archaeological sites locations with a high potential of having archaeological sites, archaeological features or artifacts.

All proposed development, clearing, or subsurface alterations within a zone (including such sub-surface activities as utility trenching, tree removal, construction activities) should be subject to the Archaeological Ordinance of the Town's Code of Ordinances that requires an archaeological assessment for known archaeological sites and/ or potential archaeological sites. The assessment (Phase 1 or reconnaissance level) will result in a report presented to the Planning, Zoning & Building Department prior to the issuance of any permits for demolition (below ground), excavations, tree removal, or other ground disturbing activities. Based on the assessment report, a determination will be made by the Planning, Zoning & Building Director, or the Director's designee, as to whether monitoring and/ or additional testing (Phase II) needs to be done.

In some cases a Phase II assessment may be required based on a site's potential or known significance. A Phase III assessment will be required only if something highly significant is found, such as human remains. If human remains are uncovered, they are subject to Florida' s Unmarked Human Graves Act, and should be avoided if possible. If that is not feasible, then they should be reinterred in a secure

part of the property under the coordination of the consultant archaeologist and tribal representative. ~~of a Certificate to Dig that would be issued by the Town of Palm Beach. To receive a Certificate to Dig the property owner, his agent, or whoever the applicant might be, will need to complete an application for a Certificate to Dig. The application, after being reviewed and approved, becomes the Certificate to Dig document when issued.~~

~~All Certificate to Dig applications would include an archaeological survey report completed by a professional archaeologist. This survey report should meet the criteria of the State of Florida's Division of Historic Resources guidelines for Phase I archaeological reconnaissance or Phase I surveys. The archaeological work should encompass, in minimum, the project work area. When the archaeological survey is submitted with the application for a Certificate to Dig, the Town of Palm Beach should submit the archaeological survey report to the Palm Beach archaeologist, who is presumed to be a consultant who will determine the survey report's sufficiency and provide recommendations and conditions for acceptance (or rejection) of the Certificate to Dig.~~

~~The Palm Beach agency reviewing the application should be a designated planner working in concert with the Planning, Zoning and Building Department.~~

~~When an applicant conducts an archaeological survey of a project area, any proposed work in the same project area can use the same archaeological survey report for all applications of Certificate to Dig. There is no need to conduct a second archaeological survey if the application is within the same project area as covered by the initial Certificate to Dig.~~

~~A Certificate to Dig application should be processed within 30 days after receipt by the reviewing agency. There is the option to require a permit fee for application (Dade County does not charge an application fee), but since the Certificate to Dig will be required so infrequently (relative to other types of permits) it may not be worthwhile to collect permit fees. On the other hand the permit fees could be used to pay the cost of the Palm Beach consultant archaeologist who reviews the archaeological survey report.~~

~~The Town of Palm Beach consultant archaeologist will need to meet the professional requirements of either the Florida Archaeological Council or the Society of Professional Archaeologists.~~

~~The role of the Palm Beach archaeologist will be to review each Certificate to Dig application in regard to the completeness and sufficiency of the accompanying archaeological report. The Palm Beach archaeologist will also provide recommendations to accept or reject the issuance of the Certificate to Dig. Further, the archaeologist will be charged with providing the conditions for approval of a Certificate to Dig (or that no conditions are required for the issuance of the Certificate to Dig).~~

~~Conditions for the issuance of a Certificate to Dig are generally one or more of the following options.~~

~~**1. Avoidance**~~

~~If the archaeological survey report or the findings of the Palm Beach archaeologist indicate that a significant archaeological site or feature is located within the proposed project area, then avoidance of impacts may be recommended. Avoidance may mean redesigning the construction plan so that areas of sensitivity are not impacted. It could also mean adding fill to the area of sensitivity so that archaeological features are not impacted because subsurface impacts are limited to areas within the fill zone only.~~

~~2. **Archaeological Salvage**~~

~~If the archaeological survey report or the findings of the Palm Beach archaeologist indicates that a significant archaeological site or feature is located within the proposed project area, and avoidance is not feasible, an archaeological excavation must be undertaken to excavate, document and remove the archaeological remains. This excavation must include the requirement of analysis of recovered data and provide a final written report to the Town of Palm Beach archaeologist. (The final report need not be filed prior to commencement of the construction project).~~

~~At this point, it is also worth noting that if the applicant proposes to conduct an archaeological excavation of a site or feature within an archaeological zone, the same requirement for applying for a Certificate to Dig with an accompanying archaeological survey report would apply.~~

~~3. **Archaeological Monitoring**~~

~~If the Town of Palm Beach determines that archaeological salvage is not necessary, but nonetheless, there is still a possibility of isolated artifacts or archaeological features being encountered during clearing or construction work, then archaeological monitoring could be required. This means on-site monitoring by an archaeologist who collects and records any significant data and artifacts uncovered during development activities. Monitoring means working very closely with the contractor and applicant to allow for field monitoring with a minimum of obstructions for construction schedules and operations. Such monitoring has been very effective in Dade and Broward Counties - with no net loss of construction time.~~

In the event that human remains are encountered during archaeological monitoring then the guidelines of State Statue 872.05, which provides for human remains, will need to apply.

Known or Potential Archaeological Areas ~~Proposed Archaeological Zones~~

Many ~~A total of eleven~~ archaeological sites are recorded within the Town of Palm Beach, all of which are shown on the Town's Archaeological Sites Map. New areas can be added if additional sites are discovered during development, by accidental discovery or as a result of archaeological investigations ~~can be managed and reviewed by the use of eight archaeological zones encompassing them~~. Although many of these sites are now obscured or even severely damaged by development, some less altered

components may remain intact. The survival of significant site features in an urban context is well documented in south Florida in downtown Miami and Ft. Lauderdale where many sites had been covered by fill. Palm Beach has had a similar developmental history where fill was commonly used. ~~If a comprehensive survey of an archaeological zone is conducted by a professional archaeologist and no archaeological remains are encountered nor are any anticipated, and the Palm Beach archaeologist concurs, then the Palm Beach archaeologist can recommend the removal of the archaeological zone status for the property. New zones can be added if additional sites are discovered during development, by accidental discovery or as a result of archaeological investigations.~~

When an archaeological site or feature is discovered during development in an area outside of a known or potential ~~recorded~~ archaeological area ~~zone~~, then the Town of Palm Beach ~~archaeologist~~ should be notified, and an archaeologist ~~who~~ should quickly inspect the discovery to determine its significance. ~~Accidental discovery of significant archaeological remains by construction outside of an archaeological zone is the least desirable scenario (since it has the potential of delaying work at the point of discovery-although not necessarily at other parts of the development project). An alternative option is to create larger archaeological zones using the predictive site model for areas of archaeological sensitivity in this report. A map of the two major areas of archaeological sensitivity is presented in Figure 3. These areas reflect the high priority fresh water slough and oolitic ridge-both areas having a high association with prehistoric and historic settlements.~~ However, even with the Town's Archaeological Sites Map ~~more expansive zones encompassing the high priority areas~~, it is possible for archaeological discoveries to be made in many parts of Palm Beach since the town is located in a narrow barrier island with close proximity to water and other resources that were ideal for prehistoric and historic occupation. See the Town's Archaeological Ordinance within the Town Code of Ordinances for further information.

POLICY FOR THE ESTABLISHMENT OF EDUCATIONAL PROGRAMS

~~A biennial newsletter should be established to keep the owners of landmarked sites appraised of the latest information on historic preservation legislation, the availability of grant assistance, and tax incentives.~~

~~The newsletter should be written by the Landmarks Commission Staff under the direction of a subcommittee of Commission Members. The newsletter would also offer helpful hints on upkeeping and maintaining an historic residence, product information, and list a calendar of Town meetings and events.~~

~~The greatest benefit of a newsletter would be in its ability to defray the fears and misconceptions surrounding the regulations of the Landmarks Preservation Ordinance.~~

~~An annual "Preservation Celebration" should be held in conjunction with the National Trust for Historic Preservation's, "National Preservation Week." This yearly event should be held in alternating historic sites, and could be informative, educational, entertaining, or social in nature. The net result,~~

~~increased awareness and publicity of the historic preservation programs, is the ultimate goal.~~

~~The National Trust offers "Preservation Week Packets" to its members, offering interesting topics and fun activities pertaining to the annual theme.~~

Encourage an ~~An~~ Historic Marker Program ~~should be considered~~ to better educate the public on areas of "living history" throughout the Town of Palm Beach. Such a program could be locally funded, or work within an already established state or national framework. Such a program could be the result of the efforts of inters as specified in "section 8.0: Policy for the Establishment of Historical Research."

POLICY FOR THE ESTABLISHMENT OF HISTORICAL RESEARCH

Historical research of an ongoing nature should be continually supported by the Landmarks Preservation Commission. Aside from the influx of new research generated by the continued Designation Report process, a program should be established to enhance the existing historical files with greater depth and clarity.

An ongoing internship program should be enacted to give undergraduate and graduate students of architecture and historic preservation the opportunity to gain practical experience in their field. This program should be limited to three summer months.

POLICY FOR THE ESTABLISH OF MAINTENANCE PLAN

A maintenance plan should be enacted to protect the historic resources of the Town of Palm Beach, and help evaluate the structural integrity of landmarked architecture.

This maintenance element should encompass three basic areas: structural evaluation; code enforcement; and "demolition by neglect."

In cases where the structural integrity of a landmark or a potential landmark may be in question, a Historic Structures Report should be completed by the collaborative effort of the Town Building Official and an independent architectural history specialist.

The report should detail the conditions of the building inside and out, from the basement through the roofing members, wherever possible. No exploratory demolition or any other process that disrupts the property or the rights of the property owner should be undertaken.

The completed report, detailing the condition of floors, ceilings, wall materials, windows, doors, roofs and roofing members, exterior spaces and ornamentation should be prepared and submitted to the Landmarks Preservation Commission Staff for evaluation. The Staff will relay the conditions outlined

in the Historic Structures Report to the Commission in a public forum, and the Commission will vote on how this report will affect the status of the landmark or the potential landmark.

The Code Enforcement Officers of the Town of Palm Beach should be educated in the landmark process, and integrated into the Landmark Preservation Commission system for the purpose of monitoring the conditions at landmarked sites.

The Code Enforcement Officers should monitor the conditions at landmarked sites during their regular inspections, and report any violations or potential violations directly to the Landmarks Commission Staff immediately. If a serious problem is detected, the Landmarks Commission Staff would then add the violation to the next month's Landmarks Preservation Commission agenda for inclusion under the heading "Other Business." The Code Enforcement Officer will appear to directly relay his/her evaluation of the violation and recommendation, and the Landmarks Preservation Commission will vote to sustain or deny the recommendation.

If by the determination of an Historic Structures Report, or by the observations of a Code Enforcement Officer and the Building Official, a landmarked property is considered structurally deficient by the Landmarks Preservation Commission, the Commission may vote to enact Section 54-3 in Chapter 54 (Historic Preservation) of the Town's Code of Ordinances. ~~16-44 of the Landmarks Ordinance, "Demolition by Neglect."~~

If enacted, this section allows the Commission to notify the owner that his/her building has become structurally deficient due to neglect, and that he/she has 30 days to commence any work that would rectify the situation. If the property owner fails to comply with the request, and the Commission believes that the structure is being allowed to deteriorate intentionally, the Commission will inform the Town Council of the violation of Ordinance #2-84. The Town Council may choose to repair the structure at its own expense, and lawfully place a lien against the property for the cost of the repairs expended.

GOALS, OBJECTIVES AND POLICIES

GOAL

PRESERVE, PROTECT AND ENHANCE THE HISTORIC AND PREHISTORIC RESOURCES OF THE TOWN. THE TOWN SHALL PROTECT THE VISUAL APPEARANCE OF PALM BEACH THROUGH THE PERPETUATION OF PROPERTIES OF SPECIAL NOTABLE AESTHETIC, ARCHITECTURAL AND HISTORICAL SIGNIFICANCE.

OBJECTIVE 1

The Town shall protect and preserve its prehistoric and historic resources. The measurement of this objective shall be the extent to which such resources are protected, and the degree to which the following policies are implemented.

POLICY 1.1

The Town shall continue to update the list of historic structures.

POLICY 1.2

Continue to designate structures, sites, and districts considered worthy of Landmarking in accordance with Chapter 16, Article III of the Town's Code of Ordinances.

POLICY 1.3

Prevent destruction of Historic Landmark Structures through provisions in Chapter 16, Article III of the Town's Code of Ordinances.

POLICY 1.4

The Town shall continue to follow and enforce the Archaeological Ordinance within the Town's Code of Ordinances in preserving and protecting ~~its procedure, review process, and documentation requirements to implement a Certificate of Dig for all~~ archaeologically sensitive sites.

POLICY 1.5

The Town shall continue to encourage a ~~follow its established procedures for its ongoing Preservation Celebration and~~ Historic Marker Program and other such educational programs.

~~**POLICY 1.6**~~

~~By December 2008, Town shall adopt an archaeological preservation ordinance to protect pre-historic resources or sites of archaeological significance with specific guidelines regulating construction activities. Concurrently, community awareness shall also be advanced to educate the public about the advantages of having an archaeological preservation ordinance.~~



TOWN OF PALM BEACH ARCHAEOLOGICAL SITES
Planning, Zoning & Building Department

ARCHAEOLOGICAL SITES

Feet
0 1,000 2,000

Map Created: July 28, 2017
Town of Palm Beach
Information Technologies GIS Department
Planning, Zoning & Building Department
(561)838-5430
Email: pzb@townofpalmbeach.com
Website: palmbeach.govoffice.com

N W E S

408



TOWN OF PALM BEACH ARCHAEOLOGICAL SITES
Planning, Zoning & Building Department

ARCHAEOLOGICAL SITES

Feet
0 1,000 2,000

Map Created: July 28, 2017
Town of Palm Beach
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PUBLIC SAFETY ELEMENT

GOALS, OBJECTIVES AND POLICIES

GOAL

Promote the health, safety, and security of the City's residents and visitors, including in times of disasters and other emergencies.

OBJECTIVE 1
The Town of Palm Beach shall continue to maintain and enhance a high level of safety and security for residents and visitors of the Town.

POLICY 1.1

Provide a coordinated and proactive public safety program through the Public Safety Director.

POLICY 1.2

Maintain a well-trained and adequately-staffed police department dedicated to law enforcement activities within the Town.

POLICY 1.3

Continue to ensure that excellent professionally maintained fire rescue services are provided within the Town.

OBJECTIVE 2
The Town will continue to implement innovative and state of the art law enforcement techniques and technologies to ensure the health, safety and welfare of residents, businesses and visitors.

POLICY 2.1

Incorporate "Crime Prevention Through Environmental Design" (CPTED) concepts and techniques to the maximum extent feasible during site planning for new development and redevelopment.

POLICY 2.2

The Police Department shall continue high profile enforcement of all vehicular and non-vehicular traffic laws.

OBJECTIVE 3

The Town shall seek to reduce the exposure of life and property to hurricanes and other disasters through the planning and implementation of emergency preparedness, response and recovery plans.

POLICY 3.1

The Town's Comprehensive Emergency Management Plan (CEMP), which includes the Storm Emergency Response Plan (SERP) and Continuity of Operations Plan (COOP) be reviewed and updated as needed.

POLICY 3.2

Due to the Town's location within the Coastal High Hazard Area and general vulnerability to hurricane events, the Town shall ensure that future development or redevelopment maintains or reduces hurricane evacuation times through land use controls.

POLICY 3.3

Coordinate with adjacent municipalities, Palm Beach County, the Florida Department of Transportation and other responsible agencies, to ensure that the regional transportation network provides for the safe and timely evacuation of residents in a hurricane or other emergency event is not degraded as a result of Transportation Concurrency Exemption Areas (TCEA).

~~PUBLIC SCHOOL FACILITIES ELEMENT~~

~~INTRODUCTION~~

~~The 1998 Florida Legislature enacted legislation amending F.S.163.3180, establishing requirements for the optional implementation of public school concurrency. The Public School Facilities Element (PSFE) provides coordinated planning among the County, local governments, and the School District to ensure that school capacity at the adopted level of service standard is available at the time of impact of residential development. This Element has been prepared to meet these requirements consistent with F.S. 163.3177(12).~~

~~Based on the requirements of Rule 9J-5.025, F.A.C., the PSFE addresses related land development issues which impact education including levels of service for schools, school utilization, residential neighborhood proximity and compatibility, supporting public infrastructure and collocation of facilities, and financial feasibility. To implement school concurrency countywide, consistent Public School Facilities Elements are required to be adopted by each affected local government.~~

~~EXECUTIVE SUMMARY~~

~~The Public School Facilities Element for school concurrency establishes a process intended to ensure that the capacity of schools is sufficient to support residential development at the adopted level of service standard for schools, as set by the school district in conjunction with the participating local governments.~~

~~As a basis for school concurrency, the PSFE contains Goals, Objectives and Policies to ensure that space is planned for students and existing deficiencies are corrected, as well as ensure that financially feasible capital improvements are planned adequate to achieve and maintain the adopted LOS. The Element directs public schools siting to be coordinated with public facilities and infrastructure through a coordinated review of development proposals.~~

~~The PSFE, is intended to address the criteria for establishing school concurrency set forth in Rule 9J-5.025, F.A.C. These requirements include:~~

1. ~~Providing adequate school capacity through a graduated (tiered) Level of Service for each type of public school, which includes elementary, middle, and high schools, until such time as a standard LOS of 110% is achieved and maintained;~~

2. ~~Establishing school Concurrency Service Areas (CSA) and/or ensuring adequate capacity in adjoining CSAs;~~

3. ~~Assuring school facility requirements are met through a financially feasible 5-Year Work Plan;~~

4. ~~Establishing mitigation measures for development proposals in order to ensure the adopted Level of Service is maintained;~~

5. ~~Providing intergovernmental coordination for siting schools to serve as focal points of residential development; the collocation of schools with other public facilities; and planning population projections;~~

6. ~~Coordinating emergency preparedness issues;~~

7. ~~Establishing future conditions of maps depicting existing school sites, areas of anticipated future school sites, ancillary facilities and Concurrency Service Areas (CSAs); and~~

8. ~~Providing definitions of public school terms.~~

~~Additionally, to establish school concurrency, the Capital Improvements Element (CIE) sets forth a financially feasible public schools capital facilities program, which will ensure that the adopted levels of service will be achieved and maintained.~~

~~The Public School Facilities Element was developed in conjunction with the staff of the School District, representatives of the League of Cities and of Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC), and the Treasure Coast Regional Planning Council.~~

~~DEFINITIONS~~

~~ANCILLARY PLANT - Facilities to support the educational program, such as warehouses, vehicle maintenance, garages, and administrative buildings.~~

~~CORE FACILITY - Those facilities which include the media center, cafeteria, toilet facilities, and circulation space of an educational plant.~~

~~DISTRICT SCHOOLS - All District owned regular, elementary, middle, high schools, magnet and special educational facilities.~~

~~EDUCATIONAL PLANT SURVEY - A study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student.~~

~~FLORIDA INVENTORY OF SCHOOL HOUSES (FISH) - The report of permanent school capacity. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program according to s. 235.15, Florida Statutes. In Palm Beach County, permanent capacity does not include the use of relocatable classrooms (portables).~~

~~PUBLIC SCHOOL CONCURRENCY SERVICE AREA OR "CONCURRENCY SERVICE AREA" - The specific geographic area adopted by local governments, within a school district, in which school concurrency is applied and determined when concurrency is applied on a less than district-wide basis.~~

GOALS, OBJECTIVES AND POLICIES

GOAL 1: PUBLIC SCHOOL CONCURRENCY

It is a goal of the Town of Palm Beach to provide for future availability of public school facilities consistent with the adopted level of service standard. This goal shall be accomplished recognizing the constitutional obligation of the school district to provide a uniform system of free public schools on a countywide basis.

OBJECTIVE 1.1 Level Of Service

To ensure that the capacity of schools is sufficient to support student growth at the adopted level of service standard for each year of the five-year planning period and through the long term planning period.

Policy 1.1-a: The LOS standard is the school's utilization which is defined as the school's enrollment as a percentage of the school's student capacity based upon the Florida Inventory of School Houses (FISH). The level of service (LOS) standard shall be established for all schools of each type within the School District as 110 percent utilization, measured as the average for all schools of each type within each Concurrency Service Area. No individual school shall be allowed to operate in excess of 110% utilization, unless the school is the subject of a School Capacity Study (SCS) undertaken by the School District, working with the Technical Advisory Group (TAG) which determines that the school can operate in excess of 110% utilization. The SCS shall be required if a school in the first student count of the second semester reaches 108 % or higher capacity. As a result of an SCS, an individual school may operate at up to 120% utilization.

Policy 1.1-b: If, as a result of a School Capacity Study (SCS), a determination is made that a school will exceed 120% utilization or cannot operate in excess of 110% utilization, then the School District shall correct the failure of that school to be operating within the adopted LOS through 1) program adjustments, 2) attendance boundary adjustments or 3) modifications to the Capital Facilities Program to add additional capacity. If, as a result of the SCS a determination is made that the school will exceed 110% and can operate within adopted guidelines, the identified school may operate at up to 120% utilization. If as a result of one or more School Capacity Studies that demonstrate that the schools of a particular type can operate at a higher standard than the 110% utilization standard of the CSA, the Comprehensive Plan will be amended to reflect the new LOS for that school type in that CSA.

Policy 1.1-c: The School Capacity Study (SCS) shall determine if the growth rate within an area, causing the enrollment to exceed 110 percent of capacity, is temporary or reflects an ongoing trend affecting the LOS for the 5 year planning period. The study shall include data which shows the extent of the exceedance attributable to both existing and new development. Notification shall be provided to the local government within whose jurisdiction the study takes place. At a minimum, the study shall consider:

1. Demographics in the school's Concurrency Service Area (CSA);
2. Student population trends;
3. Real estate trends (e.g. development and redevelopment);
4. Teacher/student ratios; and
5. Core facility capacity;

Policy 1.1- d: The adopted LOS standard shall become applicable to the entire County at the beginning of the 2004-05 school year, by which time the School District shall have achieved the countywide adopted level of service for all schools of each school type. In the interim, Table 1.1-1 establishes the tiered level of service standards for each CSA by school type. Individual schools of each type may exceed the Tiered LOS standards during the period in which Tiered LOS are in effect. Each individual school exceeding the Tiered LOS during that time shall not be allowed to exceed the utilization standards for that school type as shown in the Maximum Utilization Table of this element (Table 1.1-2).

Table 1.1-1
Standards for Tiered Level of Service

CSA	Facility Type	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
	Elementary	120	110				
	Middle	130	125	110			
1	High	110					
	Elementary	110					
	Middle	130	130	110			
2	High	115	115	115	110		
	Elementary	110					
	Middle	130	130	110			
3	High	115	115	115	110		
	Elementary	115	110				
	Middle	130	130	110			
4	High	115	115	115	110		
	Elementary	110					
	Middle	130	130	115	110		
5	High	135	135	130	130	110	
	Elementary	110					
	Middle	130	130	120	110		
6	High	120	120	120	110		
	Elementary	110					
	Middle	130	130	125	115	110	
8	High	125	125	120	115	110	
	Elementary	110					
	Middle	125	125	125	115	110	
9	High	120	120	120	110		
	Elementary	135	120	110			

CSA	Facility Type	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
10	Middle	125	125	125	125	110	
	High	120	120	120	110		
11	Elementary	135	135	110			
	Middle	125	125	125	110		
	High	125	125	125	110		
12	Elementary	140	130	120	115	110	
	Middle	135	135	135	115	110	
	High	135	135	135	120	110	
14	Elementary	125	125	115	110		
	Middle	135	135	135	115	110	
	High	135	130	130	115	110	
15	Elementary	135	135	115	115	110	
	Middle	125	125	125	110		
	High	135	135	135	110		
16	Elementary	130	115	110			
	Middle	120	120	120	115	110	
	High	135	135	135	120	110	
17	Elementary	130	125	110			
	Middle	135	130	130	110		
	High	145	120	120	110		
18	Elementary	120	115	115	115	110	
	Middle	120	120	120	120	110	
	High	145	120	120	115	110	
19	Elementary	110					
	Middle	110					
	High	165	130	130	130	110	
20	Elementary	110					
	Middle	125	110				
	High	165	130	130	130	110	
21	Elementary	115	110				
	Middle	125	125	125	110		
	High	125	125	125	115	110	
22	Elementary	110					
	Middle	110					
	High	110					
23	Elementary	110					
	Middle	110					
	High	110					
County wide	Alternative Schools	110					

Source: Based on data depicted in the School District of Palm Beach County FY2001-FY2005 Five Year Plan and FY 2001 Capital Budget, June 2000, and the actual count of students in

~~**the second semester of the 2000-01 school year.**~~

Table 1.1-2

MAXIMUM UTILIZATION TABLE:
Standards for Utilization of Capacity

CSA	Facility Type	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
1	Elementary	165	125	125	120	120	120
	Middle	130	125	120	120	120	120
	High	120	120	120	120	120	120
2	Elementary	120	120	120	120	120	120
	Middle	130	130	120	120	120	120
	High	120	120	120	120	120	120
3	Elementary	120	120	120	120	120	120
	Middle	130	130	120	120	120	120
	High	120	120	120	120	120	120
4	Elementary	155	150	120	120	120	120
	Middle	135	135	120	120	120	120
	High	135	135	130	130	120	120
5	Elementary	155	150	120	120	120	120
	Middle	140	135	120	120	120	120
	High	135	135	130	130	120	120
6	Elementary	155	145	120	120	120	120
	Middle	135	135	120	120	120	120
	High	120	120	120	120	120	120
8	Elementary	160	160	160	145	120	120
	Middle	135	135	135	130	120	120
	High	120	120	120	120	120	120
9	Elementary	120	120	120	120	120	120
	Middle	135	135	135	130	120	120
	High	120	120	120	120	120	120
10	Elementary	205	165	120	120	120	120
	Middle	135	135	135	135	120	120
	High	120	120	120	120	120	120
11	Elementary	245	245	120	120	120	120
	Middle	125	125	120	120	120	120
	High	125	125	120	120	120	120
12	Elementary	150	150	125	120	120	120
	Middle	145	145	145	125	120	120
	High	135	135	135	120	120	120
14	Elementary	140	135	135	130	120	120
	Middle	145	145	145	125	120	120
	High	165	120	120	120	120	120
15	Elementary	180	180	165	140	120	120
	Middle	130	130	125	120	120	120

CSA	Facility Type	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
	High	135	135	135	120	120	120
16	Elementary	200	120	120	120	120	120
	Middle	140	125	125	125	120	120
	High	135	135	135	120	120	120
17	Elementary	205	205	125	125	120	120
	Middle	175	175	175	120	120	120
	High	145	120	120	120	120	120
18	Elementary	130	120	120	120	120	120
	Middle	130	130	130	130	120	120
	High	160	120	120	120	120	120
19	Elementary	120	120	120	120	120	120
	Middle	120	120	120	120	120	120
	High	170	135	135	135	120	120
20	Elementary	140	140	140	135	120	120
	Middle	130	120	120	120	120	120
	High	170	145	145	130	120	120
21	Elementary	165	145	120	120	120	120
	Middle	155	155	155	120	120	120
	High	145	145	145	120	120	20
22	Elementary	120	120	120	120	120	120
	Middle	120	120	120	120	120	120
	High	120	120	120	120	120	120
23	Elementary	300	120	120	120	120	120
	Middle	120	120	120	120	120	120
	High	120	120	120	120	120	120
County Wide	Alternative Schools	120	120	120	120	120	120

Source: Based on data depicted in the School District of Palm Beach County FY2001-FY2005 Five Year Plan and FY 2001 Capital Budget, June 2000

Policy 1.1-e: Concurrency Service Areas (CSA) shall be established on a less than district-wide basis, as depicted on Map PS 1.1 and described in the Concurrency Service Area Boundary Descriptions in the Implementation Section of this element.

1. The criteria for Concurrency Service Areas shall be:

Palm Beach County is divided into twenty-one CSAs. Each CSA boundary shall be delineated considering the following criteria and shall be consistent with provisions in the Interlocal Agreement:

a. School locations, student transporting times, and future land uses in the area.

b. Section lines, major traffic-ways, natural barriers and county boundaries.

2. Each CSA shall demonstrate that:

a. Adopted level of service standards will be achieved and maintained for each year of the five-year planning period; and

b. Utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans and other relevant factors.

3. Consistent with s.163.3180(13)(c)2.,F.S., changes to the CSA boundaries shall be made only by amendment to the PSFE and shall be exempt from the limitation on the frequency of plan amendments, Any proposed change to CSA boundaries shall require a demonstration by the School District that the requirements of 2(a) and (b), above, are met.

Policy 1.1-f : The Town of Palm Beach shall consider as committed and existing the public school capacity which is projected to be in place or under construction in the first three years of the School District's most recently adopted Five Year Plan, as reflected in Table VIII-2 (Six Year Capital Improvement Schedule) of the Capital Improvement Element of the Town of Palm Beach's Comprehensive Plan), when analyzing the availability of school capacity and making level of service compliance determinations.

Policy 1.1-g: The Town of Palm Beach shall amend Table VIII-2 (Six Year Capital Improvement Schedule) of the Capital Improvement Element when committed facility capacity is eliminated, deferred or delayed, to ensure consistency with the School District Five Year Plan.

Policy 1.1-h: For purposes of urban infill and in recognition of the entitlement density provisions of the Town of Palm Beach's Future Land Use Element, the impact of a home on an existing single family lot of record shall not be subject to school concurrency.

Policy 1.1-i: The Town of Palm Beach shall suspend or terminate its application of School concurrency upon the occurrence and for the duration of the following conditions:

1. School concurrency shall be suspended in all CSAs upon the occurrence and for the duration of the following conditions:

- The occurrence of an "Act of God"; or
- The School Board does not adopt an update to its Capital Facilities Plan by September15th of each year; or
- The School District's adopted update to its Capital Facilities Program Plan does

not add enough FISH capacity to meet projected growth in demand for permanent student stations at the adopted level of service standard for each CSA and ensures that no school of any type exceeds the maximum utilization standard in any CSA; or

- The School District Capital Facilities Plan is determined to be financially infeasible as determined by the State Department of Education, or as defined by the issuance of a Notice of Intent to Find an Amendment to a Capital Improvement Element not in compliance as not being financially feasible, by the Department of Community Affairs; or by a court action or final administrative action; or
- If concurrency is suspended in one-third or more of the CSAs pursuant to Policy 1.1-i.2 below.

2. School Concurrency shall be suspended within a particular CSA upon the occurrence and for the duration for the following conditions:

   - Where an individual school in a particular CSA is twelve or more months behind the schedule set forth in the School District Capital Facilities Plan, concurrency will be suspended within that CSA and the adjacent CSAs for that type of school; or
   - The School District does not maximize utilization of school capacity by allowing a particular CSA or an individual school to exceed the adopted Level of Service (LOS) standard; or
   - Where the School Board materially amends the first 3 years of the Capital Facilities Plan and that amendment causes the Level of Service to be exceeded for that type of school within a CSA, concurrency will be suspended within that CSA and the adjacent CSAs only for that type of school.

3. The County shall maintain records identifying all Concurrency Service Areas in which the School District has notified the County that the application of concurrency has been suspended.

4. Once suspended, for any of the above reasons, concurrency shall be reinstated once the Technical Advisory Group (TAG) determines the condition that caused the suspension has been remedied or the Level of Service for that year for the affected CSAs have been achieved.

5. If a Program Evaluation Report, as defined in the Interlocal Agreement to establish school concurrency, recommends that concurrency be suspended because the program is not working as planned, concurrency may be suspended upon the concurrence of 33% of the PARTIES signatories of the "Palm Beach County Interlocal Agreement

with Municipalities of Palm Beach County and the School District of Palm Beach County to establish Public School Concurrency".

6. Upon termination of the Interlocal Agreement the Town of Palm Beach shall initiate a Comprehensive Plan Amendment to terminate school concurrency.

OBJECTIVE 1.2: Facilities Requirements

To allow for Palm Beach County School District to provide for mitigation alternatives which are financially feasible and will achieve and maintain the adopted level of service standard in each year of the five-year planning period.

Policy 1.2-a: Mitigation shall be allowed for those development proposals that cannot meet adopted level of service standard. Mitigation options shall include options listed below for which the School District assumes the operational responsibility and which will maintain the adopted level of service standards for each year of the five-year planning period.

1. Donation of buildings for use as a primary or alternative learning facility; and/or
2. Renovation of existing buildings for use as public school facilities; or
3. Construction of permanent student stations or core capacity.

The site plan for buildings being renovated pursuant to number 2 above, that are fifty years of age or older, shall demonstrate that there are no adverse impacts on sites listed in the National Register of Historic Places or otherwise designated in accordance with appropriate State guidelines as locally significant historic or archaeological resources.

Policy 1.2-b: Level of service (LOS) standards shall be met within the CSA for which a development is proposed, or by using capacity from adjacent CSAs; otherwise mitigation measures shall be required for development order approval.

OBJECTIVE 1.3 Six-Year Capital Improvement Schedule

To ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standard.

Policy 1.3-a: The Town of Palm Beach, in coordination with the School District and other local governments, shall annually amend Table VIII-2 of the Capital Improvement Element (School District of Palm Beach County Six-Year Capital Improvement Schedule), to maintain consistency with the School Board's adopted Five Year Plan and to maintain a financially feasible capital improvements program and ensure that level of service standards will continue to be achieved and maintained in each year of the five year planning period.

~~GOAL 2: SCHOOL FACILITY SITING AND DEVELOPMENT COORDINATION~~

~~It is the goal of the Town of Palm Beach to maintain and enhance joint planning processes and procedures for coordination of public education facilities for planning and decision-making regarding population projections, public school siting, and the development of public education facilities concurrent with residential development and other services.~~

~~OBJECTIVE 2.1 School Facility Siting~~

~~To establish a process of coordination and collaboration between the County, local governments, and the School District in the planning and siting of public school facilities in coordination with planned infrastructure and public facilities.~~

~~**Policy 2.1-a:** The Town of Palm Beach shall coordinate and provide for expedited review of development proposals with the School District during the development review process to ensure integration of public school facilities with surrounding land uses and the compatibility of uses with schools.~~

~~**Policy 2.1-b:** There shall be no significant environmental conditions and significant historical resources on a proposed site that cannot be mitigated or otherwise preclude development of the site for a public educational facility.~~

~~**Policy 2.1-c:** The proposed site shall be suitable or adaptable for development in accordance with applicable water management standards, and shall not be in conflict with the adopted or officially accepted plans of the South Florida Water Management District, or any applicable Stormwater Utility or Drainage District.~~

~~**Policy 2.1-d:** The proposed location shall comply with the provisions of the Coastal Management/Conservation Element of the comprehensive plan, if applicable to the site.~~

~~**Policy 2.1-e:** The Town of Palm Beach shall encourage the location of schools proximate to urban residential areas by:~~

- ~~Assisting the School District in identifying funding and/or construction opportunities (including developer participation or Town of Palm Beach capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements;~~
- ~~Providing for the review for all school sites as indicated in Policy 2.1-a above; and,~~
- ~~Allowing schools as a permitted use within all urban residential land use categories.~~

Policy 2.1-f: The Town of Palm Beach shall coordinate with the School District for the collocation of public facilities, such as parks, libraries, and community centers with schools, to the extent possible, as sites for these public facilities and schools are chosen and development plans prepared.

OBJECTIVE 2.2 Intergovernmental Coordination

To establish and maintain a cooperative relationship with the School District and municipalities in coordinating land use planning with development of public school facilities which are proximate to existing or proposed residential areas they will serve and which serve as community focal points.

Policy 2.2-a: The Town of Palm Beach shall abide by the "Palm Beach County Interlocal Agreement with Municipalities of Palm Beach County and the School District of Palm Beach County to establish Public School Concurrency", which was fully executed by the parties involved and recorded with the Clerk of the Circuit Court of Palm Beach County on January 25, 2001, consistent with F.S.163.3177(6)(h)(1) and (2) and F.S. 163.3180

Policy 2.2-b: The Technical Advisory Group (TAG) shall be established by the County, participating local governments, and the School District. The five member TAG will be comprised of a Certified Public Accountant, a General Contractor, a Demographer, a Business Person, and a Planner, nominated by their respective associations as indicated in the Interlocal Agreement to establish Public School Concurrency mentioned in Policy 2.2-a above. The Technical Advisory Group shall review and make recommendations including but not limited to the following:

1. The Capital Facilities Plan;
2. The Ten and Twenty Year work programs;
3. Schools that trigger a School Capacity Study;
4. Concurrency Service Areas boundaries;
5. School District Management Reports; and
6. Operation and effectiveness of the Concurrency Program;
7. Program Evaluation Reports.

Policy 2.2-c: The Town of Palm Beach shall provide the School District with annual information needed to maintain school concurrency, including information required for the School District to establish:

1. School siting criteria;
2. Level of service update and maintenance;
3. Joint approval of the public school capital facilities program;
4. Concurrency service area criteria and standards; and
5. School utilization.

Policy 2.2-d: The Town of Palm Beach shall provide the School District with its

Comprehensive Plan, along with the five-year Land Use and population projections, to facilitate development of school enrollment projections and shall annually update this information. The Town of Palm Beach shall coordinate its Comprehensive Plan and the Future Land Use Map with the School District's long range facilities maps (Maps PS 3.3 and PS 3.4), to ensure consistency and compatibility with the provisions of this Element.

Policy 2.2-e: The Town of Palm Beach shall advise the School District of a proposed public school site's consistency with the Town of Palm Beach's Comprehensive Plan and land development regulations, including the availability of necessary public infrastructure to support the development of the site.

Policy 2.2-f: The Town of Palm Beach shall provide opportunity for the School District to comment on comprehensive plan amendments, rezonings, and other land-use decisions which may be projected to impact on the public schools facilities plan.

Policy 2.2-g: The Town of Palm Beach shall coordinate with local governments and the School District on emergency preparedness issues which may include consideration of:

1. Design and/or retrofit of public schools as emergency shelters;
2. Enhancing public awareness of evacuation zones, shelter locations, and evacuation routes;
3. Designation of sites other than public schools as long term shelters, to allow schools to resume normal operations following emergency events.

OBJECTIVE 2.3 Population Projections

To establish a joint process of coordination and collaboration between the Town of Palm Beach, Palm Beach County and the School District in the planning and decision making on population projections.

Policy 2.3-a: The Town of Palm Beach shall provide updated Land Use maps to the County for the conversion of the Florida Bureau of Economic and Business Research (BEBR) projections into both existing and new residential units and disaggregate these units throughout incorporated and unincorporated Palm Beach County into each CSA, using BEBR's annual estimates by municipality, persons-per-household figures, historic growth rates and development potential. These projections are shown in Exhibit E of the Interlocal Agreement as "Projected Units Table" which shall be amended annually and provided to the School District.

Policy 2.3-b: The Town of Palm Beach commits to working with the School District and Palm Beach County to improve this methodology and enhance coordination with the plans of the School District and local governments. Population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the municipalities and the County as well as changing demographic

~~conditions are reflected in the updated projections. The revised projections and the variables utilized in making the projections shall be reviewed by all signatories through the Intergovernmental Plan Amendment Review Committee (IPARC). Projections shall be especially revisited and refined with the results of the 2000 Census. The responsibilities of local governments and the School District on population projections are described in Section VIII-B of the Interlocal Agreement.~~

~~IMPLEMENTATION/Concurrency Service Area (CSA) Boundary Description~~

~~The Palm Beach County School District is divided into twenty one CSAs for school concurrency. The Palm Beach County School CSA boundaries are described in the following pages as bounded by Section lines, major traffic-ways, natural barriers and county boundaries consistent with s.163.3180(13)(c)2.,F.S. Changes to the CSA boundaries shall be made by plan amendment and exempt from the limitation on the frequency of plan amendments.~~

~~CONCURRENCY SERVICE AREA DESCRIPTIONS DESCRIBED AS BOUNDED BY:~~

~~**#1 NORTH** The Martin / Palm Beach County Border~~
~~**SOUTH** Donald Ross Rd~~
~~**EAST** The Atlantic Ocean~~
~~**WEST** Florida's Turnpike~~

~~**#2 NORTH** The Martin / Palm Beach County Border~~
~~**SOUTH** Donald Ross Rd and the South Section Line of Sections (using T-R-S) 41-42-21, 41-42-20, 41-42-19, 41-41-24, and 41-41-23, then Southwest along the centerline of the C-18 canal to the Bee Line Hwy~~
~~**EAST** Florida's Turnpike~~
~~**WEST** Bee Line Hwy~~

~~**#3 NORTH** Donald Ross Rd~~
~~**SOUTH** The South Section Line of Sections (using T-R-S) 42-43-10, 42-43-09, 42-43-08, 42-43-07, and 42-42-12, East of Military Trl, then South along Military Trl to Northlake Blvd, then West along Northlake Blvd to Florida's Turnpike~~
~~**EAST** The Atlantic Ocean~~
~~**WEST** Florida's Turnpike~~

~~**#4 NORTH** The South Section Line of Sections (using T-R-S) 41-42-21, 41-42-20, 41-42-19, 41-41-24, and 41-41-23, then Southwest along the C-18 Canal to the Bee Line Hwy, then Northwest along the Bee Line Hwy until the intersection of Bee Line Hwy and the West Section Line of Section 41-41-18~~
~~**SOUTH** Northlake Blvd West to Grapeview Blvd, North along Grapeview Blvd to the South Section Line of Section (using T-R-S) 42-41-08, then West along the South Section Line of Sections 42-41-08 and 42-41-07~~

EAST Florida's Turnpike

WEST The West Section Line of (using T-R-S) 41-41-18 South of the Bee Line Hwy, and the West Section Lines of Sections 41-41-19, 41-41-30, 41-41-31, 42-41-06, and 42-41-07

#5 NORTH The South Section Line of Sections (using T-R-S) 42-43-10, 42-43-09, 42-43-08, 42-43-07, and 42-42-12 West to Military Trl

SOUTH The South Section Line of Sections (using T-R-S) 42-43-34, 42-43-33, 42-43-32, 42-43-31, and 42-42-36 West to Military Trl

EAST The Atlantic Ocean

WEST Military Trl

#6 NORTH Northlake Blvd

SOUTH The South Section Line of Sections (using T-R-S) 42-42-36 West of Military Trl, 42-42-35, 42-42-34, 42-42-33, 42-42-32, and 42-42-31

EAST Military Trl

WEST The West Section Line of Sections (using T-R-S) 42-42-18, 42-42-19, 42-42-30, and 42-42-31

#8 NORTH The South Section Line of Sections (using T-R-S) 42-43-34, 42-43-33, 42-43-32, 42-43-31, and 42-42-36 West to Military Trl

SOUTH The North Line of the South Half of Sections (using TRS) 43-43-23, 43-43-22, 43-43-21, 43-43-20, 43-43-19, and 43-42-24 East of Military Trl

EAST The Atlantic Ocean

WEST Military Trl

#9 NORTH The South Section Line of Sections (using T-R-S) 42-42-36 (West of Military Trl), 42-42-35, 42-42-34, 42-42-33, 42-42-32, and 42-42-31

SOUTH The North Section Line of Sections (using TRS) 43-42-24 West of Military Trl, 43-42-23, 43-42-22, 43-42-21, 43-42-20, and 43-42-19

EAST Military Trl

WEST The West Section Line of Sections (using T-R-S) 43-42-06, 43-42-07, 43-42-18, and 43-42-19 North of the South Line of the North Half

#10 NORTH Northlake Blvd West to Grapeview Blvd, North along Grapeview Blvd, then West along the South Section Line of Sections (using T-R-S) 42-41-08, and 42-41-07, then South along the West Section Line of 42-41-18 until intersecting with the Canal generally delimiting the Northern extent of The Acreage and the Southern extent of the J. W. Corbett preserve, West along the centerline of the Canal through the center of Sections 42-40-13, 42-40-14, 42-40-15, 42-40-17, and 42-40-18, then North along the East Section Line of Section 42-39-13 to the North Line of the South Half of Section 42-39-13, then West along the North Line of the South Half of Section 42-39-13 to the West Section Line of Section 42-39-13

SOUTH Southern Blvd West of 441, West to the West Section Line of Section (using

T-R-S) 43-40-33

EAST The East Section Line of Sections (using T-R-S) 43-41-01, 43-41-12, 43-41-13, 43-41-24, 43-41-25, and 43-41-36 South to Southern Blvd

WEST The L-8 Canal South of the South Section Line of Section (using T-R-S) 42-40-31 and West of the West Section Line of Section 43-40-08, the West Section Line of Section 43-40-08 South of the L-8 Canal, the West Section Line of Sections 43-40-16, 43-40-21, 43-40-28, and 43-40-33 South to Southern Blvd

#11 NORTH The North Line of the South Half of Sections (using TRS) 43-43-23, 43-43-22, 43-43-21, 43-43-20, 43-43-19, and 43-42-24 East of Military Trl

SOUTH The South Section Line of Sections (using T-R-S) 44-43-02, 44-43-03, 44-43-04, 44-43-05, 44-43-06, and 44-42-01 East of Military Trl

EAST The Atlantic Ocean

WEST Military Trl

#12 NORTH The North Section Line of Sections (using TRS) 43-42-24 West of Military Trl, 43-42-23, 43-42-22, 43-42-21, 43-42-20, and 43-42-19

SOUTH The South Section Line of Sections (using T-R-S) 44-42-01 West of Military Trl, 44-42-02, 44-42-03, 44-42-04, 44-42-05, and 44-42-06

EAST Military Trl

WEST The West Section Line of Section (using T-R-S) 43-42-19 South of the North Line of the South Half, and State Rd 7

#14 NORTH The South Section Line of Sections (using T-R-S) 44-43-02, 44-43-03, 44-43-04, 44-43-05, 44-43-06, and 44-42-01 East of Military Trl

SOUTH The South Section Line of Sections (using T-R-S) 44-43-26, 44-43-27, 44-43-28, 44-43-29, 44-43-30, and 44-42-25 East of Military Trl

EAST The Atlantic Ocean

WEST Military Trl

#15 NORTH The South Section Line of Sections (using T-R-S) 44-42-01 West of Military Trl, 44-42-02, 44-42-03, 44-42-04, 44-42-05, and 44-42-06

SOUTH The L-14 Canal

EAST Military Trl

WEST State Rd 7

#16 NORTH Southern Blvd West of 441, West to the West Section Line of Section (using T-R-S) 43-40-33

SOUTH The South Section Line of Sections (using T-R-S) 44-41-25, 44-41-26, 44-41-27, 44-41-28, 44-41-29, and 44-41-30 East of the L-40 Canal

EAST U.S. Hwy 441 / State Rd 7

WEST The L-40 Canal and the West Section Line of Section 43-40-33 South of Southern Blvd

#17 NORTH The South Section Line of Sections (using T-R-S) 44-43-26, 44-43-27,

44-43-28, 44-43-29, 44-43-30, 44-42-25, 44-42-26, and 44-42-27 East of Jog Rd

SOUTH The Boynton Canal

EAST The Atlantic Ocean

WEST Jog Rd

#18 NORTH The L-14 Canal West to the Florida Turnpike, then North along the Turnpike to the South Section Line of Section (using T-R-S) 44-41-29, then West along the South Section Line of Sections 44-42-30, 44-41-25, 44-41-26, 44-41-27, 44-41-28, 44-41-29 and 44-41-30 East of the L-40 Canal

SOUTH The Boynton Canal

EAST Jog Rd

WEST The L-40 Canal

#19 NORTH The Boynton Canal

SOUTH The South Section Line of Sections (using T-R-S) 46-43-03, 46-43-04, 46-43-05, 46-43-06, 46-42-01, 46-42-02, 46-42-03, 46-42-04, 46-42-05, 46-42-06, State Rd 7 South to the South Section Line of Section 46-41-01, West along the South Section Line of Section 46-41-01 extended to the L-40 Canal

EAST The Atlantic Ocean

WEST The L-40 Canal

#20 NORTH The South Section Line of Sections (using T-R-S) 46-43-03, 46-43-04, 46-43-05, 46-43-06, 46-42-01, 46-42-02, 46-42-03, 46-42-04, 46-42-05, 46-42-06, State Rd 7 South to the South Section Line of Section 46-41-01, West along the South Section Line of Section 46-41-01 extended to the L-40 Canal

SOUTH The South Section Line of Sections (using T-R-S) 46-43-28, 46-43-29, 46-43-30, 46-42-25, 46-42-26, 46-42-27, 46-42-28, 46-42-29, 46-42-30, 46-41-25, and 46-42-26 East of the L-40 Canal, the portion of the line formed by these Section Lines West of I-95 generally approximates the C-15 Canal

EAST The Atlantic Ocean

WEST The L-40 Canal

#21 NORTH The South Section Line of Sections (using T-R-S) 46-43-28, 46-43-29, 46-43-30, 46-42-25, 46-42-26, 46-42-27, 46-42-28, 46-42-29, 46-42-30, 46-41-25, and 46-42-26 East of the L-40 Canal, the portion of the line formed by these Section Lines West of I-95 generally approximates the C-15 Canal

SOUTH The Palm Beach / Broward County Border

EAST The Atlantic Ocean

WEST The L-40 and L-36 Canals

#22 NORTH The Martin / Palm Beach County Border

SOUTH The Palm Beach / Broward County Border

EAST From the Martin / Palm Beach County Border, the Bee Line Hwy South to the West Section Line (using T-R-S) of 41-41-18, the West Section Lines of Sections 41-41-18, 41-41-19, 41-41-30, 41-41-31, 42-41-06, 42-41-07, and

42-41-18 until intersecting with the Canal generally delimiting the Northern extent of The Acreage and the Southern extent of the J. W. Corbett preserve, West along the centerline of the Canal through the center of Sections 42-40-13, 42-40-14, 42-40-15, 42-40-17, and 42-40-18, then North along the East Section Line of Section 42-39-13 to the North Line of the South Half of Section 42-39-13, then West along the North Line of the South Half of Section 42-39-13 to the West Section Line of Section 42-39-13, then South along The West Section Line of South Half of Section 42-39-13, The West Section Line of Sections 42-39-24, 42-39-25, and 42-39-36 North of the L-8 Canal, the L-8 Canal South to the West Section Line of Section 43-40-08, then South along The West Section Lines of Sections 43-40-08 South of the L-8 Canal, 43-40-16, 43-40-21, 443-40-28, and 43-40-33, then South along the L-40 Canal and the L-36 Canal to the Palm Beach / Broward County Border.

WEST The Shoreline of Lake Okeechobee South to the South Section Line of Section (using T-R-S) 41-37-22, East along the South Section Line of Sections 43-37-22, and 41-37-23, then South along the East Section Line of Sections 41-37-26, 41-37-35, 42-37-02, 42-37-11, 42-37-14, 42-37-23, 42-37-26, and 42-37-35, then West along the South Section Line of Section 42-37-35 to the East Section Line of Section 43-37-02, then South along the East Section Line of Sections 43-37-02, 43-37-11, 43-37-14, 43-37-23, 43-37-26, and 43-37-35, then in a Southerly direction to the East Section Line of Section 44-37-02, then South along the East Section Line of Sections 44-37-02, 44-37-11, 44-37-14, and 44-37-23 to the L-16 Canal, then West along the L-16 Canal and the L-21 Canals, also referenced as the Bolles Canal, to the West Section Line of Section 44-35-34, then North along the West Section Line of Sections 44-35-34, 44-35-27, 44-35-22, 44-35-15, 44-35-10, 44-35-03, 43-35-34, and 43-35-27 to the Shoreline of Lake Okeechobee, then Westerly along the Shoreline of Lake Okeechobee to the Palm Beach / Hendry County Border, South along the Palm Beach / Hendry County Border to the Palm Beach / Broward County Border

#23 NORTH The South Section Line of Sections (using T-R-S) 43-37-22 East of Lake Okeechobee, and 41-37-23

SOUTH The L-16 and L-21 Canals, also referenced as the Bolles Canal

EAST The East Section Line of Sections (using T-R-S) 41-37-26, 41-37-35, 42-37-02, 42-37-11, 42-37-14, 42-37-23, 42-37-26, and 42-37-35, then West along the South Section Line of Section 42-37-35 to the East Section Line of Section 43-37-02, then South along the East Section Lines of Sections 43-37-02, 43-37-11, 43-37-14, 43-37-23, 43-37-26, and 43-37-35, then in a Southerly direction to the East Section Line of Section 44-37-02, then South along the East Section Line of Sections 44-37-02, 44-37-11, 44-37-14, and 44-37-23 to the L-16 Canal

WEST The West Section Line of Sections (using T-R-S) 43-35-27 South of the Shoreline of Lake Okeechobee, 43-35-34, 44-35-03, 44-35-10, 44-35-15, 44-35-22, 44-35-27, and 44-35-34 South to the L-21 or Bolles Canal

~~MONITORING, UPDATING AND EVALUATION PROCEDURES~~

Under the requirements of Rule 9J-5, local governments are required to adopt procedures to assure public participation in the comprehensive planning process. The following procedures were adopted by the Town under Resolution No. 27-88, and implemented during the preparation phase of this Comprehensive Plan.

MEANS TO ENSURE CONTINUOUS MONITORING AND EVALUATION OF THE PLAN

Each year, the Town Council (acting as the LPA) and the Town Manager (as coordinator of the Town's budgeting process) will review the Town's Capital Improvements Program (CIP) to ensure the CIP's consistency with the Capital Improvement Element of the Plan.

As a function of its review, each year the LPA will examine the Capital Improvements Element with regard to:

1. Updating revenue sources, unanticipated expenses, and completion of scheduled projects, based upon changes in the projected population of the Town;

2. Consistency, both internally and with respect to other Plan Elements;

3. The means for correcting identified deficiencies;

4. Progress of the Town in securing financing and other assistance from outside agencies to implement the Town's Plan;

5. Progress of the private development community in meeting the requirements expressed within the individual Plan Elements;

6. The Town's progress towards meeting, and its ability to maintain its adopted level of service standards; and,

7. The Town's progress toward implementing its intergovernmental coordination responsibilities.

Periodically, the staff will prepare a report evaluating the performance level of the activities of the previous year. This report will be for public review and for presentation to the Planning and Zoning Commission and Town Council, and will compare all measurable objectives and policies delineated in the Comprehensive Plan to actual progress. Based upon the information received, adjustments will be made to the Plan, as necessary, to keep the programs "on track" an in perspective with regards to priority. These evaluations will closely monitor Capital Improvements and report deviations from those identified in the Plan. Policy adjustments necessary to fulfill the Town's stated Objectives will be identified.

A matrix/timetable has been prepared, and will be maintained, listing all Comprehensive Plan implementing actions and their respective due dates for the next five years. This table will be consulted and used as a checklist to ensure that all elements/actions are implemented at the planned times. Further, the aforementioned measurable objectives and policies will be integrated into this timetable, and reported upon, during the Zoning Season.

MEANS TO ENSURE CITIZEN PARTICIPATION IN THE MONITORING AND EVALUATION PROCESS

Each year during the Town's Zoning Season, the Planning and Zoning Commission meets to consider recommended changes to the Zoning Ordinance. The Town Council then holds its Public Hearings on the matters under consideration. The meetings are in the form of workshops, and Public Hearings with due public notice, and the public is invited and encouraged to attend. This process has served the Town of Palm Beach well over the years and has aided the staff toward development and refinement of its Zoning Ordinance.

The Town will include an item in each year's Zoning Season Agenda which will be devoted to an annual review of the Comprehensive Plan. This item will be heard in the same public forum as proposed changes to the Zoning Ordinance, and public participation and comments will be encouraged. This will be a fixed item of the Agenda to be heard and considered every year to ensure continuous monitoring and evaluation of the Plan.

UPDATE OF BASELINE DATA AND MEASURABLE OBJECTIVES

1. The Town will update appropriate baseline data upon which the Plan in effect at that time was developed. This update of the underlying base data will entail incorporation of newly available secondary data from sources such as:

    a. Population estimates and projections from the University of Florida, Bureau of Economic, and Business Research;

    b. Demographic and economic data available from the most recent U. S. Census, if different from that employed in the preparation of the Plan presently in force;

    c. Land use changes recorded by the Town;

    d. Traffic counts and capacities recorded by the Florida Department of Transportation;

    e. Water, sewer, or solid waste generation, or utilization information recorded by the Cities of West Palm Beach and Lake Worth, and the Palm Beach County Solid Waste Authority;

f. *The State Comprehensive Plan*, Chapter 187 F.S.
Chapter 163 F.S.
Rule 9J-5
The Treasure Coast Regional Planning Council's *Strategic Regional Policy Plan*.

g. Amendments to the Town's Plan in the interim time period.

h. Other pertinent data or information which can be obtained without primary research.

2. The LPA will review each of the measurable objectives and policies identified in the Plan to be accomplished in the five-year period being reviewed, and will note the degree to which the such objectives or policies have been met by the Town.

3. The LPA will identify obstacles or problems which resulted in under-achievement of the Plan's stated goals, objectives, and policies.

4. The LPA will review the Town's Comprehensive Plan, the aforementioned updated base data, its determinations regarding the extent to which the Plan's goals, objectives and policies have been met, and any reasons for identified under-achievement, and propose new or modified goals, objectives or policies appropriate to the circumstances of the community at that time.

EVALUATION AND APPRAISAL REPORT

PUBLIC PARTICIPATION PROCEDURES

1. The Town shall place an advertisement in a newspaper of general circulation to notify the real property owners of Palm Beach, Florida and the general public that the Town has begun updating its Comprehensive Plan and is preparing the Evaluation and Appraisal Report in conformance with requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Florida Statutes). The advertisement shall also inform the public that copies of information, data, reports, and summaries will be on file in the Office of the Town Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Subsequent legal advertisements regarding the required Public Hearings will specify dates, times and locations.

2. Consideration of the Evaluation and Appraisal Report will be conducted during November through April of the Town's 2012-2013 Zoning Season.

3. One or more public hearings will be held by the Planning and Zoning Commission on during the 2012 -2013 Zoning Season at which time it will review draft materials setting forth a summary of pertinent data, issues and analyses to be contained in the EAR, hear public comments and make recommendations to the Local Planning Agency (LPA).

4. The Town Council, acting as the LPA, will hold a public hearing during the 2012 -2013 Zoning Season to review the proposed EAR document, consider the recommendations of the Planning and Zoning Commission, hear public comments and make recommendations to the Town Council. Required advertising for this hearing will be published in a newspaper of general circulation 14 days and 5 days before the hearing date. Announcement of the date of the public hearing before the Town Council will be made at this hearing.

   Revised copies of the draft EAR will be forwarded to the Department of Community Affairs and the Town Council, and will be made available to interested parties in the office of the Town Clerk prior to April 1, 2013.

5. The Town Council public hearings for adoption of the Evaluation and Appraisal Report will be held on in April, 2013 at 5:01 P.M. meeting to review the proposed EAR document, consider recommendations of the LPA, hear public comment and adopt, or adopt with changes, the EAR. Required advertising for this hearing will be published in a newspaper of general circulation 14 days and 5 days before the hearing.

UPDATE OF THE COMPREHENSIVE PLAN AND EAR-BASED AMENDMENTS

1. In accordance with Chapter 163, F.S., the Town's Comprehensive Plan will be amended, based on the findings and recommendations contained in the EAR, within one year after the EAR is adopted.

2. The Town shall place an advertisement in a newspaper of general circulation to notify the real property owners of Palm Beach, Florida and the general public that the Town has begun the amendment process in conformance with requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Florida Statutes). The advertisement shall also inform the public that copies of information, data, reports, and summaries will be on file in the Office of the Town Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Subsequent legal advertisements regarding the required public hearings will specify dates, times and locations.

3. Consideration of the updated Comprehensive Plan will be conducted during November through April of the Town's 2012 - 2013 Zoning Season.

4. A public hearing will be held by the Planning and Zoning Commission in concert with, or

shortly after its public hearing on the zoning issued held in November, 2012 at which time the Planning and Zoning Commission will review draft materials setting forth a summary of pertinent data, issues and analyses to be contained in the amendment(s), hear public comments and make recommendations to the Local Planning Agency (LPA).

5. Legal advertisements for all required public hearings will be in accordance with Chapter 163, Part I, F.S. and Rule 9J-5 of the Florida Administrative Code.

6. The Town Council, acting as the LPA, will hold a public hearing in January or February, 2013 to review the proposed amendment(s), consider the recommendations of the Zoning Commission, hear public comments and make recommendations to the Town Council. Required advertising for this hearing will be published in a newspaper of general circulation 14 days and 5 days before the hearing date. Announcement of the date of the first public hearing before the Town Council (transmittal public hearing) will be made at this hearing.

7. The Town Council will hold two public hearings on the proposed amendment(s) will be held in March and/or April, 2013 to review the proposed amendment(s), consider recommendations of the LPA, hear public comment and adopt, or adopt with changes, the amendment(s).

8. The first (transmittal) public hearing before the Town Council will be held on a weekday approximately 7 days after the day the first advertisement is published.

9. The second (adoption) public hearing before the Town Council will be held on a weekday approximately 5 days after the second advertisement is published.

PUBLIC INPUT AND COMMENTS

1. Public comments will be considered at each of the public hearings. Written acknowledgment of public comments will be made on a form developed for that purpose by the Planner/Projects Coordinator, the Town Council's designated representative for this purpose.

2. A news release will be issued to newspapers of general circulation prior to the public hearings to advise the public of the availability of the materials to be considered during the public hearings. Drafts and/or summaries of the pertinent information contained within the EAR and/or amendment(s) will be available for public inspection and review in the Office of the Town Clerk, Town Hall, 360 South County Road, Palm Beach, in order to keep the residents of Palm Beach and general public informed of the progress of the amendment(s).

3. In the initial advertisements that put the residents of Palm Beach and the general public on

notice regarding the Evaluation and Appraisal Report and the EAR-based amendment(s), and in subsequent news releases as necessary, the public shall be informed that written comments may be provided to the Town on forms available from the Office of the Town Clerk.

4. These public participation procedures shall be instituted as expeditiously as possible upon acceptance and adoption by the Town Council.

PUBLIC NOTICE

In accordance with Rule 9J-5.004 F.A.C. and the Town's adopted Public Participation Procedures, owners of real property within the Town of Palm Beach are hereby notified that the Town of Palm Beach has begun updating its Comprehensive Plan and is preparing the Evaluation and Appraisal Report (EAR) in conformance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulations Act.

Copies of information, data, reports and summaries will be on file in the Office of the Town Clerk, Town Hall, 360 South County Road as they become available. The public may review and inspect such materials as are available during the hours of 8:30 AM and 5:00 PM, Monday through Friday.

TOWN OF PALM BEACH, FLORIDA

TOWN OF PALM BEACH
10-YEAR WATER SUPPLY FACILITY WORK PLAN

Prepared For:

Florida Department of Community Affairs

Prepared By:

Town of Palm Beach Planning, Zoning & Building Department

~~**November 2009**~~**August 2017**

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1.0 INTRODUCTION

The purpose of the Town of Palm Beach Water Supply Facility Work Plan (Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the Town's jurisdiction. Chapter 163, Part II, F.S., requires the Town to prepare, adopt and incorporate a Work Plan into its comprehensive plan within 18 months after the water management district approves a regional water supply plan or its update. The *Lower East Coast Water Supply Plan Update* was approved by the South Florida Water Management District (SFWMD) ~~on February 15, 2007~~in 2013. Completion of the Town's plan was dependent upon the approval of the Town's water supplier's (City of West Palm Beach) Work Plan by the Florida Department of ~~Community Affairs (DCA)~~Economic Oppurtunity (DEO), and the final adoption and approval by ~~DCA~~DEO of the Town's Comprehensive Plan EAR-Based Amendments (process completed in ~~October 2009~~August 2017).

Residents of the Town of Palm Beach obtain their water directly from the City of West Palm Beach, which is responsible for ensuring that enough capacity is available for existing and future customers.

The Town of Palm Beach Water Supply Facility Work Plan (Work Plan) references the initiatives already identified in West Palm Beach's 10-year Work Plan since the Town is a retail buyer. According to state guidelines, the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period. Because of the Town's relationship with the City of West Palm Beach, the Town's Work Plan has the same planning time schedule as the City of West Palm Beach's 10-year Work Plan.

The Town's Work Plan is divided into four sections:

Section 1 – Introduction
Section 2 – Background Information
Section 3 – Data and Analysis
Section 4 – Work Plan Projects/Capital Improvement Element/Schedule

The Town of Palm Beach's goals, objectives and policies that address potable water are found in the "Potable Water" subelement of the Infrastructure Element of the Town's Comprehensive Plan. Specifically, the policies in Objectives 9, 10, and 11~~, and 12~~ in the Infrastructure Element detail how the Town coordinates with its water provider to guarantee a sufficient water supply for its residents in the most efficient

and environmentally friendly way possible. Policy ~~12.3~~11.2 in the Infrastructure Element references this water supply facility work plan.

1.1 Statutory History

The Florida Legislature enacted legislation in the 2002, 2004, ~~and~~ 2005, 2011 and 2012 sessions to address the state's water supply needs. This legislation, particularly Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

1.2 Statutory Requirements

Each local government must comply with the following requirements:

1. Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan, [163.3177(4)(a), F.S.]
2. Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services [s.163.3177(6)(a), F.S., ~~effective July 1, 2005~~]. Data and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to the Department for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.
3. Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permits, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy [s.163.3180 (2)~~(a)~~, F.S., ~~effective July 1, 2005~~]. This "water supply concurrency" is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).

4. For local governments subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (the "Infrastructure Element"), within 18 months after the water management district approves an updated regional water supply plan, to:

    a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. ~~373.0361(7)~~373.709(8)(b), F.S. [s. 163.3177(6)(c), F.S.];

    b. Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government's jurisdiction [s. 163.3177(6)(c)3, F.S.]; and

    c. Include a water supply facilities work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facilities identified in the element as necessary to serve existing and new development. [s. 163.3177(6)(c), F.S.] Amendments to incorporate the water supply facilities work plan into the comprehensive plan are exempt from the twice-a-year amendment limitation. [s. 163.3177(6)(c)3, F.S.]

5. Revise the Five-Year Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the five-year period [s. 163.3177(3)(a)4, F.S.].

6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s). [s.163.3177 (6)(d), F.S.]

    If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan. [s.163.3167 (~~13~~9), F.S.]

7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans. [s.163.3177(6)(h)1., F.S.]

8. Address in the EAR (if necessary), the extent to which the local government has implemented the 10-year water supply facilities work plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands. [s.163.3191 ~~(2)(1)~~(3), F.S.]

2.0 BACKGROUND INFORMATION

2.1 Overview

The Town of Palm Beach was incorporated in 1911, making it the second municipality established in Palm Beach County. The Town is a 16-mile long barrier island with the Atlantic Ocean to the east and the Intracoastal Waterway to the west, which separates the Town from the Cities of West Palm Beach and Lake Worth.

The Town of Palm Beach is substantially built-out. The Town experienced its greatest growth between 1950 and 1970, when its resident population increased from 3,886 to 9,086. The population increased to 9,676 in 2000; however ~~S~~since then, population growth has ~~been less dramatic~~actually declined. ~~The 2009 estimated population for the Town is 9,815, and over the next ten years the Town population is projected to grow to 10,080, which is only a 2.7% increase in population.~~ According to the 2010 US Census, the Town had a population of 8,161, which was a 15.7% decrease from the 2000 US Census figure. The University of Florida, Bureau of Economic and Business Research (BEBR) estimates the 2015 population at 8,040, which is a somewhat minor population decrease. ~~Again, this relatively minor population growth is reflective of~~ Any potential population growth is unlikely, and if it were to occur it would likely be relatively minor given the fact that the Town is substantially built-out, ~~with future development potential and population growth limited by the~~ and there is a scarcity of vacant and developable land. Furthermore, the potential expansion of the Town's current boundaries through annexations is not possible because the Town is not physically connected to any unincorporated areas.

In 2009, an evaluation of existing gross acreage by land uses revealed that 1,614 acres or 78% of the total gross acreage in the Town is dedicated to residential use. The remaining gross acreages are allocated to non-residential uses such as private group use (11%), recreation (5%), commercial (5%); conservation (2%), and public use (0.002%). The private group use includes private clubs, golf and country clubs, houses of worship, museums and non-commercial recreation-type or cultural uses. In 2008, the Town's building records indicated that 21 permits were issued for new residential construction and only one permit for commercial construction. Many of

the 21 new residential construction permits were in conjunction with a demolition permit, thereby allowing an existing home to be demolished and replaced with a new home. This information furthers the premise that the Town is essentially built-out.

2.2 Relevant Regional Issues

As the state agency responsible for water supply in the Lower East Coast planning area, the SFWMD plays a pivotal role in resource protection, through criteria used for Consumptive Use Permitting. As pressure increased on the Everglades ecosystem resource, the Governing Board initiated rule-making to limit increased allocations dependent on the Everglades system. As a result, the Regional Water Availability Rule was adopted by the Governing Board on February 15, 2007 as part of the SFWMD's water use permit program. This reduced reliance on the regional system for future water supply needs, mandates the development of alternative water supplies, and increasing conservation and reuse.

3. DATA AND ANALYSIS

The Town of Palm Beach does not own or operate its own potable water supply system. Rather, potable water facilities and services are provided by the City of West Palm Beach. In addition to providing potable water to the Town of Palm Beach and its own residents, the City of West Palm Beach also provides potable water to the Town of South Palm Beach.

The City of West Palm Beach's water system includes a raw water supply, water treatment plant, storage reservoirs, and a distribution system. A 30-year renewable contract between the Town and the City was signed in 1965 (Resolution 3-65) and expired in 1995; however, the City continued to provide water to the Town as was required by the previous agreement. The Town subsequently renegotiated the contract with the City, and a new franchise agreement was signed on June 16, 1999 (Resolution 22-99), and is effective until 2029.

3.1 Population Information

The Town's existing and future population figures are derived from the US Census, the Bureau of Economic and Business Research (BEBR), and the Town's Planning, Zoning and Building Department. Between 1950 and 1970, the Town of Palm Beach population grew from 3,886 to 9,086, an increase of 134 percent. After this period, the Town's population growth was far less dramatic with ~~an approximate population of 9,735 in 2005. The current (2009) population for the Town has been estimated at~~

~~9,815. By 2014, the Town's population is anticipated to increase to 9,947. In 2019 the population should reach 10,080, which represents an increase of 2.7 percent over the 2009 population.~~ a 2000 US Census figure of 9,676. The 2010 US Census found that the Town's population actually decreased by 15.7% to a figure of 8,161. The Town's population has been estimated to decrease slightly in 2015 to 8,040; however this is a somewhat minor decrease, and the population is anticipated to remain somewhat flat. Any potential growth is limited because ~~This relatively minor population growth is reflective~~ of the fact that the Town is substantially built-out, ~~with future development potential and population growth limited by the~~ and there is a scarcity of vacant and developable land.

3.2 Maps of Current and Future Areas Served

The Town's water demand is met by the City of West Palm Beach, therefore the Town falls within the City of West Palm Beach's Utility Service Area, and is shown in the City's Potable Water Supply Service Area map found in the City's Comprehensive Plan Map Series.

3.3 Population and Potable Water Supply Demand Projections

The Town's population figures have been included in the City of West Palm Beach's 10-Year Water Supply Facility Work Plan, which also includes the population figures for the Town of South Palm Beach and the City of West Palm Beach. All of these population figures have been used to project future water demand in the Utility Service Area for the City of West Palm Beach, and are included in the City's 10-Year Water Supply Facility Work Plan in the City's Comprehensive Plan. In summary, the City's permitted allocation of potable water is ~~14,346~~15,038 million gallons per year, while the demand from the Utility Service Area was ~~11,216~~11,862 million gallons in ~~2008~~2017, and the projected demand for the Area is ~~13,664~~12,742 million gallons in ~~2018~~2023. Therefore, the City of West Palm Beach can more than easily meet the water demands of the Town of Palm Beach for the next ten years.

3.4 Water Supply Provided by the City of West Palm Beach

The City of West Palm Beach's 10-Year Water Supply Facilities Work Plan is attached as Appendix A. The intent of the City's Work Plan is to meet the statutory requirements mentioned in subsection 1.2 of this plan and to coordinate the City of

West Palm Beach's water supply initiatives with the SFWMD's *Lower East Coast Water Supply Plan Update*.

As stated earlier, the City of West Palm Beach's Utility Service Area includes all the land within the City's municipal boundaries, and also those areas within the municipal boundaries of the Town of South Palm Beach and the Town of Palm Beach. The City of West Palm Beach's supply system is detailed in the following subsections.

3.4.1 SFWMD Water Use Permit

The City obtained a 20-year consumptive use permit (CUP) from the South Florida Water Management District (SFWMD) on ~~October 12, 2006~~February 14, 2013. The details of the permit are as follows:

- CUP Number: 50-00615-W
- Raw Water Source:
    1. Ground Water Source: Floridan Aquifer System & Surficial Aquifer System
    2. Surface Water Source: Clear Lake (via M-Canal and Lake Mangonia from Grassy Waters Preserve and Lake Okeechobee via L-8 Tieback through control 2 (67 MGD)
- Raw Water Allocation Information:
  Annual Allocation: ~~14,346~~15,038 Million Gallons (MG)
  Max. Monthly Allocation: ~~1,339~~1,392.32 Million Gallons (MG)
- Annual allocation includes ~~10,291~~15,038 million gallons (MG) from Clear Lake and 24,446 Million Gallon (MG) from SWFWMD Canal (L-8) Tieback as existing surface water withdrawal and from Surficial Aquifer System 1,470 MG from West Wellfield (WWF) and 864 MG from East Wellfield (EWF)~~4,055 million gallons (MG), Alternative Water Supply that is made up of 365 MGY from the Renaissance Project and 3,690 MGY from the Wetland Based Reclamation Project~~.
- ~~Average to Maximum Monthly Pumping Ration: 1:1.12~~
- Specific Source Limitation:
  Clear Lake Annual = ~~14,346~~15,038 MG; Monthly = ~~1,339~~1,392.32 MG
- Permit Expiration in 20 years: ~~October 11, 2026~~February 14, 2033.

3.4.2 Existing Withdrawal Facility

Source: Floridan Aquifer System-Recovery of surface water from Clear Lake stored in the ASR well
1-24" – X 1200' X 4861 GPM Well Cased to 985 feet

Source: Surficial Aquifer System
1 – X 18" X 152.5' X ~~2,790~~2,780 GPM Well Cased to 82.5 feet

1 – X 18" X 153.5' X ~~2,790~~2,780 GPM Well Cased to 83.5 feet
1 – X 18" X 154' X 2,780 GPM Well Cased to 84 feet
1 – X 18" X 163' X 2,780 GPM Well Cased to 93.5 feet
1 – X 18" X 166' X 2,780 GPM Well Cased to 96 feet
1 – X 18" X 170' X 2,780 GPM Well Cased to 100 feet
1 – X ~~18" X 150' X 2,780~~24" X 125' X 1,000 GPM Well Cased to ~~80~~119 feet
4 – X 18" X 150' X 2,780 GPM Well Cased to 80 feet

Ground Water: Surficial Aquifer System – East Wellfield
9 – 24" X 150' X 1,000 GPM Wells cased to 120 feet.

Source: Clear Lake-Surface Water
4 – X 14" X 100 HP X 8,400 GPM Turbine Pumps
1 – X 16" X 100 HP X 5,250 GPM Centrifugal Pumps
2 – X 18" X 125 HP X 10,500 GPM Centrifugal Pumps
1 – X 30" X 150 HP X 17,500 GPM Turbine Pumps
3 – 36" X 130 HP X 15,000 GPM Submersible Pumps
4 – 42" X 200 HP X 33,700 GPM Axial Flow Pumps

3.4.3 Alternative Water Supplies

The City's SFWMD consumptive use permit (CUP) requires that the City "use alternative water supplies to account for all increased demands from Clear Lake above the City's historic use~~ in the 12-month period prior to April 2006 which equates to 10,291 million gallons per year (MGY)~~." The City has identified these alternatives in ~~Table 7 ("Service Area Water Demand Projections and Alternative Water Supply Sources") of~~ their 10-Year Water Supply Facility Work Plan (Sections 3.43. & 3.6), which will allow the City to meet the water supply demand of its Service Area for the next ten years, including the water demands of the Town of Palm Beach.

3.4.4 Interconnects

The City also maintains interconnections with other public water suppliers including:

~~1. An emergency interconnection with Indian Trail Improvement District, for delivery of up to 0.15 MGD of finished water;~~
~~2. One emergency interconnection with the Village of Royal Palm Beach near State Road 7 and Okeechobee Boulevard for delivery of up to 2.0 MGD of finished water;~~
~~3.~~1. One interconnection with the Solid Waste Authority for delivery of up to 0.35 MGD of finished water;
2. One interconnection with ~~Seacoast Utilities~~ the Palm Beach County at Bay Hill Estates ~~located at Northlake Boulevard,~~ for delivery of up to ~~3.0~~0.5 MGD of finished water~~ as available within the capacity of the City's water system~~;

~~4.~~3. One emergency interconnection with Lake Worth Utilities (1.0 MGD);

~~5.~~4. ~~Three~~Five emergency interconnections with Palm Beach County at ~~Bridgeman Road~~SR7 at Okeechobee (3.0 MGD), ~~Ernest Street~~M-Canal W to Coconut Blvd (0.15 MGD), Haverhill Road (1.5 MGD), and Jog Road (3.0 MGD), Florida Mango Rd (1.0 MGD); and

~~6.~~5. Two emergency interconnections with the City of Riviera Beach with one at Military Trail (1.0 MGD) and one at Broadway Avenue (1.0 MGD).

3.5 Conservation

Currently, one of the Town's ~~goal~~objectives listed in the Comprehensive Plan is to ~~reduce potable water consumption by 20% through the implementation of~~implement a water conservation program that includes education, requiring water saving devices in construction, requiring new automatic irrigation systems to include water sensors, the use of xeriscaping, and enforcement of SFWMD's irrigation restrictions.

To further the conservation of water, the Town will coordinate future conservation efforts with the City of West Palm Beach and the SFWMD to ensure that proper techniques are applied. In addition, the Town will continue to support and expand existing goals, objectives and policies in the comprehensive plan that promote water conservation in a cost-effective and environmentally sensitive manner. The Town will continue to actively support the SFWMD and the City of West Palm Beach in the implementation of new regulations or programs that are design to conserve water during the dry season.

3.6 Alternative Water Supply Projects & Reuse

State law supports and promotes reuse efforts. For the past several years, Florida's utilities, local governments, and water management districts have led the nation in implementing water reuse programs that increase the quantity of reclaimed water used and public acceptance of reuse programs. Section 373.250(1) F.S. provides that "~~water reuse programs designed and operated in compliance with Florida's rules governing reuse are deemed protective of public health and environmental quality~~the encouragement and promotion of water conservation and reuse of reclaimed water, as defined by the department, are state objectives and considered to be in the public interest." In addition, Section 403.064(1), F.S., provides that "reuse is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems."

The Town of Palm Beach supports all water reuse initiatives by its water provider, including those completed and operational, and those that are being developed. These water reuse initiatives include the following:

The Renaissance Project was completed by the City of West Palm Beach in 2002, which is a stormwater collection and reuse system that collects and treats stormwater normally discharged into a water body, for reuse in the City's potable water supply system. Currently, the Renaissance Project captures, treats, and stores approximately 365 million gallons of water per year (MGY), or one (1) million gallons per day (MGD). This reuse system greatly reduces stormwater that would be passed into a water body, and significantly reduces the need for the City to withdraw additional water from the regional water supply system.

~~In 2006, the City of West Palm Beach completed construction on the Wetlands Based Water Reclamation Project (WBWRP), which is another water reuse project that involves the discharge of highly treated effluent to an adjacent wetland area to restore and recharge the wetland and surficial aquifer. The City then has the ability to withdraw this water from the recharged aquifer and put it into its potable water supply system. This reclaimed water, up to 10 million gallons per day (MGD), is available to augment the City's potable water supply system, which reduces the City's dependency on the regional water supply system.~~

The City of West Palm Beach also recently completed an 8 million gallon per day (MGD) aquifer storage and recovery (ASR) well at its Water Treatment Plant. This well can store excess treated surface water during a heavy rainfall, then pump it into the upper Floridan Aquifer System, which can then be withdrawn to meet increased demands during dry weather. The City's ASR well is~~ not currently operational, but is being evaluated for future use~~ under 5th cycle testing to determine the recharge and recovery values and also to evaluate water quality of recovered water.

The existing 10 wells in the Western wellfield can provide 24.5 MGD (operational conditions based on Clear Lake levels and regional water non-availability).

The City completed construction of Divide Structure Pump station on Clear Lake to withdraw water from deeper areas of Clear Lake allowing additional source water of up to 60 MGD (operational conditions based on Clear Lake levels and regional water supply non-availability).

The City just completed construction of 9 more surficial wells located around M-Canal to capture seepage losses, bringing the total number of wells in the eastern Well field to 10 with a potential 14.4 MGD (operation conditions are based on Clear Lake levels and regional water supply non-availability).

The City is currently constructing a pump station for capturing water sent to tide from C17 Canal; this pump structure has a potential to capture up to 72 MGD (operational conditions based on water being released to tide and canal levels).

4.0 CAPITAL IMPROVEMENTS

The following are details of the City of West Palm Beach's treatment process for potable water, and what capital improvements will be necessary over the next ten years to provide potable water to those it serves, including the Town of Palm Beach.

4.1 City of West Palm Beach's Existing Water Treatment Plant Process

The City of West Palm Beach's Water Treatment Plant (WTP) was originally constructed in 1921, and later expanded in ~~1989~~1984, which increased capacity by 47 million gallons per day (MGD). In 1999, the treatment process at the facility was modified to include ferric sulfate-enhanced lime softening treatment. ~~The City is currently evaluating water treatment alternatives, other sources of water, and possible plant locations; any future modifications or changes shall be reflected in this plan as it is amended from time to time.~~After a series of bacteriological events in the distribution system in 2007, the plant underwent a series of operational and equipment and process improvements in 2008-2012. Improvements included staff training and augmentation, replacement of inoperable valves, mechanical systems and equipment at the end of its useful life, eliminating gaseous chemicals for staff and public safety, dosing chemicals through a mixing and metering header and modifying control and electrical systems to provide automated plant operation and reliable power distribution as well as backup power generation systems for the plant. The conventional treatment process of coagulation, flocculation/sedimentation, filtration through dual-media, biologically active rapid gravity filters and disinfection with chloramine treatment will be enhanced by the addition of Ultraviolet (UV) light disinfection to provide additional pathogen protection and upgraded taste and odor control. The addition of the UV light disinfection process downstream of filters, along with a dedicated Powdered Activated Carbon (PAC) contact chamber and new pumping equipment for high service pumping, will be under construction in 2016. This combination of additional treatment was selected as the most economical, environmentally sensitive, energy-efficient and least disruptive option.

Surface water is the primary source for the City's (and therefore the Town's) water supply system. Surface water travels through the City's M-Canal to the City's water supply lakes (Lake Mangonia and Clear Lake), and they come from the City's

Grassy Waters Preserve, a 19.3 square-mile aquatic preserve located in western West Palm Beach and from Lake Okeechobee through the L-8 Tieback through the city's control 2 structure (pump station upgraded in 2014).. As mentioned previously, there are other sources of water that feed into the surface water system, including the Renaissance Project, ~~and the Wetlands Based Water Reclamation Project (WBWRP)~~tidal water capture from C51 and C17 Canals, augmentation from surface water stored and recovered from the ASR well, and Eastern and Western wellfield surficial wells. During extreme drought conditions, Clear Lake Divide structure will help draw water from lower depths in Clear Lake to augment the water supply to the treatment plant. ~~Ultimately, the combined water from Grassy Waters Preserve, the Renaissance Project, and the WBWRP is pumped from Clear Lake into the WTP for treatment.~~

The following is a description of the water treatment process contained in the City of West Palm Beach's 10-Year Water Supply Facility Work Plan:

~~*First, powdered activated carbon is added to control taste and odor. Next, the water enters two parallel rapid mix coagulation-flocculation-sedimentation treatment trains. Each treatment train operates independently of the other utilizing two different chemical treatment methods. The east train utilizes ferric-sulfate-enhanced lime softening (LS) and the west train utilizes enhanced coagulation using ferric sulfate (EC). Following chemical addition, both trains enter flocculation basins and then sedimentation basins where particles settle and are removed from the water. Water is collected at the end of the sedimentation basins and both trains are combined in a combined effluent channel. After recombining, caustic soda is added to raise the pH prior to filtration. The pH adjusted water is then filtered to remove any remaining particulates before the final process step of chlorination. After chlorination, the water is pumped through three major transmission mains that pump to the east, south and north.*~~ *Source water from Clear Lake is pumped at the intake of the WTP headworks (PAC is added at the intake to control taste and odor) and rapidly mixed with Lime, Ferric Sulfate and polymer, the water is allowed to coagulate, flocculate and settle in the sedimentation basins. After readjusting pH with Sodium hydroxide, the water is filtered through rapid gravity dual media biological filters and disinfected with chloramination. A corrosion inhibitor and Fluoride are added at the mixing metering header along with final adjustments to pH and chlorine residual. After disinfection, the water is pumped through high service pumps to three major transmission mains that pump to the east, south and north.*

4.2 Capital Improvements Element/Schedule

The City of West Palm Beach's Five-Year Capital Improvements Schedule, which is adopted annually, details the capital improvements necessary to provide the various

adopted levels of service (LOS) established by the City and those that they serve, including the Town of Palm Beach. ~~As stated previously, the City is currently evaluating water treatment alternatives, sources of water, and future water treatment plant locations. After this evaluation is completed, the City will update its Five-Year Capital improvements Schedule to incorporate any necessary projects~~. The City's Utilities Department is currently assessing the condition of the water treatment plant, as well as distribution system assets. Following the assessment, the City will prioritize infrastructure projects, including above ground and underground utilities. Based on the assessment and prioritization, the Utilities Department plans on borrowing money through a bond to address water treatment and distribution system needs.

After the City of West Palm Beach reviewed current and projected water demands, permitted allocation, and its water supply options, along with instituting drought proofing measures, the City determined that no new infrastructure for potable water will be needed within the ten-year planning period of this water supply facility work plan. However, ~~a permit modification to the City's Wetlands Based Water Reclamation Project (WBWRP) will be needed by 2014 to allow for an increase in quantity of water discharged to the wetlands reuse site above the current average daily flow of 6.0 million gallons per day (MGD) to 10.0 MGD.~~the City is committed to continue to explore current technology and options in order to secure a safe water supply to meet the anticipated future demands from those who receive water from the City, including the Town of Palm Beach.

5.0 COORDINATION WITH WATER PROVIDER

A representative from the Town of Palm Beach meets on a regular basis with a representative from the City of West Palm Beach to "assist the City in its efforts to establish priorities for replacement of, or corrections of, deficiencies to potable water quality, facilities, as well as provision for future potable water needs." (Infrastructure Element Policy ~~12.1~~11.1). The Town has also created the Town of Palm Beach Water Committee that regularly meets to discuss water supply problems and issues, and possible solutions. Representatives from the City of West Palm often address this Committee, and this Committee is in constant coordination with the City to ensure that the Town's potable water needs are met.

The Town will amend this work plan to address any changes to the water provider, or if the Town assumes the responsibility of water provider.

Appendix A

The City of West Palm Beach
10 Year Water Supply Facility Work Plan

released during low-flow or drought periods to augment surface waters and water supply requirements.

Policy 1.4.2: The City shall continue to implement a water reuse program utilizing reclaimed waste water to recharge surficial wetlands and shallow aquifer systems.

10 YEAR WATER SUPPLY FACILITY WORK PLAN SUBELEMENT

1.0 INTRODUCTION

1.1 Purpose and Objectives

The purpose of the City of West Palm Beach Water Supply Facility Work Plan (hereinafter the Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the local government's jurisdiction. Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update. The 2013 Lower East Coast Water Supply Plan (LECWSP) Update was approved by the South Florida Water Management District ~~on February 15, 2007~~.

Residents of the City buy their water directly from the City of West Palm Beach Public Utilities Department (PUD). Under this arrangement, the City's PUD ensures that enough capacity is available for existing and future customers and that supporting infrastructure, such as the water lines, are adequately maintained.

According to state guidelines, the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period.

The City's Work Plan is divided into the following four sections:

Section 1 – Introduction
Section 2 – Background Information
Section 3 – Data and Analysis
Section 4 – Work Plan Projects/Capital Improvement Element/Schedule

1.2 Statutory History

The Florida Legislature has enacted bills in the 2002, 2004, ~~and~~ 2005, 2011 and 2012 sessions to address the state's water supply needs. These bills, especially Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning

and water supply planning.

1.3 Statutory Requirements

The following highlights the statutory requirements:

1. Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan, ~~[163.3177(4)(a), F.S.]~~
2. Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services, ~~[s.163.3177(6)(a),F.S., effective July 1, 2005~~.] Data and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to the Planning Division ~~Department~~ for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.
3. Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permit, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. ~~[s.163.3180(2)(a), F.S., effective July 1, 2005.]~~ This "water supply concurrency" is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).
4. For local governments subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (the "Infrastructure Element"), within 18 months after the water management district approves an updated regional water supply plan, to:
    a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. 373.709(8)(b) and 373.709(2) (a) ~~373.0361(7),~~ F.S. ~~[s. 163.3177(6)(c), F.S.~~];
    b. Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government's jurisdiction ~~[s. 163.3177(6)(c), F.S.]~~; and
    c. Include a water supply facility work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facility identified in the Element as necessary to serve existing and new development. ~~[s. 163.3177(6)(c), F.S.]~~ Amendments to incorporate the water supply facility work plan into the

comprehensive plan are exempt from the twice-a-year amendment limitation. [s. ~~163.3177(6)(c), F.S.~~]

5. Revise the ~~Five-Year~~ Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the planning ~~five-year~~ period.
6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s). ~~[s.163.3177(6)(d), F.S.]~~

   If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan. ~~[s.163.3167(13), F.S.]~~
7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans. ~~[s.163.3177(6)(h)1., F.S.]~~
8. Address in the EAR, the extent to which the local government has implemented the 10-year water supply facility work plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands. ~~[s.163.3191(2)(l), F.S.]~~

2.0 BACKGROUND INFORMATION

2.1 Overview of the City of West Palm Beach

The City, established in 1894, is the largest municipality within Palm Beach County and serves as the County seat. The City boundaries encompass approximately fifty-eight (58) square miles and are bounded by the Intracoastal Waterway to the east, the South Florida Water Management District C-51 canal to the south, the City's 19.3 square mile Water Catchment Area (WCA) to the west, and the Beeline Highway and 59th Street to the north. Located adjacent to the City are several municipalities including, the Town of Palm Beach, City of Lake Worth, Town of Mangonia Park, and City of Riviera Beach.

Although the City is substantially built-out, approximately 98%, ~~between 1990 and 2000,~~ the City population grew from ~~67,764 to~~ 82,103 in 2000 to 106,525 in 2015, an increase of approximately ~~twenty-one~~ thirty percent. This population growth is reflective of the fact that the City continues to experience infill and redevelopment within its limits.

In 2007, an evaluation of existing gross acreage by land uses revealed that 28.2% of the total gross acreage in the City is dedicated to residential use. The remaining gross acreages are allocated to non-residential such as recreation/open space (50%); commercial (5.4%); industrial (2.9%); and undeveloped (2%). The City does not anticipate substantial increases in land area in

the near future, however ~~the~~ population projections indicates a continued modest growth for the City of approximately ~~3%~~ 25% for the next ~~10~~ 20 years to a projected population of 133,502 in the year 2035.

2.2 Relevant Regional Issues

As the state agency responsible for water supply in the Lower East Coast planning area, the South Florida Water Management District (SFWMD) plays a pivotal role in resource protection, through criteria used for Consumptive Use Permitting. As pressure increased on the Everglades ecosystem resource, the Governing Board initiated rulemaking to limit increased allocations dependent on the Everglades system. As a result, the Regional Water Availability Rule was adopted by the Governing Board on February 15, 2007 as part of the SFWMD's Consumptive Use Permit Program. This reduced reliance on the regional system for future water supply needs, mandates the development of alternative water supplies, and increasing conservation and reuse.

The intent of the City's Water Supply Facilities Work Plan is to meet the statutory requirements mentioned in subsection 1.2 of this plan and to coordinate the City's water supply initiatives with the 2013 Lower East Coast Water Supply Plan (LECWSP) Update, prepared by the South Florida Water Management District.

This Water Supply Facilities Work Plan details the facilities and proposed alternative water supply (AWS) projects that are planned or completed recently and included in the LECWSP in order to assist the City in meeting the service area water demands through 2032 ~~2017~~. These projects are expected to be completed in increments consistent with the projected growth set forth in the Plan. The AWS projects are included in the City's Capital Improvement Element.

3.0 DATA AND ANALYSIS

3.1 Service Area - Population Information

The City of West Palm Beach Potable Water Supply Service Area (Utility Service Area) includes the City of West Palm Beach, Town of Palm Beach and Town of South Palm Beach. The existing and future population figures for the Utility Service Area are derived from Palm Beach County Planning, Zoning and Building Department and the University of Florida Bureau of Economic and Business Research (BEBR). Between 1990 and 2000, the Utility Service Area grew from 78,937 to 93,310, an increase of approximately eighteen (18%) percent. In 200~~7~~8 the City's Utility Service Area population was estimated at 114,982 ~~115,252~~ ~~114,241~~. By 2015 ~~2012~~, the City's Utility Service Area population ~~is anticipated to~~ increased to 116,250 ~~116,204~~ ~~125,049~~; and in 2035 ~~2018~~ it is expected to increase to 144,150 ~~144,420~~.~~145,670; representing an increase of twenty (27.5 %) percent over the 2008 population~~. This population growth is reflective of the fact that the City continues to experience redevelopment and infill projects within its limits.

3.2 Service Area Map

The City Utility Service Area includes the City of West Palm Beach, Town of Palm Beach and Town of South Palm Beach. A copy of the City's Potable Water Supply Service Area map is

provided in the Comprehensive Plan Map Series.

3.3 Population and Potable Water Supply Demand Projections

This section provides historical population projections from 2008 to 2012 ~~2007 to 2011~~ ~~2002 to 2007~~ and projected population projections ~~from 2008~~ through 2022 ~~2018~~ for the City Utility Service Area. Population projections for the City and its Utility Service Area are provided by the Palm Beach County Planning Division. The Palm Beach County Planning Division establishes municipal projection figures by disaggregating county-level forecasts produced by the Bureau of Economic and Business Research (BEBR) analysis of the University of Florida. Palm Beach County projections are prepared in 5 year increments, The City assumed a constant annual growth for each interim year based on the five-annual projections and extrapolated population projections.

3.3.1 Historical Population Projections for the Service Area

Historical populations for the City Utility Service Area are as shown below in Table 1. These figures are based on the annual reports prepared by ~~the University of Florida's Bureau of Economic and Business Research (~~BEBR~~)~~. The only exception is the 2010(*) number which corresponds to the Census count.

Table 1 – Historical Population for City of West Palm Beach Water Utility Service Area

Year	~~2003~~ 2008	~~2004~~ 2009	~~2005~~ 2010	~~2006~~ 2011	~~2007~~ 2012
City of West Palm Beach Population	~~90,721~~ 103,663	~~95,628~~ 103,150	~~101,111~~ 100,343*	~~107,617~~ 100,801	~~105,068~~ 101,668
Town of Palm Beach Population	~~9,682~~ 9,797	~~9,685~~ 9,650	~~9,700~~ 8,348	~~9,706~~ 8,350	~~9,744~~ 8,358
Town of South Palm Beach Population	~~1,533~~ 1,522	~~1,532~~ 1,523	~~1,532~~ 1,171	~~1,526~~ 1,174	~~1,528~~ 1,212
~~*Unincorporated Palm Beach County*~~	~~270~~	~~270~~	~~270~~	~~270~~	~~273~~
Total Service Area Population	~~**102,206**~~ ~~115,252~~ **114,982**	~~**107,115**~~ ~~114,593~~ **114,323**	~~**112,613**~~ ~~110,132~~ **109,862**	~~**119,119**~~ ~~110,598~~ **110,325**	~~**116,613**~~ ~~111,511~~ **111,238**

3.3.2 Future Population Projections for the Service Area

Future population projections for the City Water Utility Service Area are as shown below in Table 2.

Table 2– Future Population Projections for City of West Palm Beach Water Utility Service Area

Year	~~2008~~ 2013	~~2009~~ 2014	~~2010~~ 2015	~~2011~~ 2020	~~2012~~ 2025	~~2013~~ 2030	~~2014~~ 2035	~~2015~~	~~2016~~	~~2017~~	~~2018~~
City of West Palm Beach Population	~~102,453~~ 103,038	~~104,762~~ 104,630	~~107,109~~ 106,525	~~110,131~~ 114,718	~~113,224~~ 121,381	~~116,387~~ 127,401	~~119,623~~ 133,502	~~122,933~~	~~126,015~~	~~129,157~~	~~132,363~~
Town of Palm Beach Population	~~9,969~~ 8,168	~~9,943~~ 8,170	~~9,916~~ 8,041	~~9,916~~ 8,234	~~10,010~~ 8,425	~~10,074~~ 8,753	~~10,250~~ 9,138	~~10,369~~	~~10,635~~	~~10,937~~	~~11,298~~
								-	-	-	-
Town of South Palm Beach Population	~~1,546~~ 1,362	~~1,540~~ 1,362	~~1,534~~ 1,366	~~1,533~~ 1,372	~~1,545~~ 1,399	~~1,553~~ 1,450	~~1,579~~ 1,510	~~1,596~~	~~1,636~~	~~1,681~~	~~1,736~~
								-	-	-	-
~~*Unincorporated Palm Beach County*~~	~~273~~	~~273~~	~~272~~	~~272~~	~~270~~	~~271~~	~~270~~	~~271~~	~~270~~	~~272~~	~~273~~
Total Service Area Population	~~114,241~~ ~~112,841~~ 112,568	~~116,518~~ ~~114,435~~ 114,162	~~118,831~~ ~~116,204~~ 115,932	~~121,852~~ ~~124,596~~ 124,324	~~125,049~~ ~~131,475~~ 131,205	~~128,285~~ ~~137,875~~ 137,604	~~131,722~~ ~~144,420~~ 144,150	~~135,169~~	~~138,556~~	~~142,047~~	~~145,670~~

3.3.3 Historical Water Use

The City's Water Treatment Plant historic water production figures are provided below in Table 3 for year 2008 through ~~2011~~ 2012 ~~2003 through 2007~~. ~~As seen from the values in the Table, the City's water production, i.e., demand, significantly dropped in year 2007 due to the significant drought that affected the region and the effective implementation of water restrictions.~~

Table 3–Service Area Historic ~~Past~~ Water Production and Demand

Year	Annual Finished Water Produced at WPB WTP (MGY)	Daily Finished Water Produced at WPB WTP (MGD)	Service Area Population	Per Capita Demand (GPCPD)
~~2003~~ 2008	~~10,171.37~~ 9,610	~~27.87~~ 26.32	~~102,206~~ ~~115,252~~ 114,982	~~272.65~~ ~~250~~ 229
~~2004~~ 2009	~~10,849.90~~ 9,960	~~29.73~~ 27.28	~~107,115~~ ~~114,593~~ 114,323	~~277.51~~ ~~255~~ 239
~~2005~~ 2010	~~10,924.60~~ 9,934	~~29.93~~ 27.21	~~112,613~~ ~~110,132~~ 109,862	~~265.78~~ ~~249~~ 248
~~2006~~ 2011	~~9,670.89~~ 9,637	~~31.58~~ 26.40	~~119,119~~ ~~110,598~~ 110,325	~~265.10~~ ~~243~~ 239
~~2007~~ 2012	~~9,670.89~~ 9,225	~~26.50~~ 25.27	~~116,613~~ 111,283	~~227.21~~ 227

3.3.4 Future Water Demand Projections

Future water demand projections were calculated using the City's service area population projections multiplied by its projected per capita demands. The projected per capita demands are listed as identified in the City's Water Use Permit. Table 4 below provides the projected finished water demand for the year ~~2012~~ 2013 through 2022 2023 ~~2001 through 2018 and the permitted allocation from the SFWMD~~. The City's permitted allocation of 15,038 ~~14,346~~ million gallons per year (this includes 4,055 million gallons per year of water produced from alternative water supply sources).

Table 4–Utility Service Area Water Demand Projections

Year	Projected Population	Per Capita Demand (GPCPD)	Projected Annual Demand (MGY)	Permitted Annual Allocation (MGY)
~~2012~~ ~~2008~~	~~111,511~~ ~~114,241~~	~~272~~ ~~269~~	~~10,951~~ ~~11,216~~	~~15,038~~ ~~14,346~~
2013 ~~2009~~	112,568 ~~112,841~~ ~~116,518~~	237 ~~272~~ ~~269~~	9,720 ~~11,099~~ ~~11,440~~	15,038 ~~14,346~~
2014 ~~2010~~	114,166 ~~114,435~~ ~~118,831~~	272 ~~269~~	9,587 ~~11,249~~ ~~11,401~~	15,038 ~~14,346~~

2015 ~~2011~~	116,250 ~~116,204~~ ~~121,852~~	272 ~~262~~	10,333 ~~11,401~~ ~~11,652~~	15,038 ~~14,346~~
2016 ~~2012~~	117,864 ~~116,423~~ ~~125,049~~	272 ~~262~~	10,592 ~~11,584~~ ~~11,958~~	15,038 ~~14,346~~
2017 ~~2013~~	119,478 ~~118,237~~ ~~128,285~~	272 ~~262~~	11,862 ~~11,771~~ ~~12,267~~	15,038 ~~14,346~~
2018 ~~2014~~	121,092 ~~120,080~~ ~~131,722~~	272 ~~262~~	12,022 ~~11,960~~ ~~12,596~~	15,038 ~~14,346~~
2019 ~~2015~~	122,707 ~~121,952~~ ~~135,169~~	272 ~~262~~	12,182 ~~12,152~~ ~~12,926~~	15,038 ~~14,346~~
2020 ~~2016~~	124,324 ~~124,596~~ ~~138,556~~	272 ~~257~~	12,343 ~~12,318~~ ~~12,997~~	15,038 ~~14,346~~
2021 ~~2017~~	125,662 ~~126,184~~ ~~142,047~~	272 ~~262~~	12,476 ~~12,558~~ ~~13,324~~	15,038 ~~14,346~~
2022 ~~2018~~	127,002 ~~128,558~~ ~~145,670~~	272 ~~262~~	12,609 ~~12,804~~ ~~13,664~~	15,038 ~~14,346~~
2023	128,342	272	12,742	15,038

Permitted annual allocation shown in Table 4 is permitted withdrawal from Clear Lake. Projected population is extrapolated assuming constant annual growth and using the BEBR five year projections. For past years (2013-2016), actual annual demand (MGY) was used to calculate the per capita demand (GPCPD). For future years (2017-2023) the average projected per capita demand of 272 gallons per capita per day was used for calculating projected annual demand (MGY).

The City's projected annual demand ranges from 9,720 ~~10,951~~ ~~11,216~~ million gallons per year in ~~2012~~ 2013~~2008~~ to 12,742 ~~12,804~~ ~~13,664~~ million gallons per year in 2023 ~~2022~~ ~~2018~~.

Table 5 below summarizes the City's Bulk Service Agreements with local service providers and municipalities. The City has ~~an~~ additional ~~bulk service agreement with Seacoast Utility Authority that provides for up to 3.0 mgd of water to Seacoast provided the City has the water available within in its permitted capacity. This agreement along with the emergency~~ interconnect agreements with Palm Beach County, ~~Indian Trail Improvement District and Riviera Beach are~~ which is not included as a capacity reservation as this is ~~they are~~, by definition, on an emergency basis or subject to system capacity capability at the time of request.

Table 5 – Bulk Service Agreements Capacity Reservation

Bulk Sale Agreements - City of West Palm Beach												
Utility/Agency Served		Quantity of Water (mgd)										
		2012 ~~2008~~	2013 ~~2009~~	2014 ~~2010~~	2015 ~~2011~~	2016 ~~2012~~	2017 ~~2013~~	2018 ~~2014~~	2019 ~~2015~~	2020 ~~2016~~	2021 ~~2017~~	2022 ~~2018~~
Solid Waste Authority		0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35
Palm Beach County-Bayhills		0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15
Total		**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**

The total quantity of water allocated through the bulk service agreements is combined with the City's projected annual demand and compared to the City's permitted annual allocation (based on permitted withdrawal from Clear Lake (this includes 4,055 million gallons per year of water produced from alternative water supply sources)) below in table 6.

Table 6 – Total Service Area and Bulk Service Agreement Demand Projection

Year	Bulk Service Agreements (MGY)	Projected Service Area Annual Demand (MGY)	Total Service Area Demand with Bulk Service (MGY)	Permitted Maximum Allocation (MGY)	Surplus or (Deficit) of Permitted Allocation (MGY)
~~2012~~ ~~2008~~	~~182.5~~ ~~127.75~~	~~10,951~~ ~~11,216~~	~~11,133.5~~ ~~11,344.5~~	~~15,038~~ ~~14,346.00~~	~~3904.5~~ ~~3,001.50~~
2013 ~~2009~~	182.5 ~~127.75~~	9,720 ~~11,099~~ ~~11,440~~	9,902.5 ~~11,281.5~~ ~~11,568.07~~	15,038 ~~14,346.00~~	5,135.5 ~~3,756.5~~ ~~2,777.93~~
2014 ~~2010~~	182.5 ~~127.75~~	9,587 ~~11,249~~ ~~11,667~~	9,769.50 ~~11,431.5~~ ~~11,795.17~~	15,038 ~~14,346.00~~	5,268.50 ~~3,606.5~~ ~~2,550.83~~
2015 ~~2011~~	182.5 ~~127.75~~	10,333 ~~11,401~~ ~~11,658~~	10,515.50 ~~11,583.5~~ ~~11,780.46~~	15,038 ~~14,346.00~~	4,522.50 ~~3,454.5~~ ~~2,565.54~~
2016 ~~2012~~	182.5 ~~127.75~~	10,592 ~~11,584~~ ~~11,958~~	10,774.50 ~~11,766.5~~ ~~12,086.19~~	15,038 ~~14,346.00~~	4,263.50 ~~3,271.5~~ ~~2,259.81~~

Table 5 – Bulk Service Agreements Capacity Reservation

Bulk Sale Agreements - City of West Palm Beach												
Utility/Agency Served		Quantity of Water (mgd)										
		2012 ~~2008~~	2013 ~~2009~~	2014 ~~2010~~	2015 ~~2011~~	2016 ~~2012~~	2017 ~~2013~~	2018 ~~2014~~	2019 ~~2015~~	2020 ~~2016~~	2021 ~~2017~~	2022 ~~2018~~
Solid Waste Authority		0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35
Palm Beach County-Bayhills		0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15
Total		**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**	**0.50** **~~0.350~~**

The total quantity of water allocated through the bulk service agreements is combined with the City's projected annual demand and compared to the City's permitted annual allocation (based on permitted withdrawal from Clear Lake (this includes 4,055 million gallons per year of water produced from alternative water supply sources)) below in table 6.

Table 6 – Total Service Area and Bulk Service Agreement Demand Projection

Year	Bulk Service Agreements (MGY)	Projected Service Area Annual Demand (MGY)	Total Service Area Demand with Bulk Service (MGY)	Permitted Maximum Allocation (MGY)	Surplus or (Deficit) of Permitted Allocation (MGY)
~~2012~~ ~~2008~~	~~182.5~~ ~~127.75~~	~~10,951~~ ~~11,216~~	~~11,133.5~~ ~~11,344.5~~	~~15,038~~ ~~14,346.00~~	~~3904.5~~ ~~3,001.50~~
2013 ~~2009~~	182.5 ~~127.75~~	9,720 ~~11,099~~ ~~11,440~~	9,902.5 ~~11,281.5~~ ~~11,568.07~~	15,038 ~~14,346.00~~	5,135.5 ~~3,756.5~~ ~~2,777.93~~
2014 ~~2010~~	182.5 ~~127.75~~	9,587 ~~11,249~~ ~~11,667~~	9,769.50 ~~11,431.5~~ ~~11,795.17~~	15,038 ~~14,346.00~~	5,268.50 ~~3,606.5~~ ~~2,550.83~~
2015 ~~2011~~	182.5 ~~127.75~~	10,333 ~~11,401~~ ~~11,658~~	10,515.50 ~~11,583.5~~ ~~11,780.46~~	15,038 ~~14,346.00~~	4,522.50 ~~3,454.5~~ ~~2,565.54~~
2016 ~~2012~~	182.5 ~~127.75~~	10,592 ~~11,584~~ ~~11,958~~	10,774.50 ~~11,766.5~~ ~~12,086.19~~	15,038 ~~14,346.00~~	4,263.50 ~~3,271.5~~ ~~2,259.81~~

2017 ~~2013~~	182.5 ~~127.75~~	11,862 ~~11,771~~ ~~12,267~~	12,044.50 ~~11,953.5~~ ~~12,395.64~~	15,038 ~~14,346.00~~	2,993.50 ~~3,084.5~~ ~~1,950.36~~
2018 ~~2014~~	182.5 ~~127.75~~	12,022 ~~11,960~~ ~~12,596~~	12,204.50 ~~12,142.5~~ ~~12,724.32~~	15,038 ~~14,346.00~~	2,833.50 ~~2,895.5~~ ~~1,621.68~~
2019 ~~2015~~	182.5 ~~127.75~~	12,182 ~~12,152~~ ~~12,926~~	12.364.50 ~~12,334.5~~ ~~13,053.96~~	15,038 ~~14,346.00~~	2,673.50 ~~2,703.5~~ ~~1,292.04~~
2020 ~~2016~~	182.5 ~~127.75~~	12,343 ~~12,318~~ ~~12,997~~	12,525.50 ~~12,500.5~~ ~~13,125.00~~	15,038 ~~14,346.00~~	2,512.50 ~~2,537.5~~ ~~1,221.00~~
2021 ~~2017~~	182.5 ~~127.75~~	12,476 ~~12,558~~ ~~13,324~~	12,658.50 ~~12,740.5~~ ~~13,452.47~~	15,038 ~~14,346.00~~	2,379.50 ~~2,297.5~~ ~~893.53~~
2022 ~~2018~~	182.5 ~~127.75~~	12,609 ~~12,804~~ ~~13,664~~	12,791.50 ~~12,986.5~~ ~~13,792.32~~	15,038 ~~14,346.00~~	2,246.50 ~~2,051.5~~ ~~553.68~~
2023	182.5	12,742	12,924.5	15,038	2,113.5

~~Table 7 below identifies the Alternative Water Supply Sources (AWS) that can be are utilized to meet the City's projected annual service area demand and bulk service agreement reservation.~~ Table 7 below identifies Alternative Water Supply Sources (AWS) that can be utilized to meet the City's projected annual service area demand and bulk service agreement reservation. Permitted maximum allocation of 15038 MGY is based on City's permitted allocation for withdrawal from Clear Lake.

Table 7–Service Area Water Demand Projections and Alternative Water Supply Sources

Year	Clear Lake Allocation (MGY)	Renaissance AWS (MGY)	Wetlands Based Water Reclamation AWS (MGY)	Total Service Area Demand with Bulk Service (MGY)	Permitted Maximum Allocation (MGY)	Surplus or (Deficit) of Permitted Allocation (MGY)
~~2008~~ ~~2012~~	~~10,291.00~~ ~~15,038.00~~	~~365.00~~	~~688.50~~ ~~1,386.00~~	~~11,344.50~~ ~~11,133.50~~	~~14,346.00~~ ~~15,038.00~~	~~3,001.50~~ ~~3,904.50~~
~~2009~~ 2013	~~10,291.00~~ 15,038.00	637 ~~365.00~~	~~912.07~~ 1,386.00	~~11,568.07~~ ~~11,281.50~~ 9,902.50	~~14,346.00~~ 15,038.00	~~2,777.93~~ ~~3,756.50~~ 5,135.50
~~2010~~ 2014	~~10,291.00~~ 15,038.00	637 ~~365.00~~	~~1,139.17~~ 1,386.00	~~11,795.17~~ ~~11,431.50~~ 9,769.50	~~14,346.00~~ 15,038.00	~~2,550.83~~ ~~3,606.50~~ 5,268.50
~~2011~~ 2015	~~10,291.00~~ 15,038.00	637 ~~365.00~~	~~1,124.46~~ 1,386.00	~~11,780.46~~ ~~11,583.50~~ 10,515.50	~~14,346.00~~ 15,038.00	~~2,565.54~~ ~~3,454.50~~ 4,522.50

				~~12,086.19~~		~~2,259.81~~
~~2012~~	~~10,291.00~~	637	~~1,430.19~~	~~11,766.50~~	~~14,346.00~~	~~3,271.50~~
2016	15,038.00	~~365.00~~	1,386.00	10,774.50	15,038.00	4,263.50
				~~12,395.64~~		~~1,950.36~~
~~2013~~	~~10,291.00~~	637	~~1,739.64~~	~~11,953.50~~	~~14,346.00~~	~~3,084.50~~
2017	15,038.00	~~365.00~~	1,386.00	12,044.50	15,038.00	2,993.50
				~~12,724.32~~		~~1,621.68~~
~~2014~~	~~10,291.00~~	637	~~2,068.32~~	~~12,142.50~~	~~14,346.00~~	~~2,895.50~~
2018	15,038.00	~~365.00~~	1,386.00	12,204.50	15,038.00	2,833.50
				~~13,053.96~~		~~1,292.04~~
~~2015~~	~~10,291.00~~	637	~~2,397.96~~	~~12,334.50~~	~~14,346.00~~	~~2,703.50~~
2019	15,038.00	~~365.00~~	1,386.00	12.364.50	15,038.00	2,673.50
				~~13,125.00~~		~~1,221.00~~
~~2016~~	~~10,291.00~~	637	~~2,469.00~~	~~12,500.50~~	~~14,346.00~~	~~2,537.50~~
2020	15,038.00	~~365.00~~	1,386.00	12,525.50	15,038.00	2,512.50
				~~13,452.47~~		~~893.53~~
~~2017~~	~~10,291.00~~	637	~~2,796.47~~	~~12,740.50~~	~~14,346.00~~	~~2,297.50~~
2021	15,038.00	~~365.00~~	1,386.00	12,658.50	15,038.00	2,379.50
				~~13,792.32~~		~~553.68~~
~~2018~~	~~10,291.00~~	637	~~3,136.32~~	~~12,986.50~~	~~14,346.00~~	~~2051.50~~
2022	15,038.00	~~365.00~~	1,386.00	12,791.50	15,038.00	2,246.50
						2,113.50
2023	15,038.00	637	1,386.00	12,924.50	15,038.00	

*AWS Sources C51 (capture of water otherwise released to tide), C17 (capture of water otherwise released to tide) and ASR (Aquifer Storage recovery) are only assumed to be used for 90 days in the year for available water listed. The Wetlands based reclamation AWS (Advanced Wastewater Treatment-AWT) is no longer operational and has been removed from the ECRWRF (East Central Reginal Water Reclamation Facility) permit.

3.4 Potable Water Supply System

3.4.1 SFWMD Water Use Permit

The City received a twenty year water use permit from the South Florida Water Management District on February 14, 2013 ~~October 12, 2006~~. Permit information is as follows:

- WUP Number: 50-00615-W
- Raw Water Source:

  Ground Water from: Floridan Aquifer System and Surficial Aquifer System

  Surface Water from: Clear Lake via M-Canal and Lake Mangonia from Grassy Waters Preserve and Lake Okeechobee via L-8 Tieback through control 2 (67 MGD)

- Raw Water Allocation Information:

  Annual Allocation: 15,038 ~~14,346~~ Million Gallons (MG)

  Maximum Monthly Allocation: 1,392.32 ~~1,339~~ Million Gallons (MG)

- Annual allocation includes 15,038 ~~10,291~~ Million Gallons (MG) from Clear Lake and 24,446 Million Gallon (MG) from SWFMD Canal (L-8) Tieback as existing surface water withdrawal and from Surficial Aquifer System 1,470 MG from West Wellfield (WWF) and 864 MG from East Wellfield (EWF) ~~4,055 Million Gallons (MG), Alternative Water Supply which is made up of 365 MGY from the Renaissance Project and 3690 MGY from the Wetland Based Reclamation Project.~~

- ~~Average to Maximum Monthly Pumping Ratio: 1:1.12~~
- Specific Source Limitation:

  Clear Lake Annual = 15,038 ~~14,346~~ MG; Monthly = 1,392.32 ~~1,339~~ MG
- Permit Expiration: February 14, 2033. ~~October 11, 2026~~

3.4.2 Existing Withdrawal Facility

Source: Floridian Aquifer System-Recovery of surface water from Clear Lake stored in the ASR well
1-24" x 1200' x 4861 GPM Well Cased to 985 feet

Source: Surficial Aquifer System
1-18" x 152.5'x 2,780 ~~2,790~~ GPM Well Cased to 82.5 feet
1-18" x 153.5'x 2,780 ~~2,790~~ GPM Well Cased to 83.5 feet
1-18" x 154'x 2,780 GPM Well Cased to 84 feet
1-18" x 163'x 2,780 GPM Well Cased to 93.5 feet
1-18" x 166'x 2,780 GPM Well Cased to 96 feet
1-18" x 170'x 2,780 GPM Well Cased to 100 feet
1-24" x 125' x 1000 ~~18" x150' x 2,780~~ GPM Well Cased to 119 ~~80~~ feet
4-18" x 150'x 2,780 GPM Well Cased to 80 feet

Ground Water: Surficial Aquifer System -Eastern Wellfield
~~10 wells around M-canal~~ 9-24"x150'x1000 GPM Wells cased to 120 feet.

Source: Clear Lake-Surface Water
4-14" x 100 HP x 8,400 GPM turbine pumps
1-16" x 100 HP x 5,250 GPM centrifugal pumps
2-18" x 125 HP x 10,500 GPM centrifugal pumps
1-30" x 150 HP x 17,500 GPM turbine pump
~~1-66"x 300 HP x 65000 GPM electric turbine pump~~
~~1-66"x 350 HP x 65000 GPM diesel turbine pump~~
3-36" x 130 HP x 15000 GPM submersible pumps
4-42" x 200 HP x 33700 GPM axial flow pumps

3.4.3 Alternative Water Supplies

The City's Water Use Permit requires the City to "use alternative water supplies to account for

all increased demands from Clear Lake above the City's historic use. ~~in the 12-month period prior to April 2006 which equates to 10, 291 million gallons per year (MGY)~~". The City has approved alternatives, urban stormwater treatment via the Renaissance Project (365 MGY), tidal capture from C-51 canal (up to 54 MGD) via Renaissance treatment process, tidal capture from C-17 canal (up to 72 MGD), ASR well (stored surface water-up to 8 MGD), Eastern Wellfield (14.4 MGD), Western Wellfield (24.5 MGD) and Clear Lake Pump station and Divide structure (up to 60 MGD). ~~and wetland rehydration and aquifer recharge through the Wetlands Based Water Reclamation Project. Table 7 identifies the required alternative water supply demand needed to meet the projected water service area demand for year 2008 through 2018~~.A discussion of the City's alternative water supply projects can be found in Section 3.6 of this report.

3.4.4 Interconnects

The City maintains interconnections with other public water suppliers as follows:

1. ~~An emergency interconnection with Indian Trail Improvement District, for delivery of up to 0.15 MGD of finished water;~~
2. ~~One emergency interconnection with the Village of Royal Palm Beach near State Road 7 and Okeechobee Boulevard for delivery of up to 2.0 MGD of finished water;~~
3. 1. One interconnection with the Solid Waste Authority for delivery of up to 0.35-MGD of finished water;
4. 2. One interconnection with the Palm Beach County at Bay Hill Estates for delivery of up to 0.5 MGD of finished water
   3. One emergency interconnection with Lake Worth Utilities (1.0 MGD) ~~the Solid Waste Authority for delivery of up to 0.35 MGD of finished water~~;
5. 4. ~~Three~~ Five emergency interconnections with Palm Beach County at SR7 at Okeechobee (3.0 MGD), ~~Bridgeman Road,~~ M-Canal W to Coconut Blvd (0.15 MGD), Haverhill Road (1.5MGD), ~~Ernest Street~~ and Jog Road (3.0 MGD), Florida Mango Rd (1.0 MGD); and
6. 5. Two emergency interconnections with the City of Riviera Beach with one at Military Trail (1.0 MGD) and one at Broadway Avenue (1.0 MGD).

3.5 Conservation

The City developed and adopted a Water Conservation Plan in July 2005. The Water Conservation Plan elements include an aggressive approach to the development and implementation of several alternative water supply projects, water conservation based water rate structures, leak detection programs, an irrigation limitation ordinance, native vegetation landscaping requirements, ultra-low volume plumbing fixture construction code, rain sensor override requirement ordinance, and extensive public education programs. The City will coordinate future water conservation efforts with SFWMD to ensure that proper techniques are

applied. In addition, the City will continue to support and expand existing goals, objectives and policies in the comprehensive plan that promote water conservation in a cost-effective and environmentally sensitive manner. The City will continue to actively support the SFWMD in the implementation of new regulations or programs that are design to conserve water during the dry season.

The City's Water Conservation Programs strive to reduce the demand for water in a phased manner that will not only reduce water consumption but reduce utility bills and help to orient people's behavior in a way to conserve resources. The programs address Water and Resource Conservation goals within the City's Sustainability Action Plan through increasing education and awareness within the community. Conservation programs within the WPB Public Utilities service area include:

- High Efficiency Toilet Vouchers: for both residential and commercial customers, with over 2000 distributed within the 2012 to 2016 period. In 2017 vouchers allow a purchase of up to $125 per voucher.
- Rain Barrel Workshops: average 100 free rain barrels with installation/use trainings per year as of 2016.
- WaterSmart: on line and print customer engagement tool that allows you to track your water usage comparing it to similar households use; reduce your water consumption through timely tips customized to fit your individual profile; save on your monthly water bill while taking advantage of incentives and free offers and learn about utility advancements and Office of Sustainability programs and goals. In 2016, the City launched the pilot program "WPB WaterSmart",15,000 residential pilot participants received Home Water Reports, all utility customers have access to their water consumption information online. The City will be expanding the pilot program to include about 1,500 commercial and multi-family residents in 2017.
- SFWMD WaterCHAMP: a free public education program that helps hotels and motels save water, improve energy efficiency and reduce operating costs using conservation educational placards and high efficiency faucet aerators. West Palm Beach has successfully implemented this program and over 50% of WPB hotels/motels are participating as of 2017.
- Wyland's Mayors Water Challenge: the City has participated annually in this national water conservation education and awareness program. In 2013, West Palm Beach was a winner for cities of our size.
- Sustainability outreach: The Office of Sustainability participates and implements multiple educational conservation programs annually, including E4 Home, E4 Life, E4 Climate, E4 Business/ Green Business Challenge, Imagine a Day without Water, DOE Better Buildings Challenge Water Pilot, Landlord ; Sustainability distributes over 500 water conservation kits per year at events throughout the year which include shower timers, high efficiency shower heads, faucet aerators, and other products.
- The City plans to track monthly water use in City buildings for the U.S. Department of Energy Better Buildings Challenge.
- The City's PACE (Property Assessed Clean Energy) programs include, whenever possible, water and energy savings.

3.6 Alternative Water Supply Projects/Reuse

The City is committed to developing and implementing alternative water supply projects involving reuse. In 2002, the City completed the construction of the Renaissance Project, an innovative stormwater collection and reuse system that collects and treats stormwater normally discharged to tide, for reuse by the City in its potable water supply system. The Renaissance Project, a $17,600,000 project was completed with financial support from the Environmental Protection Agency, South Florida Water Management District, and Palm Beach County. The Renaissance Project became operational in September 2002 and it is estimated that between September 2003 and January 2004, over 340 million gallons of stormwater were pumped and treated through the Renaissance Pump Station. The Renaissance Project captures, treat and stores approximately 365 million gallons per year, (MGY) or one (1) million gallons per day (MGD). The Renaissance Project is intended to capture, treat and store stormwater that would normally be lost to tide and reduce the City's dependency on the regional water supply system.

~~In 2006, the City completed construction on the Wetlands Based Water Reclamation Project (WBWRP). The WBWRP is another innovative water reuse project involving the discharge of highly treated effluent to an adjacent wetland area to restore and recharge the wetland and surficial aquifer. The City's wellfield ultimately pulls water from this recharged aquifer and discharges the water to the City's potable water supply system. The reclaimed water, at up to 10 million gallons per day (MGD), is available to augment the City's water supply and again reduces the need to withdraw additional water from the regional water supply system.~~

The City has also completed construction of an 8 mgd aquifer storage and recovery (ASR) well at its Water Treatment Plant. The City's ASR well is designed to store excess treated surface water during period of heavy rainfall. The excess water is pumped into the upper Floridan Aquifer System and is recovered when the water is withdrawn to meet increased demands during dry weather. ~~The City's ASR well is not operational at this time but it is being evaluated for potential use in the future~~. The City's ASR well is under 5th cycle testing to determine the recharge and recovery values and also to evaluate water quality of recovered water.

The existing 10 wells in the Western wellfield can provide 24.5 MGD (operational conditions based on Clear Lake levels and regional water non-availability).

The City completed construction of Divide Structure Pump station on Clear Lake to withdraw water from deeper areas of Clear Lake allowing additional source water of up to 60 MGD (operational conditions based on Clear Lake levels and regional water supply non-availability).

The City just completed construction of 9 more surficial wells located around M-Canal to capture seepage losses, bringing the total number of wells in the eastern Well field to 10 with a potential 14.4 MGD (operational conditions are based on Clear Lake levels and regional water supply non-availability).

The City is in currently constructing a pump station for capturing water sent to tide from C17 Canal, this pump structure has a potential to capture up to 72 MGD (operational conditions based on water being released to tide and canal levels).

4.0 WORK PLAN PROJECTS/CAPITAL IMPROVEMENT ELEMENT/SCHEDULE

4.1 Existing Water Treatment Plant Process

The City's Water Treatment Plant (WTP) was originally constructed in 1921. In 1894 ~~1989~~, the WTP was expanded to increase the facility design capacity to 47 million gallons per day (mgd) and in 1999, the City modified their treatment processes to include a ferric sulfate-enhanced lime softening treatment methodology. After a series of bacteriological events in the distribution system in 2007, the plant underwent a series of operational and equipment and process improvements in 2008-2012. Improvements included staff training and augmentation, replacement of inoperable valves, mechanical systems and equipment at the end of its useful life, eliminating gaseous chemicals for staff and public safety, dosing chemicals through a mixing and metering header and modifying control and electrical systems to provide automated plant operation and reliable power distribution as well as backup power generation systems for the plant. ~~Currently, the City is evaluating several alternatives regarding future water treatment methods, future sources of water and location of future plant facility. The existing plant as it operates today is described herein, future modifications to the plant will be included in future amendments to this plan as these decisions are made, approved and implemented~~. The conventional treatment process of coagulation, flocculation/sedimentation, filtration through dual-media, biologically active rapid gravity filters and disinfection with chloramine treatment will be enhanced by the addition of Ultraviolet (UV) light disinfection to provide additional pathogen protection and upgraded taste and odor control. The addition of UV light disinfection process downstream of filters along with a dedicated Powdered Activated Carbon (PAC) contact chamber and new pumping equipment for high service pumping will be under construction in 2016 and this combination of additional treatment was selected as the most economical, environmentally sensitive, energy-efficient and least disruptive option.

The primary source of the City's water supply is surface water. Surface water travels through the City's M-Canal to the City's water supply lakes, Lake Mangonia and Clear Lake, from the City's Grassy Waters Preserve, a 19.3 square mile aquatic preserve located in western West Palm Beach and from Lake Okeechobee through the L-8 Tieback through the City's control 2 structure (pump station upgraded in 2014). Alternative sources of water that feed into this above-ground water supply system include the City's Renaissance Project, tidal water capture from C51 and C17 Canals, augmentation from surface water stored and recovered from the ASR well, Eastern and Western wellfield surficial wells. During extreme drought conditions Clear Lake Divide structure will help draw water from lower depths in Clear Lake to augment the water supply to the treatment plant. ~~and the City's Wetlands Based Water Reclamation Project (WBWRP). Ultimately, the combined contribution of source water from Grassy Waters Preserve, the Renaissance Project, and the WBWRP is pumped from Clear Lake into the WTP for treatment.~~

~~First, powdered activated carbon is added to control taste and odor. Next, the water enters two parallel rapid mix coagulation-flocculation-sedimentation treatment trains. Each treatment train operates independently of the other utilizing two different chemical treatment methods. The east train utilizes ferric sulfate-enhanced lime softening (LS) and the west train utilizes enhanced coagulation using ferric sulfate (EC). Following chemical addition, both trains enter flocculation basins and then sedimentation basins where particles settle and are removed from the water. Water is collected at the end of the sedimentation basins and both trains are combined in a combined effluent channel. After re-combining, caustic soda is added to raise the pH prior to filtration. The pH adjusted water is then filtered to remove any remaining particulates before the final process step of chlorination.~~

Source water from Clear Lake is pumped at the intake to the WTP headworks (PAC is added at the intake to control taste and odor) and rapidly mixed with Lime, Ferric Sulfate and polymer, the water is allowed to coagulate, floculate and settle in the sedimentation basins. After readjusting pH with Sodium hydroxide the water is filtered through rapid gravity dual media biological filters and disinfected with chloramination, A corrosion inhibitor and Fluoride is added at the mixing metering header along with final adjustments to pH and chlorine residual. After disinfection, the water is pumped through high service pumps to three major transmission mains that pump to the east, south and north in the City.

The City does not have any self-served areas and doesn't plan on extending service to self-supply customers. The City's Utilities has a dedicated staff in the Sustainability Initiatives division. The Sustainability division runs a number of water conservation programs, including rain barrels, high efficiency toilet voucher program as well as many education programs (details on City's conservation, sustainability and resiliency programs can be found in the conservation section of this document).

Comment [PK1]: Alex/Heather-Please add the section referenc for Penn's conservation programs)

4.2 Capital Improvements Element/Schedule

The City's financially feasible Capital Improvements Schedule, adopted annually, includes capital improvement projects necessary to maintain levels of service and provide for improved operational facility. ~~over the next 5 years~~ (See the Capital Improvements Element). ~~The City is currently engaged in a comprehensive water supply planning effort to evaluate future water treatment methods, sources of water and location of water treatment plant facility. Upon completion of this planning effort, the City will incorporate any necessary capital improvement projects into the annual capital improvement schedule updates.~~ The Utilities Department is currently performing/evaluating a condition assessment of the water treatment plant as well as distribution system assets and is in the process of prioritization of infrastructure projects including above ground and underground utilities. Based on the assessment and prioritization the Utilities Department plans on borrowing money through a bond to address water treatment and distribution system needs.

Upon reviewing the City's projected water demands, permitted allocation and alternative water supply projects, and after extensive long term water supply evaluation and drought proofing measures the City does not anticipate the necessity of additional capacity within the 10 year planning horizon. Nevertheless the City will continue to explore current technology and options to secure safe water supply to meet anticipated future demands. ~~The City will continue to increase its operation of the WBWRP to meet increased demands through 2018. A permit modification to the City's WBWRP will be necessary in 2014to increase the quantity of water discharged to the Wetlands reuse site above the current average daily flow of 6.0 MGD to 10.0 MGD. No modifications to the WBWRP advanced wastewater treatment plant are required as the WBWRP has a rated capacity of 10.0 MGD.~~

Rick Scott
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Cissy Proctor
EXECUTIVE DIRECTOR

June 1, 2017

The Honorable Gail L. Coniglio
Mayor, Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, Florida 33480

Dear Mayor Coniglio:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Town of Palm Beach (Amendment No. 17-2ER), which was received on April 3, 2017 and determined complete on April 4, 2017. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. Review comments received by the Department from the appropriate reviewing agencies are also enclosed.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified one objection to the proposed changes and provided one comment for the Town's consideration. The comment is offered as a suggestion that can strengthen the Town's Comprehensive Plan and are technical in nature and designed to ensure compliance with the provisions of Chapter 163, F.S. Additional comments from the South Florida Water Management District and the Florida Department of Transportation are also included as attachments. The Department is prepared to work with the Town to resolve the objection and to assist with the comment in the enclosed report.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1., F.S., provides that if the second public hearing is not held within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions related to this review, please contact Dan Pennington, at (850) 717-8524, or by email at dan.pennington@deo.myflorida.com.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/dp

Enclosures: Objections, Recommendations, and Comments Report
Agency Comments
Procedures for Adoption

cc: John Lindgren, AICP. Planning Administrator, Town of Palm Beach
Michael J. Busha, AICP, Executive Director, Treasure Coast Regional Planning Council

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

PROPOSED COMPREHENSIVE PLAN AMENDMENT

TOWN OF PALM BEACH (DEO No. 17-2ER)

Objection: Planning Horizon

Section 163.3177(5)(a), Florida Statutes (FS), states, "Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process." The proposed planning horizon for the City's Comprehensive Plan is 2026, as noted on the updated Future Land Use Map. The planning horizon for the City's plan should extend to at least 2027 in order to meet the 10-year planning requirement.

Authority: Section 163.3177(5)(a), F.S.

Recommendation: The City should revise the amendment prior to adoption to change the planning horizon on its updated Future Land Use Map to 2027 or later.

Comment: Peril of Flood (Coastal Area Redevelopment Component) Implementation.
The amendment provides principles to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The Town's approach to eliminating inappropriate and unsafe development and reducing and mitigating potential coastal flood hazard meets statutory requirements.

The Town could consider revising this amendment, prior to adoption, to more clearly identify at-risk coastal areas, and within these areas the public and private resources at risk to flood hazard. Then the Town could consider adopting specific strategies, based upon the community's values and capacity, that will allow better protection in identified areas of flood risk.

The first step in this approach is to identify those areas of the Town that currently experience and have historically experienced flooding and coastal inundation. These can include areas represented on FEMA Flood Insurance Rate Maps as areas subject to inundation to the 100-year flood, V- and VE zones (coastal velocity hazards), storm surge zones, and areas where localized ponding typically occurs. Additional areas within the *coastal high-hazard area* that are not currently designated as subject to inundation by the 100-year flood nor located within V- or VE zones could also be included. Some communities also consider very low elevation areas in close proximity to the coast or otherwise hydrologically connected to areas subject to flooding, ponding, or wave action. Some southeast Florida communities document areas that experience flooding during astronomical high tides and consider these areas as especially vulnerable to coastal flooding.

After identifying current/historic at-risk areas, the Town could use a variety of methods, models, and tools, to better identify those portions of the community most vulnerable to the effects of future coastal flooding hazard. Some resources available to assist the Town in this effort include the mapping tools provided by the National Oceanic and Atmospheric Administration and the University of Florida's GeoPlan Center to identify at-risk flood areas, development and infrastructure, available these web links:

- https://coast.noaa.gov/digitalcoast/tools/flood-exposure;
- http://coast.noaa.gov/digitalcoast/tools/slr;
- https://coast.noaa.gov/slrdata/; and,
- http://sls.geoplan.ufl.edu.

After identifying the areas most vulnerable to flood hazard, the Town could identify any issues of concern to the community that could result in improved resiliency. This includes identifying the public facilities and infrastructure, cultural, historic and natural resources important to the community, as well as private investments located and planned to be located within the affected areas that could be adversely impacted.

Based upon community values and capacity to act, including available and projected fiscal resources, the Town could consider appropriate strategies that will allow the community to adapt to potential flooding hazards. The strategies should seek to minimize impacts to identified facilities and resources and further the community's resilience to disasters and rapid social and economic recovery post disaster. These strategies can be incorporated as appropriate within the Town's comprehensive plan.

One very useful optional tool provided for under Section 163.3164(1) F.S., is the identification of especially high-risk areas and areas with significant resources subject to flood hazard that the Town identifies as *Adaptation Action Areas*. Identification of adaption action areas, coupled with the adoption of strategies prioritizing efforts to minimize and mitigate flood risks in these areas serves the purpose of helping to prioritizing funding and community adaptation planning. DEO is available to provide further assistance on these planning efforts.

John Lindgren

From: Oblaczynski, Deborah <doblaczy@sfwmd.gov>
Sent: Thursday, April 27, 2017 8:40 AM
To: John Lindgren
Cc: Adam Antony Biblo (adam.biblo@deo.myflorida.com); Michael J Busha (mbusha@tcrpc.org); Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com)
Subject: Town of Palm Beach, DEO #17-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Lindgren:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Town of Palm Beach (Town). The amendment package consists of the Town's Evaluation and Appraisal Review (EAR) amendments. The proposed changes do not appear to adversely impact the water resources in this area; therefore, the District has no comments on the proposed amendment package. The District also provides the following reminder regarding the Town's Water Supply Facilities Work Plan (Work Plan):

> The Town is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the 2013 Lower East Coast (LEC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LEC Water Supply Plan Update on September 12, 2013. Therefore, the Town's Work Plan was to be updated by March 2015; however, the District has not received the updated Work Plan for review to date. The Town will need to include updated water demand projections for the identified planning period. The Work Plan must also identify any water supply projects needed to meet projected water demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: https://www.sfwmd.gov/our-work/water-supply/work-plans.

The District offers technical assistance to the Town in developing sound, sustainable solutions to meet the Town's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
(561) 682-2544 or doblaczy@sfwmd.gov

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 16-2017 An Ordinance By The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Repeal Chapter 50; To Adopt A New Chapter 50; To Adopt Flood Hazard Maps, To Designate A Floodplain Administrator, To Adopt Procedures And Criteria For Development In Flood Hazard Areas, And For Other Purposes; Providing For Applicability; Repealer; Severability; And An Effective Date.

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated July 20, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Ordinance No. 16-2017**
- **Attachment A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Repealing and Replacing Chapter 50-"Floods" of the Town's Code of Ordinances
Ordinance No. 16-2017

Date: July 20, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 16-2017 repealing and replacing Chapter 50-"Floods" of the Town's Code of Ordinances. This recommendation is prompted by FEMA, and includes the adoption of new Town Flood Plain maps.

GENERAL INFORMATION

For the last three years, FEMA has been working with Palm Beach County and all of its municipalities, including the Town of Palm Beach, to update the Flood Insurance Rate Maps (FIRM's) for each jurisdiction. Numerous meetings with FEMA and with the public have occurred, including opportunities to view and comment on the proposed updated maps. FEMA concluded that process and issued a Letter of Final Map Determination to the Town on April 5, 2017. As a result, the Town was given a 6-month window in which to formally adopt revised floodplain regulations and the new maps.

The State of Florida, Department of Emergency Management (FDEM), has created a new "State Model Floodplain Ordinance." This new model ordinance incorporates important changes relating to Flood Hazard Areas that have become a part of the Florida Building Code. The ordinance has been reviewed and endorsed by FEMA, and FDEM has "strongly" encouraged all counties and municipalities within the State to adopt this model ordinance. Acting proactively, staff presented the FDEM model ordinance to the Town's ORS Committee at its January 7, 2016 meeting. The ORS Committee endorsed the adoption of the new FDEM/FEMA approved model ordinance to replace the Town's Chapter 50-"Floods" in the Code of Ordinances (and has since awaited the Letter of Final Map determination).

The Town received the FEMA Letter of Final Map Determination in April of this year and has since been in communication with FDEM regarding the updating of current Chapter 50. Notable changes to the ordinance include the following provisions:

- Historic/Landmarked structures must obtain a formal variance to maintain the exemption to FEMA elevation standards.
- Requires the issuance of Floodplain Development permits (something the Town has been doing for the last 3 years).

The new FEMA maps are available for inspection in the Planning, Zoning & Building Department, however they are not easily reproducible at this time. They can be used for development planning and construction purposes upon passage of this ordinance but will become effective for insurance purposes on October 7, 2017.

The ordinance attached accomplishes the requirements of FEMA and FDEM by adopting the revised FIRM maps (effective date of October 7, 2017) and replacement of our current Chapter 50 of the Town Code with the FDEM model floodplain ordinance.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed the proposed Ordinance for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Bill Bucklew, Building Official

ORDINANCE NO. 16-2017

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH, CODE OF ORDINANCES TO REPEAL CHAPTER 50; TO ADOPT A NEW CHAPTER 50; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 , Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Town of Palm Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the Town of Palm Beach was accepted for participation in the National Flood Insurance Program on May 15, 1978 and the Town Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the Town Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code; and*

WHEREAS, the Town Council, based upon review of local conditions and as demonstrated by evidence has determined that there is a local need to limit new installations of manufactured homes in certain high risk flood hazard areas;

WHEREAS, the Town Council adopted a requirement to require any new or substantial improvements to residential construction to have the lowest floor, including a basement, elevated no lower than 6-inches above the base flood elevation, to limit partitioning of enclosed areas below elevated dwellings and to limit access to enclosed areas, and to require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 1-year

period, for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Palm Beach that the floodplain management regulations contained in Attachment A are hereby adopted.

Section 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Town of Palm Beach Code of Ordinances, Chapter 50**.**

Section 3. FISCAL IMPACT STATEMENT
In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 4. APPLICABILITY.
For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Palm Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 5. INCLUSION INTO THE CODE OF ORDINANCES.
It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Palm Beach Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. SEVERABILITY.
If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

PASSED and ADOPTED in regular, adjourned session, of the Town Council of the Town of Palm Beach on first reading this 12th day of July, 2017, and for second and final reading on this 9th day of August, 2017.

Gail L. Coniglio, Mayor

Richard Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Gwendolynn Peirce, CMC
Acting Town Clerk

Margaret A. Zeidman, Town Council Member

ATTACHMENT A

ARTICLE I. - IN GENERAL

Secs. 50-1 – 50-20. –Reserved.

ARTICLE II. – FLOOD DAMAGE PREVENTION

DIVISION 1. – GENERAL

50-21. -Title. These regulations shall be known as the *Floodplain Management Ordinance* of the Town of Palm Beach, hereinafter referred to as "this ordinance."

50-22. -Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

50-23. -Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

50-24. -Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code.*

50-25. -Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

50-26. -Disclaimer of Liability. This ordinance shall not create liability on the part of the Town Council of the Town of Palm Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 50-27 – 50-34. -Reserved

DIVISION 2 –APPLICABILITY

50-35. - General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

50-36. -Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the Town of Palm Beach, as established in Section 50-37 of this ordinance.

50-37. -Basis for establishing flood hazard areas. The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017 **,** and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Town of Palm Beach Planning, Zoning and Building Department located at 360 S County Rd, Palm Beach, Florida .

50-38. -Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Division 5 of this Article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.

(2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

50-39. -Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

50-40. -Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

50-41. -Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 50-42 - 50-49. –Reserved.

DIVISION 3 -DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

50-50. -Designation. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

50-51. -General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Division 7 of this Article.

50-52. -Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

50-53. -Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

50-54. -Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Division 7 of this Article.

50-55. -Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

50-56. -Inspections. The Floodplain Administrator shall make the required inspections as specified in Division 6 of this Article for development that is not subject to the *Florida Building Code,* including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

50-57. -Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 50-53 of this ordinance;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* to determine that such certifications and documentations are complete;

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Palm Beach are modified; and

(6) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

50-58. -Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Town of Palm Beach Planning, Zoning and Building Department and can be viewed by making a request with the PZB Records Division..

Sec. 50-59 – 50-64. –Reserved.

DIVISION 4 -PERMITS

50-65. -Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

50-66. -Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code,* including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

50-67. -Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

50-68. -Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the

community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in Division 5 of this Article.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the Floodplain Administrator.

50-69. -Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

50-70. -Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

50-71. -Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

50-72. -Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The South Florida Water Management District; section 373.036, F.S.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

(3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.

(4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

(5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(6) Federal permits and approvals.

Sec. 50-73 – 50-79. –Reserved.

DIVISION 5 -SITE PLANS AND CONSTRUCTION DOCUMENTS

50-80. -Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 50-81(2) or (3) of this ordinance.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 50-81(1) of this ordinance.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

(8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

(9) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

50-81. -Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

(a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

(b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

(4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

50-82. -Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 50-83 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 50-83 of this ordinance.

(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

50-83. -Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 50-84 – 50-94. –Reserved.

DIVISION 6 -INSPECTIONS

50-95. -General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

50-96. -Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

50-97. -Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

50-98. -Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code,* or the owner's authorized agent, shall submit to the Floodplain Administrator**:**

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 50-81(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

50-99. ~~106.5~~ -Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 50-98 of this ordinance.

50-100. -Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a

manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Sec. 50-101 – 50-109. –Reserved.

DIVISION 7 -VARIANCES AND APPEALS

50-110. -General. The Town Council shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Town Council shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building.*

50-111. -Appeals. The Town Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

50-112. -Limitations on authority to grant variances. The Town Council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 50-116 of this ordinance, the conditions of issuance set forth in Section 50-117 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Town Council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

50-113. -Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 50-82 of this ordinance.

50-114. -Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

50-115. -Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 50-113, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

50-116. -Considerations for issuance of variances. In reviewing requests for variances, the Town Council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10)The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

50-117. -Conditions for issuance of variances. Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;

(2) Determination by the Town Council that:

(a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be

commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 50-118 – 50-124. –Reserved.

DIVISION 8 -VIOLATIONS

50-125. -Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

50-126. -Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

50-127. -Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law **.**

Sec. 50-128 – 50-134. –Reserved.

ARTICLE III. - DEFINITIONS

DIVISION 1 -GENERAL

50-135. -Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

50-136. -Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

50-137. -Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

DIVISION 2 -DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision

of this ordinance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and **existing structure.** Any buildings and structures for which the "start of construction" commenced before May 15, 1978 . [Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 15, 1978 .

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to

be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after May 15, 1978 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 15, 1978 .

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1–year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to **{see Note}**. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

ARTICLE IV. -FLOOD RESISTANT DEVELOPMENT

DIVISION 1. -BUILDINGS AND STRUCTURES

50-138. -Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 50-67 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Division 7 of this Article.

50-139. -Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.

(2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

Sec. 50-140 – 50-144. –Reserved.

DIVISION 2. -SUBDIVISIONS

50-145. -Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

50-146. -Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 50-81(1) of this ordinance; and

(3) Compliance with the site improvement and utilities requirements of Division 3 of this Article.

Sec. 50-147 – 50-154. –Reserved.

DIVISION 3 -SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

50-155. -Minimum requirements. All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

50-156. -Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

50-157. -Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

50-158. -Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 50-82(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

50-159. -Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

50-160. -Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 50-82(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 50-207 (3) of this ordinance.

Sec. 50-161 – 50-169. –Reserved.

DIVISION 4 -MANUFACTURED HOMES

50-170. -General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

50-171. -Limitations on installation in floodways and coastal high hazard areas (Zone V). New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).

50-172. -Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 50-176 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

50-173. -Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

50-174. -Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 50-175 or 50-176 of this ordinance, as applicable.

50-175. -General elevation requirement. Unless subject to the requirements of Section 50-176 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

50-176. -Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 50-175 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

(1) Bottom of the frame of the manufactured home is at or above the elevation required, as

applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or

(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 42 inches in height above grade.

50-177. -Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

50-178. -Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

Sec. 50-179 – 50-184. –Reserved.

DIVISION 5 -RECREATIONAL VEHICLES AND PARK TRAILERS

50-185. -Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

50-186. -Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 50-185 of this ordinance for temporary placement shall meet the requirements of Division 4 of this Article for manufactured homes.

Sec. 50-187 – 50-189. –Reserved.

DIVISION 6 -TANKS

50-190. -Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

50-191. -Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 50-192 of this ordinance shall:

(1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(2) Not be permitted in coastal high hazard areas (Zone V).

50-192. -Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be

attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

50-193. -Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 50-194 – 50-199. –Reserved.

DIVISION 7 -OTHER DEVELOPMENT

50-200. -General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of Section 50-158 of this ordinance if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

50-201. -Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 50-158 of this ordinance.

50-202. -Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 50-158 of this ordinance.

50-203. -Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 50-158 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 50-82 (3) of this ordinance.

50-204.--Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

(1) Structurally independent of the foundation system of the building or structure;

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

(3) Have a maximum slab thickness of not more than four (4) inches.

50-205. -Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

50-206. -Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled

systems or mound systems.

50-207. -Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 9, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 24-2017 An Ordinance By The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances Chapter 18; To Adopt Amendments Relating To Flood Provisions Of The Florida Building Code; Providing For Applicability; Repealer; Severability; And An Effective Date.

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated July 20, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Ordinance No. 24.2017**
- **Article VI - Florida Building Code**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Technical Amendments to the Florida Building Code relating to Flood Provisions to Chapter 18, Article IV of the Town's Code of Ordinances
Ordinance No. 24-2017

Date: July 20, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance 24-2017 which adds Technical Amendments that relate to floodplain requirements to Chapter 18, Article IV –Florida Building Code, of the Town Code of Ordinances. This recommendation is prompted by Florida Department of Emergency Management's (FDEM) new model floodplain ordinance.

GENERAL INFORMATION

The State of Florida, Department of Emergency Management (FDEM), has created a new "State Model Floodplain Ordinance." This new model ordinance incorporates important changes relating to Flood Hazard Areas that have become a part of the Florida Building Code. The ordinance has been reviewed and endorsed by FEMA, and FDEM has "strongly" encouraged all counties and municipalities within the State to adopt this model ordinance. Acting proactively, staff presented the FDEM model ordinance to the Town's ORS Committee at its January 7, 2016 meeting. The ORS Committee endorsed the adoption of the new FDEM/FEMA approved model ordinance. Included in this ordinance are specific amendments that relate to the Florida Building Code and its enforcement in the Town of Palm Beach.

Florida Statutes allows a county or municipality to adopt technical amendments to the Florida Building Code as long as they apply only to flood provisions. These proposed amendments address the following provisions that are currently required and included in the Town Code.

- An increased freeboard requirement of 6-inches above the required base flood elevation. (Note: this requirement was superseded by changes to the 2010 edition of the Florida Building Code for non-residential structures. With the adoption of the 2017 Florida Building Code at the end of this year, it will also be superseded for residential structures).
- A cumulative substantial improvement provision that reflects work done on any structure in the special flood hazard area within a 12-month time period.

The ordinance attached accomplishes the requirements of FEMA and FDEM by amending the Town of Palm Beach Code, Chapter 18 to capture these building code requirements.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed the proposed Ordinance for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Bill Bucklew, Building Official

ORDINANCE NO. 24-2017

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH CODE OF ORDINANCES CHAPTER 18; TO ADOPT AMENDMENTS RELATING TO FLOOD PROVISIONS OF THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 , Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Town of Palm Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the Town of Palm Beach was accepted for participation in the National Flood Insurance Program on May 15, 1978 and the Town Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the Town Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code; and*

WHEREAS, the Town Council, based upon review of local conditions and as demonstrated by evidence has determined that there is a local need to limit new installations of manufactured homes in certain high risk flood hazard areas;

WHEREAS, the Town Council adopted a requirement to require any new

or substantial improvements to residential construction to have the lowest floor, including a basement, elevated no lower than 6-inches above the base flood elevation, to limit partitioning of enclosed areas below elevated dwellings and to limit access to enclosed areas, and to require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 1-year period, for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Palm Beach that the technical amendments regarding floodplain regulations contained in Attachment A are hereby adopted.

Section 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. This ordinance specifically adds technical amendments to Chapter 18, Article IV of the Town Code of Ordinances for specific sections of the Florida Building Code relating to flood provisions.

Section 3. FISCAL IMPACT STATEMENT
In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 4. APPLICABILITY.
For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Palm Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 5. INCLUSION INTO THE CODE OF ORDINANCES.
It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Palm Beach Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. SEVERABILITY.
If any section, subsection, sentence, clause or phrase of this ordinance is, for any

reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. EFFECTIVE DATE.
This ordinance shall take effect on 31 days subsequent to its passage and final reading.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of July, 2017, and for second and final reading on this 9th day of August, 2017.

Gail L. Coniglio, Mayor

Richard Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Gwendolynn Peirce, CMC
Acting Town Clerk

Margaret A. Zeidman, Town Council Member

ARTICLE IV. - FLORIDA BUILDING CODE

DIVISION 1.-GENERALLY

18-232. – Definitions.

The following definitions are added:

Florida Building Code, Building.

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1–year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to **{see Note}**. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Florida Building Code, Existing Building.

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1–year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to **{see Note}**. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

DIVISION 2. – FLORIDA BUILDING CODE TECHNICAL AMENDMENTS FOR FLOODING

18-244. – The following sections of the Florida Building Code-Residential are hereby amended as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 6 inches or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 6 inches, or at least 2.5 feet ~~2 feet (610 mm)~~ if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 6 inches or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawlspace) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

2. Be provided with flood openings that meet the following criteria:

   2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.

   2.2. The total net area of all openings shall be at least 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the openings shall be designed and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.6.2.2 of ASCE 24.

2.3. The bottom of each opening shall be 1 foot (305 mm) or less above the adjacent ground level.

2.4. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.

2.5. Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.

2.6. Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 6 inches or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

R322.3.4 Walls below design flood elevation. Walls ~~and partitions~~ are permitted below the elevated floor, provided that such walls ~~and partitions~~ are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
   4.1. The walls ~~and partitions~~ below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.

   4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting

simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).