

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 9C  
From: Staff  
Date: May 15, 2015 Council Meeting  
Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Town of Jupiter Comprehensive Plan  
Amendment No. 15-5ESR

Introduction

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

The amendment package from the Town of Jupiter includes text changes to the Conservation and Coastal Management elements of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment is to: 1) revise policies in the Conservation and Coastal Management elements related to regulations for bulkheads and seawalls along shorelines; 2) revise policies in the Conservation Element related to green design regulations; and 3) add a new objective and policies in the Coastal Management Element related to climate change issues. Major changes include the following:

*Conservation Element*

1. **Replace Policy 1.4.10** – The original text in the policy discouraging bulkheads and seawalls is deleted and replaced with new text that states: *Coastal bulkheads should only be allowed when an environment for native vegetation is provided waterward of the*

*bulkhead for at least 50 percent of the shoreline. Existing coastal bulkheads in need of repair may be replaced.*

2. **Revise Policy 1.4.12** – This policy is revised to state: *Sloping revetments, riprap, native vegetation including but not limited to mangroves or interlocking blocks or some combination of the foregoing shall be used in high energy areas to more effectively dissipate wave forces, boat waves and reduce the effects of bottom scouring.*
3. **Revise Policy 1.10.1** – This policy is revised to state: *The Town shall maintain and amend as necessary land development regulations to promote and support green design theories and techniques, and which provide incentives for same.*
4. **Revise Policy 1.10.2** – This policy is revised to state: *By December 2019, the Town will strive to upgrade its current Florida Green Building Coalition “Florida Green Local Government Silver Certification” to a Gold Certification.*

#### ***Coastal Management Element***

5. **Revise Policy 1.5.5** – This policy is revised to state: *Buffer zones of vegetation and/or riprap, to provide for an environment for native vegetation, should be established between any area of urban development and adjacent waterways. The native vegetation should consist of coastal plants such as mangroves, salt wart or sea ox-eye daisy and other coastal plants identified in Section 62-340.450, Florida Administrative Code.*
6. **Revise Policy 1.5.13** – This policy is revised to state: *The Town shall continue to coordinate with the Florida Department of Environmental Protection related to any anticipated changes to the Town’s mangrove protection regulations contained in Chapter 26 of the Town Code.*
7. **New Objective 2.6 and Policies 2.6.1 through 2.6.7** – This new objective and seven policies address the town’s commitment to adopt and implement strategies 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. The full text is included in Exhibit 2.

#### **Regional Impacts**

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

#### **Extrajurisdictional Impacts**

The proposed amendment was circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on March 2, 2015. No extrajurisdictional impacts have been identified.

### Conclusion

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

### Recommendation

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

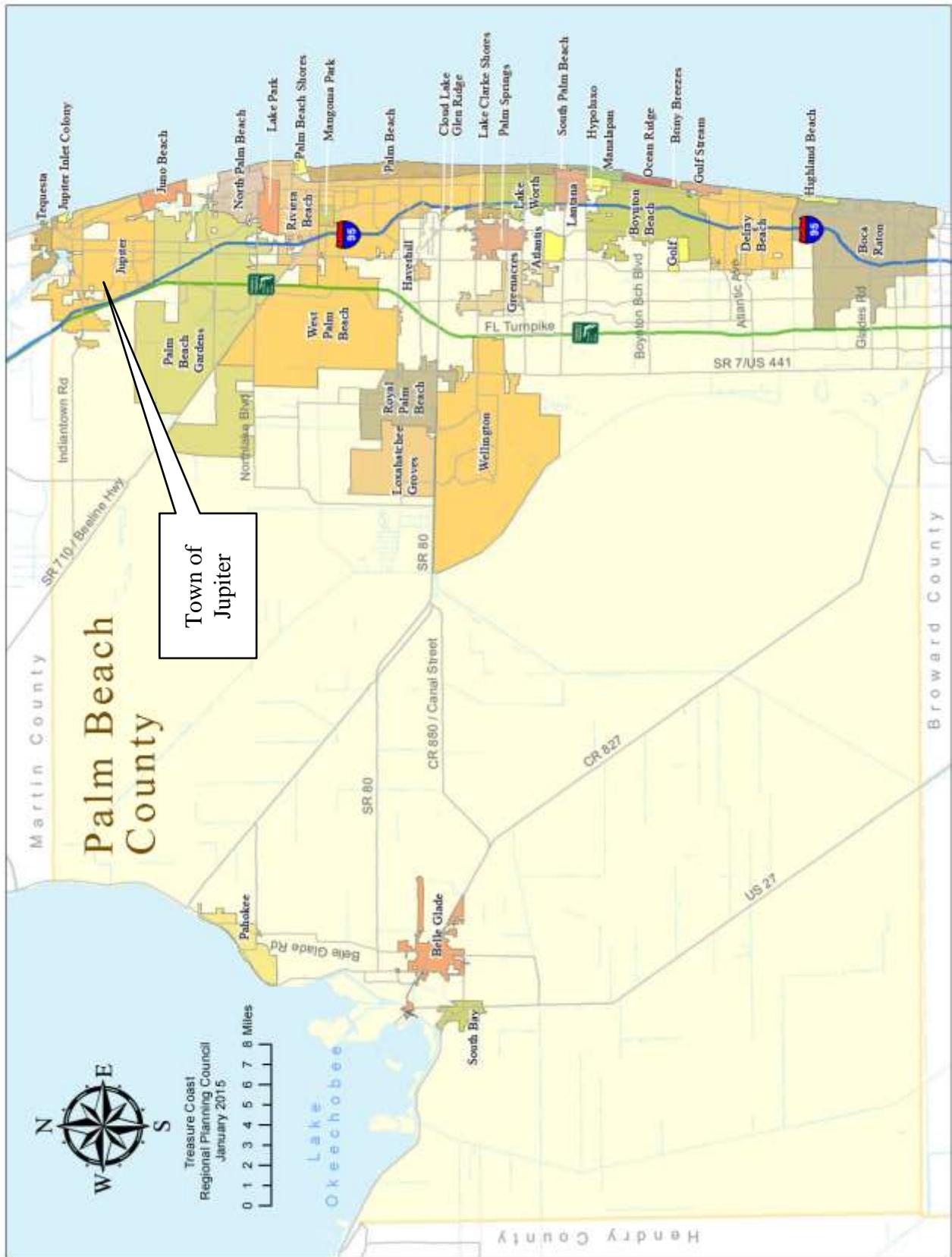
### Attachments

## **List of Exhibits**

### **Exhibit**

- 1 General Location Map
- 2 Proposed Text Changes in Underline and Strikethrough Format

# Exhibit 1 General Location Map



## Exhibit 2

### Proposed Text Changes in Underline and Strikethrough Format

Location: Conservation Element

*Goals, Objectives and Policies*

#### Surface Water Resources

**Objective 1.4:** The quality of the Town's surface water shall be maintained at appropriate levels as determined by the Department of Environmental Protection using DEP established criteria for water quality classifications as reported in Chapter 17-3 F.A.C.

Policy 1.4.1 The Town's stormwater management practices shall be directed by the Stormwater Management Plan.

Policy 1.4.2 The Town shall require new development to preserve permanent open space buffer zones of natural vegetation along waterways and within the floodplain.

Policy 1.4.3 The Town shall maintain and periodically update its Stormwater Management Plan.

Policy 1.4.4 The Town will maintain active membership on the Loxahatchee River Management Committee, and the Treasure Coast Regional Planning Council.

Policy 1.4.5 The Town supports the Loxahatchee River Management Plan.

Policy 1.4.6 Runoff from streets and yards should be carefully controlled to prevent flooding in adjacent areas or pollution of water bodies. Catchment basins should be constructed at storm sewer outfalls to prevent silt and other pollutants from entering water areas. French drains, properly engineered, will be considered an acceptable stormwater runoff drainage practice. The Town will continue its program of upgrading the drainage systems of each basin, and will give priority to those areas with the most severe problem.

Policy 1.4.7 Commercial shoreline development should be restricted to those activities that require a waterfront location.

Policy 1.4.8 Parking facilities should be located away from the bodies of water and their runoff controlled.

Policy 1.4.9 The Town shall require unique environmental characteristics be incorporated into the overall site design.

~~Policy 1.4.10 Bulkheads and seawalls should be discouraged. They should be allowed only in situations where they are replacing an already existing structure that is need of repair. Alternative shoreline stabilization techniques are preferred and encouraged in all instances.~~

Policy 1.4.10 Coastal bulkheads should only be allowed when an environment for native vegetation is provided waterward of the bulkhead for at least 50 percent of the shoreline. Existing coastal bulkheads in need of repair may be replaced.

Policy 1.4.11 Coastal Bulkheads should be located at, or landward of, coastal wetlands and their ecotones.

Policy 1.4.12 Sloping revetments, riprap, native vegetation including but not limited to mangroves, and or interlocking blocks or some combination of the foregoing; instead of vertical seawalls, should shall

be used in high energy areas to more effectively dissipate wave forces, boat waves and reduce the effects of bottom scouring.

Policy 1.4.13 Land development activities that are feasible only through dredging and filling of submerged and wetland areas shall be prohibited unless permitted by the appropriate federal or state agency or has been properly mitigated as determined by an appropriate federal or state agency.

Policy 1.4.14 Buffer zones of vegetation should be established between any area of urban development and adjacent waterways.

Policy 1.4.15 Waterway connections to open water should be located to minimize adverse environmental impact. Avoid connections that disrupt wetlands, marine grasses and shellfish beds.

Policy 1.4.16 Approved upland waterway construction should be done in the dry, if possible, so that shaping and stabilization of the banks can be completed before the "plug" is removed for connection to open waters.

Policy 1.4.17 New artificial waterways are discouraged.

Policy 1.4.18 Dredging for navigational access or flood control should be planned to prevent unnecessary channels. In areas having shallow water shorelines, peripheral canals on the upland, leading to a central navigational channel, should be considered rather than separate access channels for each waterfront landowner.

Policy 1.4.19 All dredging spoil material should only be placed on suitable upland areas. Where feasible, sandy spoil should be used for dune construction and restoration projects.

Policy 1.4.20 Effective turbidity control mechanisms and procedures should be used to protect water quality in areas adjacent to construction activities.

Policy 1.4.21 Docks and piers should not obstruct navigation or public use of waters, and they should be constructed in a manner that does not restrict water flow, nor block views to the water.

### **Green Design**

**Objective 1.10 To encourage and promote effective green design theories and techniques for new development, redevelopment and infill projects including sustainable site development, water efficiency, energy efficiency, sustainable material selections and improved indoor environmental quality.**

**Policy 1.10.1** ~~By July 2009, t~~The Town shall ~~adopt~~ maintain and amend as necessary land development regulations to promote and ~~provide incentives that~~ support green design theories and techniques, ~~and which provide incentives for same.~~

**Policy 1.10.2** ~~By December 2019, t~~The Town will strive to ~~become a registered~~ upgrade its current Florida Green Building Coalition "Florida Green Local Government Silver Certification" to a Gold Certification.

Location: Coastal Management Element

*Goals, Objectives and Policies*

**Preservation of Marine Natural Systems Objective and Policies**

**Objective 1.5: The Town shall maintain the adopted strategies to protect and preserve the functions and values of marine natural systems. The land development regulations shall continue to provide for the protection of natural resources and include at a minimum:**

Policy 1.5.1 The Town adopts the objectives and policies and supports the implementation of the Loxahatchee Wild and Scenic River Management Plan.

Policy 1.5.2 The Town adopts the objectives and policies and supports the implementation of the Loxahatchee River Aquatic Preserve Management Plan.

Policy 1.5.3 Sloping revetments and interlocking blocks shall be used in high energy areas to more effectively dissipate wave forces, boat wakes and reduce the effects of bottom scouring. New coastal bulkheads and seawalls shall only be used to protect existing development and shall be located at, or landward of, coastal wetlands and their ecotones.

Policy 1.5.4 Land development activities that are feasible only through dredging and filling of submerged and wetland areas should be discouraged.

Policy 1.5.5 Buffer zones of vegetation and/or riprap, to provide for an environment for native vegetation, should be established between any area of urban development and adjacent waterways. Their native vegetation should consist of coastal plants such as mangroves, salt wart or sea ox-eye daisy and other coastal plants identified in Section 62-340.450, Florida Administrative Code of native vegetation adapted to natural conditions.

Policy 1.5.6 A buffer zone of native upland edge (i.e., transitional) vegetation shall be provided and maintained around wetland and deepwater habitats which are constructed or preserved on new development sites. The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory and ground cover of native species only. The edge habitat shall begin at the upland limit of any wetland or deepwater habitat. As a minimum, ten square feet of such buffer shall be provided for each linear foot of wetland or deepwater habitat perimeter that lies adjacent to uplands. This upland edge habitat shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of ten feet of upland habitat. In the U. S. Highway One/Intracoastal Waterway Corridor, where land dedication for the Riverwalk Corridor has occurred, this requirement may be waived by the Town Council. The upland buffer requirement does not apply to those created deepwater habitats (e.g., stormwater management ponds) less than one-half acre in size nor to drainage canals or stormwater conveyance requiring periodic maintenance.

Policy 1.5.7 Approved upland waterway construction should be done in the dry, if possible, so that shaping and stabilization of the banks can be completed before the "plug" is removed for connection to open waters.

Policy 1.5.8 Dredging for navigational access or flood control should be planned to prevent unnecessary channels. In areas having shallow water shorelines, peripheral canals on the upland, leading to a central navigational channel, should be considered rather than separate access channels for each waterfront landowner.

Policy 1.5.9 All dredging spoil material shall only be placed on suitable upland. Where feasible, sandy spoil should be used for dune construction and restoration projects.

Policy 1.5.10 Docks and piers should not obstruct navigation or public use of waters, and they should be constructed in a manner that does not restrict water flow, nor block views to the water.

Policy 1.5.11 The Town shall coordinate review of estuarine shoreline development with appropriate federal, state, regional and local agencies to prevent irreparable or irretrievable loss of natural coastal resources. Intergovernmental coordination shall also provide cost effective utilization of experts in marine biology, coastal engineering, and soil conservation. To this end, as appropriate, the Town shall coordinate with public agencies, including the U.S. Department of Interior, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, National Oceanic and Atmospheric Administration, U.S. Soil Conservation Service, the Florida Department of Environmental Protection, the Florida Game and Freshwater Fish Commission, the South Florida Water Management District, the Treasure Coast Regional Planning Agency, and potentially impacted local governments.

Policy 1.5.12 The Town shall make environmental education and management an integral part of park and recreation policies and programs. In addition, the Department of Planning and Zoning shall provide general information assistance and referral services to citizens interested in the impacts of Jupiter's physical development on natural resources and resource conservation.

Policy 1.5.13 The Town shall continue to coordinate with the Florida Department of Environmental Protection to seek assistance in the development and adoption of a related to any anticipated changes to the Town's mangrove protection regulations contained in Chapter 26 of the Town Code ordinance.

Policy 1.5.14 No development will be approved in flood hazard areas and floodways, that is, on land immediately adjacent to major drainage and receiving streams, rivers or low areas which are known to be subject to flooding or rushing water and which therefore, create a hazard to life and property. Rather, the Town will encourage that these lands be reserved for conservation, open space, and recreation.

Policy 1.5.15 The Town shall prevent and regulate the construction of flood barriers which will unnaturally divert flood hazards to other lands.

#### **Climate Change Objective and Policies**

**Objective 2.6 The Town shall adopt and implement strategies which 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 2.6.1 The Town shall continue its participation in the Southeast Florida Regional Climate Change Initiative.**

**Policy 2.6.2 The Town shall collaborate with Palm Beach County to increase regional resilience by sharing technical expertise, participating in annual summits, assessing local vulnerabilities, advancing agreed upon mitigation and adaptation strategies, and developing joint state and federal legislation policies and programs.**

Policy 2.6.3 The Town shall coordinate with Palm Beach County, other local governments, and other federal, state and regional agencies and private property owners to develop initiatives and goals to address climate change.

Policy 2.6.4 By December 2018, the Town shall investigate the feasibility of integrating consideration of climate change impacts, and adaptation and mitigation strategies, into existing Comprehensive Plan goals, objectives and policies and land development regulations.

Policy 2.6.5 By December 2018, the Town shall investigate the feasibility of the use of Adaptation Action Areas as provided by Section 163.3177(6)(g)(10), Florida Statutes, to identify areas vulnerable to coastal storm surge and sea level rise impacts.

Policy 2.6.6 By December 2018, the Town shall investigate the need to develop Comprehensive Plan policies for any identified Adaption Action Areas to enhance the funding of infrastructure adaption projects.

Policy 2.6.7 The Town shall continue to promote the use of mitigation strategies to increase energy efficiency and conservation, and to reduce greenhouse gas emissions. The mitigation strategies may include, but are not limited to, the adoption of Comprehensive Plan policies or land development regulations pertaining to land use and transportation strategies such as requiring compact residential development, incentives for mixed use and redevelopment projects that maximize internal trip capture, clustering residential densities along transit routes, improving access to transit and non-motorized movement, requiring interconnectivity among adjoining parcels of land, and incentives for green building methods.

V:\Staff\WP51\COMPPLAN\Amendments\2015-05 Conservation Element - Seawalls\04-07-15 TC Transmittal Hearing\EXHIBIT A of Ordinance 3-15.docx March 30, 2015