

INTRODUCTION

STATE REQUIREMENTS FOR COMPREHENSIVE PLANNING IN THE STATE OF FLORIDA

Florida's mandated growth management legislation was a consequence of explosive and poorly managed population growth and the inability to protect the Everglades and the state's natural



resources during the 1970s. Up to that point, Florida cities and counties had broad discretion to adopt local land use plans and regulations. By 1972, Florida was the fastest growing state in the country. The state's population reached 1,000 new residents a day and environmental, water quality, transportation, housing, and other associated issues were paramount.

Beginning in 1972, the state took **courageous** steps to start managing the impacts associated with rampant population growth. Compounding the population pressures, Florida had experienced a serious drought **and** a growing environmental movement, **and a progressive state political leadership** that led to then-Governor Reubin Askew to convene a conference on water management. The outcome was the appointment of a Task Force on Land Use and ultimately the creation of the Environmental Land and Water Management Act, the Water Resources Act, the State Comprehensive Planning Act, and the Land Conservation Act. Three (3) years later the Task Force adopted the Local Government Comprehensive Planning Act.¹ The major objective of these new laws was addressing the state and regional impact that local land use decisions had on land and water resources.

The local planning component of the early Florida system was established with the 1975 Local Government Comprehensive Planning Act. The Act mandated that each local government in Florida adopt a local comprehensive plan by 1979, that all development regulations and permits be consistent with the plan and the elements within the plan, and that the land development regulations be adopted to implement the plan. Simply stated, the state mandated that the local comprehensive plan supersede zoning.

The ambitious planning reforms of the 1970s had a slow start in actual implementation but the programs took hold and survived despite an economic downturn in the mid-1970s, the modest state funding, and the adjustments to the laws to satisfy political and legal challenges. By the mid-1980s, under the leadership of then-Governor Bob Graham, a second phase of additional and complementary reforms took place. The Environmental Land Management Study Committee ("ELMS") was assembled consisting of with 15 members, appointed by the Governor and others by the Florida House and Senate. **The first ELMS committee, led by Dr. John DeGrove, who was the Director of the Urban Center at Florida Atlantic University and later co-founder of 1000 Friends of Florida, was given a mandate to review current land management processes**

¹ A History and New Turns in Florida's Growth Management Reform, by Nancy Stroud and 1000 Friends of Florida.

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and agencies and recommend legislation. The ELMS I Committee took the lead that developed, and following, the Legislature enacted the state's first mandatory local planning program, the 1975 Local Government Comprehensive Planning Act (Local Planning Act).²

The Local Planning Act was an important milestone that poured a foundation for later legislation but was not an astounding success. Working with a broadly worded state mandate to produce local comprehensive plans with minimal state guidance, little technical and financial assistance, and no penalties for noncompliance, many local governments adopted internally inconsistent advisory plans. Future land use maps were optional and often too politically sensitive to produce. Although state policy required consistency between plans and development approvals, this policy was largely ignored.³

Concern in the early 1980s about the ineffectiveness of the Local Planning Act prompted the appointment of the second ELMS Committee (ELMS II) to assess the state's growth management effort. The ELMS II concluded if Florida wants effective growth management, the state must take the lead, chart a policy course, and then effectively administer its programs. The resulting recommendations and subsequent legislation resulted in the State Comprehensive Policy Plan and statutory guidelines for Regional Planning Councils to develop Regional Policy Plans.⁴ These plans would become the foundation of the extensive overhauling of the local planning process in what became known as the Omnibus Growth Management Act of 1985 (Growth Management Act).

The Growth Management Act adopted changes to the coastal construction law, improved some perceived weaknesses in the original local planning, and established an integrated state, regional and local planning process. The sweeping Growth Management Act included the following mandates.⁵

- Required each county and municipality government adopt a comprehensive plan consistent with regional and state plans.
- Established a process for the state to approve local plans and amendments.
- Required comprehensive plan content including required and optional Elements and Future Land Use Maps.
- Created formal state administrative hearings for challenges and sanctions for noncompliance.
- Enhanced citizen standing to file challenges.
- Limited the number of most plan amendments to twice a year and more.
- Reaffirmed an earlier requirement that land development regulations and local development approvals be consistent with adopted local plans and provided certain citizens and groups a judicial remedy to enforce this consistency policy.

² Ibid

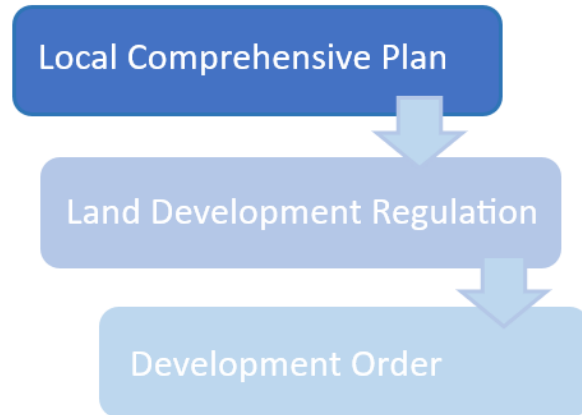
³ Florida's Growth Management Odyssey: Revolution, Evolution, Devolution, Resolution by Robert M. Rhodes 2020

⁴ Ibid

⁵ Ibid

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The law clearly stated the hierarchy of local land use policy and the regulating land development regulations within local government zoning codes. As demonstrated, the comprehensive plan is intended to provide the policy direction for the land development regulations that were to be applied to development orders that address local regulations and are depicted on associated site plans and conditions of approval.



During the late 1980s and early 1990s, the state growth management program, that were most
State Mandated Land Development Review Hierarchy

specific to the Development of Regional Impact (DRI) process, was being criticized as a major state intrusion on traditional local home rule from both urban and rural localities and some in the building industries. This growing reproach, plus the fact the state program was relatively new and expected to evolve with experience, prompted another major reassessment of Florida's state program by the Third Environmental Land Management Study (ELMS III) Committee. The ELMS III Committee concluded that although local governments had been developing compliance plans and most had enacted implementing land development regulations, rigid adherence to uniform state standards and program mandates was not desirable or practical.⁶

State oversight continued to be loosened in the 2000s. In 2007, the Legislature established a pilot alternative review project that fast tracked and streamlined state review of plan amendments in urban areas. The project cut review time in half and focused state review on issues of state and regional importance. In 2009, this alternative state review process was authorized statewide for plan amendments that would encourage urban redevelopment. Additionally, urban areas were granted flexibility to satisfy transportation concurrency in certain dense urban areas.⁷

⁶ Ibid

⁷ Ibid

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Further refinements were made through the early 2000s. Following the Great Recession from 2007 to 2009, then-Governor Rick Scott passed the 2011 Community Planning Act, that superseded the Growth Management Act, which weakened or in some cases eliminated many of the provisions of the 1985 Growth Management Act. Most notable, the 2011 Community Planning Act ~~removed important checks and balances over local planning decisions that made it more challenging for citizens to participate in the process. Additionally, the changes~~ created an expedited state review process and eliminated the Florida Department of Community Affairs, making the new Department of Economic Opportunity (DEO).⁸ During the 2023 Legislative Session, Governor Ron DeSantis approved the departmental name change from DEO to the Department of Commerce, effective, July 1, 2023.

The Community Planning Act is outlined in Chapter 163, Florida Statutes. It is the purpose of the Community Planning Act ~~to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development, consistent with the proper role of local government. With regard to local government control, the~~ The Community Planning Act states that it is the intent of this act that local governments have the ability for the following.

- To preserve and enhance present advantages.
- To encourage the most appropriate use of land, water, and resources, consistent with the public interest.
- To overcome present handicaps.
- To deal effectively with future problems that may result from the use and development of land within their jurisdictions.

The Community Planning Act goes further to state that through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

⁸ Managing Growth, Promoting a Sustainable Future, 1000 Friends of Florida

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THE TOWN OF PALM BEACH COMPREHENSIVE PLAN

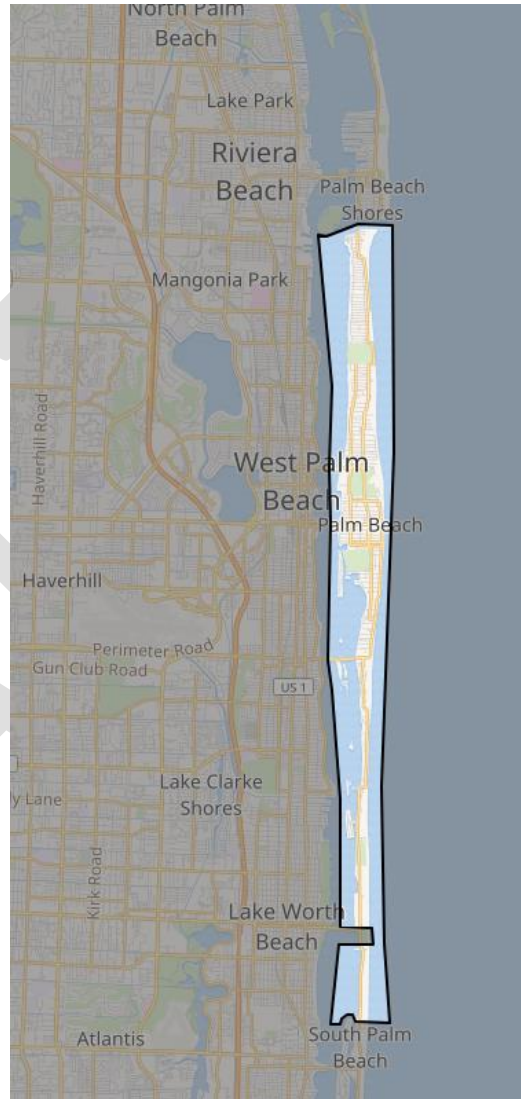
Palm Beach is an incorporated town in Palm Beach County, Florida, United States. Located on a barrier island in east-central Palm Beach County, the Town is separated from West Palm Beach and Lake Worth Beach by the Intracoastal Waterway to its west and a small section of the Intracoastal Waterway and South Palm Beach to its south. Town encompasses 3.8 square miles and is part of the South Florida Metropolitan (Statistical) Area. As of the 2020 Census, Palm Beach had a year-round population of 9,245.¹

Almost 100 years ago, the Town approved the “Plan of Palm Beach”, prepared by Bennett, Parsons & Frost, Consulting Architects based in Chicago and funded by the Garden Club of Palm Beach. It is important to pay tribute to this volunteer organization, as the Garden Club commissioned the first plan for the Town of Palm Beach.

The Garden Club of Palm Beach organized in 1928. They joined the Garden Club of America in 1931. The mission of the Garden Club has remained, since its inception focused on horticulture, the environment, conservation, and civic improvements. The philosophy of the Garden Club has persisted in concert with the Town of Palm Beach’s original Town Plan up to the current 2024 Comprehensive Plan Update as stated below.

“The Garden Club of Palm Beach cherishes its past and continues to be actively involved in our present community while it works to plan for the future.”

The Garden Club of Palm Beach website



Town of Palm Beach Location Map

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The 1929 Plan identified issues and assets of the Town. The Town Plan recognized that permanent residents of the State were growing, and winter visitors were increasing in number. The 1929 Plan further acknowledged that it was not surprising that towns on the railroads were prospering, and that West Palm Beach had grown from a service village to a city. The 1929 Plan noted that places at the water's edge were gradually expanding and their problems increasing. The Town established the Goal of the 1929 Plan and is cited below.⁹



"One attractive and well managed public bath and beach, the concentration of general traffic upon a limited number of streets, beatification without especial reference to main arteries of travel, and a system of leisurely and convenient by-ways free from automobiles, punctuated with gardens:

This is the plan which will localize recreation seeking crowds, discourage trespassing, and provide safety and quiet for residents of Palm Beach.

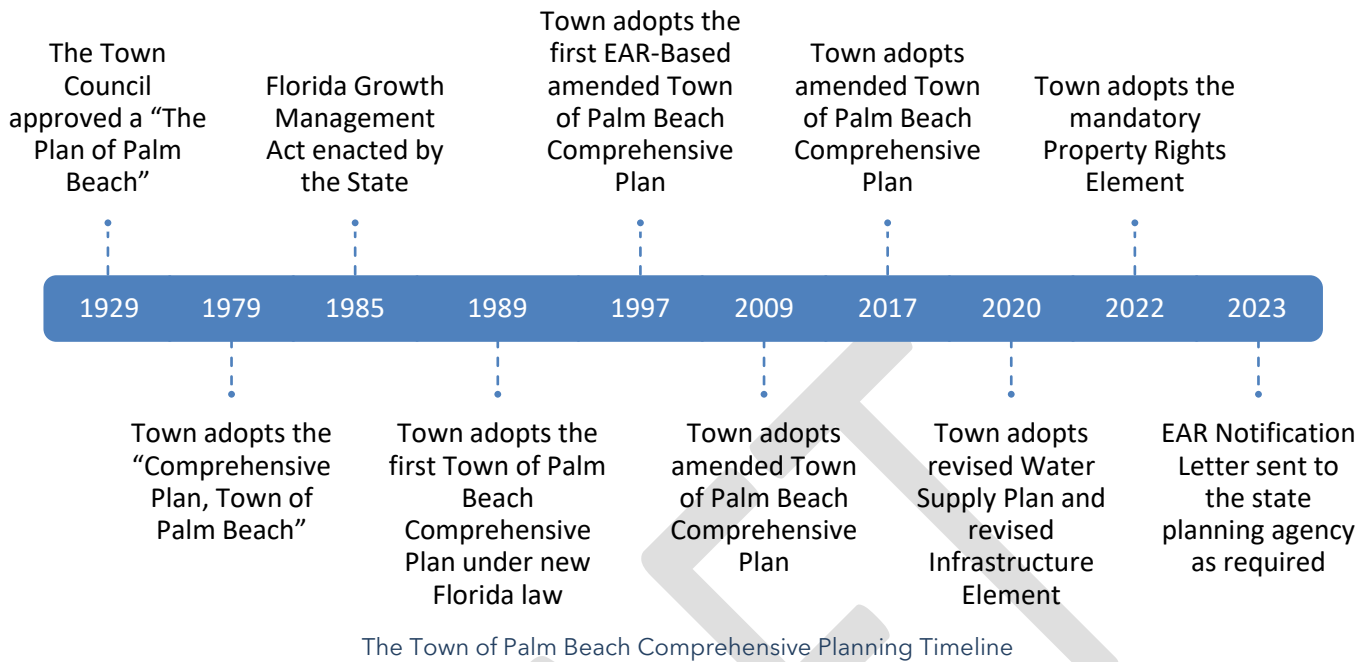
This is a plan which will localize recreation seeking crowds, discourage trespassing, and provide safety and quiet for residents of Palm Beach."

The Plan of Palm Beach, 1929



⁹ The Plan of Palm Beach Bennett, Parsons & Frost, Consulting Architects, 1929

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As illustrated, the Town of Palm Beach began comprehensive planning prior to state law mandates that began in 1979. The Town continued the comprehensive planning program through the state mandated series of growth management laws, as outlined in the timeline.

Pursuant to Section 163.3177, F.S., the state required certain elements of a comprehensive plan while also allowing for optional elements that are specific to the particulars to local jurisdictions. Each element required Goals, Objectives and Policies that were based upon the Data and Analysis of historical and current statistics, housing needs, development trends, natural resource protection, an adequate multi-modal transportation network, and the ability to provide necessary public services and facilities, among other aspects that are specific to that local government.

Referred to as the Community Planning Act, the law also mandates per Section 163.3191, F.S., that every seven (7) years, local governments update their comprehensive plans through a process referred to as the Evaluation and Appraisal Review (EAR) that addresses any changes in state law since the last update to a local comprehensive plan that may impact local comprehensive plans. Additionally, the EAR requires a review to any changes in local conditions that may affect the Goals, Objectives, and Policies of a jurisdiction's comprehensive plan.

State law also requires the establishment of a Local Planning Agency (LPA) pursuant to Section 163.3174, F.S. The local planning agency is responsible for the preparation of the comprehensive plan or plan amendment after hearings held with public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The governing body may designate itself as the local planning agency pursuant to this subsection of the Florida Statutes. The Town of Palm Beach Town Council is the designated Local Planning Agency. The duties and responsibilities of the LPA are specified in Code Section 86-52 and include the following.

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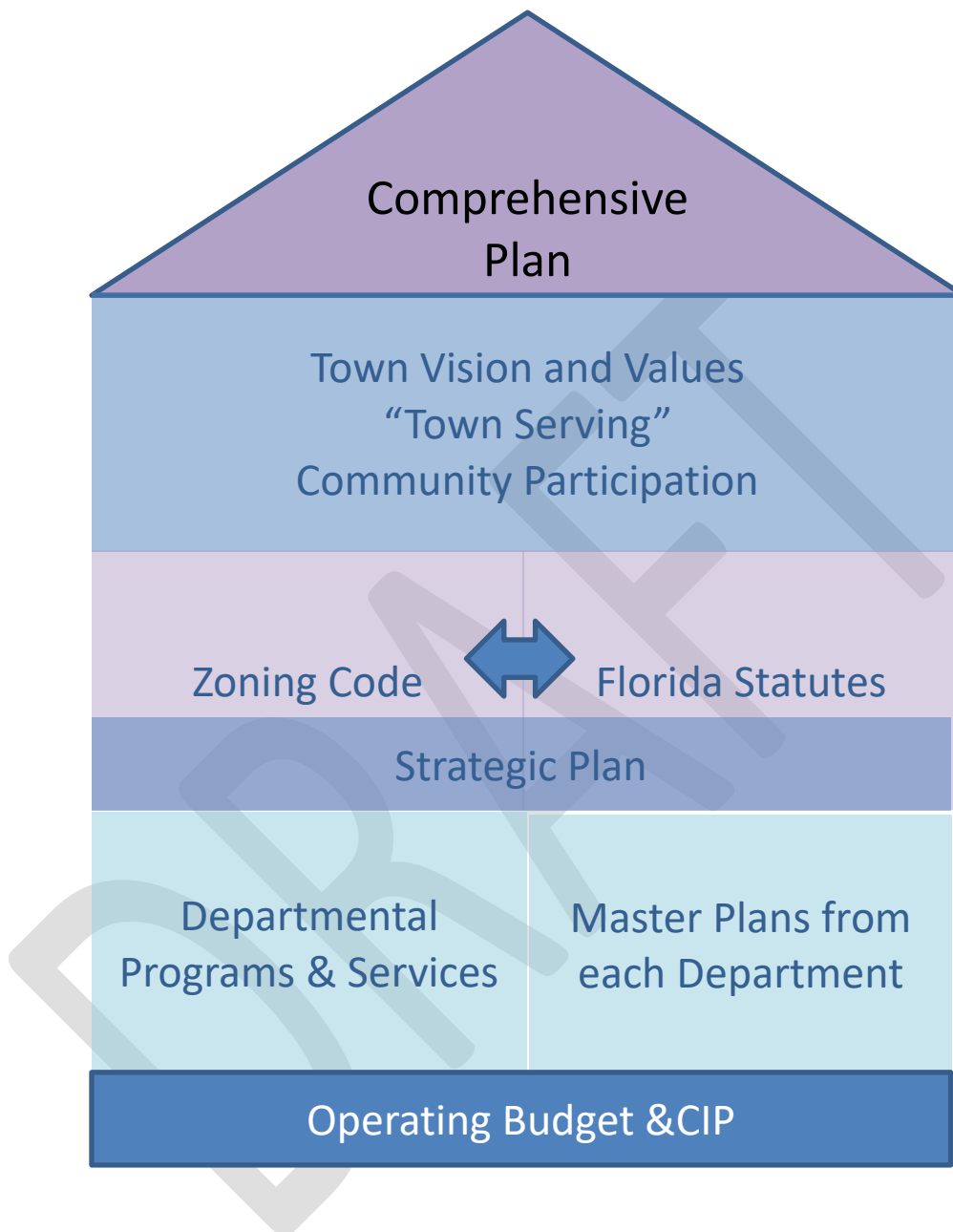
- ✓ Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the Town.
- ✓ Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State.
- ✓ Recommend the comprehensive plan or elements or portions thereof to the town council for adoption.
- ✓ Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the town council such changes in the comprehensive plan as may be required from time to time.

Additionally, under the direction of Code Section 2-333, Town Code of Ordinances, the Planning and Zoning Commission (PZC) is authorized to act in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The PZC is required to follow the concepts and contents of the Town's Comprehensive Plan in all planning, zoning and development related deliberations and decisions. The PZC also has such powers and duties as may be prescribed by ordinance.

RELATIONSHIP WITH COMPREHENSIVE PLAN AND TOWN PLANNING EFFORTS

The updated 2024 Comprehensive Plan has bifurcated the Data and Analysis from the Goals, Objectives, and Policies. Most local jurisdictions in the state of Florida operate their comprehensive planning efforts this way. The separation allows the Goals, Objectives, and Policies, as adopted, to remain the vision of the community until the next Evaluation and Appraisal Report, unless an amendment is proposed, and the amendments statutorily approved. With the Data and Analysis as a separate document, it allows for updates with regard to the conditions of the Town of Palm Beach and inclusion to related plans that affect the Town residents and businesses. This new process will thereby allow the Data and Analysis portion of the Comprehensive Plan to become a working document for Town staff and one (1) that is accessible to the public in current time. The vision of the 2024 Comprehensive Plan is displayed below.

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The 2024 Comprehensive Plan update began on March 31, 2023, when the Town of Palm Beach Planning, Zoning and Building Department notified the Florida Department of Economic Opportunity (DEP), recently changed to the Department of Commerce, that amendments are necessary to reflect changes in state law and local conditions. To maintain compliance with state law, the Town must adopt the 2024 Comprehensive Plan by April 1, 2024.

A Comprehensive Plan is a blueprint to guide the growth, development of land, resource protection, and provisions of public services and facilities in the Town.

It is not the intent to include the implementing regulations that are found in the Zoning Code, but rather to require identification of Goals, Objectives and Policies that promote the vision of a community and are then implemented through the Town Code and other regulating documents.

The Plan provides for the community's vision through a series of "Elements" that provide a framework for development to maintain and achieve the quality of life desired by the residents.

The Comprehensive Plan directly and indirectly influences all aspects of daily life, including where people live, what uses are allowed, ensuring natural areas are protected and available to visit and enjoy, and how one is able to get to and from these places safely.

The Comprehensive Plan Addresses Quality of Life Issues

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Below is a summary of the Town of Palm Beach's current comprehensive plan update.

- ❖ Every seven (7) years, every local government in the state of Florida is required to evaluate its comprehensive plan through the Evaluation and Appraisal Review (EAR) process to determine if plan amendments are necessary to reflect changes in state law and changes in local conditions.
- ❖ Town's comprehensive plan was last updated was in 2017, with revisions to the 2020 Water Supply Plan and incorporation of the mandatory Property Rights Element in 2022.
- ❖ On March 31, 2023, notified the state land planning agency, Florida Department of Economic Opportunity (DEO), amendments are necessary to reflect changes in state law and local conditions.
- ❖ Town must transmit comprehensive plan amendments within one (1) year, which is by April 1, 2024.

Through the EAR process, the 2024 Comprehensive Plan update will address the following, provided for in each of the Elements of the 2024 Comprehensive Plan update.

- Assess how the Comprehensive Plan has guided planning, growth, and redevelopment since the last EAR-based amendment.
- Identify any changes federal, state, and local matters that have impacted the Town of Palm Beach.
- Identify and evaluate changing conditions and trends as they relate to maintaining Quality of Life for the residents of the Town of Palm Beach.
- Assess both successes and shortcomings of the Plan.
- Identify changes to the Plan needed to reflect current conditions and direction.
- Determine the financial feasibility of the Town Comprehensive Plan and the extent to which adopted Level of Service (LOS) Standards have been met.
- Respond to changes in Florida Statutes and the Florida Administrative Code regarding growth management and development.
- Respond to changes to the State Comprehensive Plan and the Treasure Coast Regional Planning Council Strategic Regional Policy Plan as they affect Palm Beach's Comprehensive Plan.
- Prepare updated population estimates and projections.
- Identify changes to the Plan required to effectively manage growth, redevelopment, and anticipated impacts into the future.

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The Town's existing Comprehensive Plan encompasses the following eleven (11) elements:

<u>Data and Analysis and Goals, Objectives, and Policies</u>	
<u>1</u>	<u>Future Land Use</u>
<u>2</u>	<u>Transportation</u>
<u>3</u>	<u>Housing</u>
<u>4</u>	<u>Infrastructure</u>
<u>5</u>	<u>Coastal Management/Conservation</u>
<u>6</u>	<u>Recreation and Open Space</u>
<u>7</u>	<u>Intergovernmental Coordination</u>
<u>8</u>	<u>Capital Improvement</u>
<u>9</u>	<u>Historic Preservation</u>
<u>10</u>	<u>Public Safety</u>
<u>11</u>	<u>Private Property Rights</u>

The proposed 2024 Comprehensive Plan update has been amended to separate the Data and Analysis that has been imbedded with the Goals, Objectives, and Policies into two (2) separate documents to allow for updates to data that will allow staff to properly manage annually. This is common practice throughout the state of Florida. This action thereby allows for current data for staff use and ease with the next update to their respective comprehensive plans. As a result, the Town of Palm Beach 2024 Comprehensive Plan update, has been amended as follows.

- ✓ The Coastal Management/Conservation Element has been separated into two (2) distinct Elements.
- ✓ The Public Safety Element now has Data and Analysis, which was not present with the 2017 Comprehensive Plan.
- ✓ The Transportation Element has the addition of a Parking Sub-Element
- ✓ The Recreation and Open Space has a new Recreational Programming Sub-Element.
- ✓ Lastly, the order of the Elements has been amended to tell the story of the Town of Palm Beach.

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The 2024 Comprehensive Plan update composition is as follows.

<u>Data and Analysis</u>	
<u>0</u>	<u>Introduction</u>
<u>1</u>	<u>Future Land Use Element</u>
<u>2</u>	<u>Housing Element</u>
<u>3</u>	<u>Historic Preservation Element</u>
<u>4</u>	<u>Public Safety Element</u>
<u>5</u>	<u>Infrastructure Element</u>
<u>6</u>	<u>Transportation Element</u>
<u>7</u>	<u>Recreation and Open Space</u>
<u>8</u>	<u>Coastal Management Element</u>
<u>9</u>	<u>Conservation Element</u>
<u>10</u>	<u>Property Rights Element</u>
<u>11</u>	<u>Capital Improvements Element</u>
<u>12</u>	<u>Intergovernmental Coordination Element</u>
	<u>GIS Map Series</u>
<u>Goals, Objectives, and Policies</u>	
<u>1</u>	<u>Future Land Use Element</u>
<u>2</u>	<u>Housing Element</u>
<u>3</u>	<u>Historic Preservation Element</u>
<u>4</u>	<u>Public Safety Element</u>
<u>5</u>	<u>Infrastructure Element</u>
<u>6</u>	<u>Transportation Element</u>
<u>7</u>	<u>Recreation and Open Space</u>
<u>8</u>	<u>Coastal Management Element</u>
<u>9</u>	<u>Conservation Element</u>
<u>10</u>	<u>Property Rights Element</u>
<u>11</u>	<u>Capital Improvements Element</u>
<u>12</u>	<u>Intergovernmental Coordination Element</u>
	<u>GIS Map Series</u>

The subject proposed amendment to the Comprehensive Plan is based on a review of each Element of the adopted 2017 Evaluation and Appraisal Report, including required legislation, demographics data from the updated 2020 Census, and information that reflects the Town's existing conditions and future community trends. The subject Comprehensive Plan amendment also includes an update of the Map Series.

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This EAR-based amendment to the Town's Comprehensive Plan is subject to the State Coordinated Review process, pursuant to Section 163.3184(4), F.S. A summary of this process is outlined below:

1. After initial local hearings (Local Planning Agency and Town Council) approving the proposed amendment to the Comprehensive Plan, the Town is required to transmit the complete proposed plan amendment to the State Land Planning Agency.
2. Next, within 60 days of receiving the complete amendment proposal, the State Land Planning Agency must issue an Objection, Recommendation, and Comments Report (ORC) to the local government.
3. The Town is required to hold a second public hearing to adopt the amendment to the Comprehensive Plan.
4. The complete adopted Comprehensive Plan amendment must then be submitted back to the State.
5. Finally, within 45 days of receiving the complete adopted plan amendment, the State Land Planning Agency issues a Notice of Intent to find the plan in compliance or not in compliance, which is posted on its website.

As part of the Town's community participation process, staff meetings to review the Data & Analysis and associated Goals, Objectives and Policies were held. Additionally, introductory meetings before the Planning and Zoning Commission (PZC) and Town Council were held to discuss the proposed 2024 Comprehensive Plan update.

To get a better understanding of the review process for comprehensive plan amendments, the Town of Palm Beach Code of Ordinances, Section 2-333, Powers and Duties, states that the Planning and Zoning Commission (PZC) shall act in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The PZC follows the concepts and contents of the Town's Future Land Use Plan in all planning, zoning and development related deliberations and decisions. The PZC shall also have such powers and duties as may be prescribed by ordinance.

Pursuant to Code Section 86-51, the Town Council serves as the Local Planning Agency. The duties include the following.

- Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the Town.
- Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
- Recommend the comprehensive plan or elements or portions thereof to the town council for adoption.
- Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the town council such changes in the comprehensive plan as may be required from time to time.

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The Town held the following workshops with the PZC.

- May 3, 2023 – kick off meeting
- October 17, 2023- Distribution of the draft 2024 Comprehensive Plan update
- November 8, 2023–Public meeting on the draft 2024 Comprehensive Plan update
- December 6, 2023 - Public meeting on the draft 2024 Comprehensive Plan update – Introduction, Future Land Use, Housing, Historic Preservation, Public Safety, Recreation and Open Space and Property Rights.
- January 3, 2024 – Public meeting on the draft 2024 Comprehensive Plan update – Infrastructure, Coastal Management, Conservation, Capital Improvements Intergovernmental Coordination, Map Series
- February 6, 2024 – Graphics and all revised Elements

In addition, the comprehensive plan update was presented to the Town Council on the following dates.

- May 10, 2023 – kick off meeting
- October 17, 2023- Distribution of the draft 2024 Comprehensive Plan update
- ~~November 15, 2023 Presentation of draft 2024 Comprehensive Plan update~~
- ~~December 13, 2023 LPA and Town Council transmittal hearing~~
- March 13, 2024 – Presentation of draft 2024 Comprehensive Plan update
- April 10, 2024 – LPA and Town Council transmittal hearing

Following, state review of the draft 2024 Comprehensive Plan, the proposed 2024 Comprehensive Plan update is tentatively scheduled for adoption hearing in ~~March~~ August 2024.