

# TOWN OF PALM BEACH

Information for Town Council Meeting on:

August 12, 2024

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

WB

**Re: Ordinance No. 015-2024 - 2024 Evaluation and Appraisal Review of the Comprehensive Plan**

Date: August 6, 2024

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## **STAFF RECOMMENDATION**

Attached please find Ordinance No. 015-2024 to adopt the 2024 Evaluation and Appraisal Review (EAR) of the Town of Palm Beach Comprehensive Plan. Staff recommends that the Town Council accept the updates to the 2024 Evaluation and Appraisal Review (EAR) of the Town of Palm Beach Comprehensive Plan and transmit to the Department of Commerce (FloridaCommerce), the state land planning agency.

## **GENERAL INFORMATION**

The importance of comprehensive planning in the state of Florida cannot be understated, as the document serves as the vision for a community and provides the data and analysis for local government policy decisions. More specifically, as stated in §163.3177, Fla. Stat., the comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of a community that reflects commitments to implement the plan and its elements.

These principles and strategies must guide future decisions in a consistent manner and contain programs and activities to ensure comprehensive plans are implemented. It is not the intent to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the overall local strategy to realize the vision of the community. The comprehensive plan is intended to establish meaningful and predictable measures for the use and development of land and provide guidelines for the more detailed land development regulations provided for in a zoning code.

Pursuant to §163.3191, Fla. Stat., at least once every seven years, every local government in the state of Florida is required to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state law since the last update of the comprehensive plan and notify the FloridaCommerce as to its determination. Local governments are also encouraged to comprehensively evaluate and, as necessary, update their comprehensive plans to reflect changes in local conditions. If the local government finds that amendments to their comprehensive plan are necessary, the amendments are required to be transmitted to the FloridaCommerce within one year of such determination.

The last time the Town’s Comprehensive Plan was updated was in 2017. According to the statewide Evaluation and Appraisal Notification Schedule, the Town was required to determine if amendments to its Comprehensive Plan were necessary to reflect changes in state requirements and notify the state planning agency of its determination by April 1, 2023. On March 31, 2023, a notification letter was sent to the FloridaCommerce, see Exhibit A, indicating that the Town of Palm Beach Department of Planning, Zoning & Building (PZB) has evaluated its Comprehensive Plan and determined that amendments are necessary to reflect changes in state law and local conditions.

Pursuant to Code Section 2-333, the Planning and Zoning Commission (PZC) acts 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 Comprehensive Plan in all planning, zoning and development related deliberations and decisions. As such, a review of the updates to the Comprehensive Plan by the PZC is required and any recommended changes are then conveyed to the Town Council.

As required by §163.3191(2), Fla. Stat., the PZB staff was on track to transmit the EAR-based 2024 Comprehensive Plan to the state land planning agency within one year, which was April 1, 2024. In fact, the first completed draft of the EAR-based comprehensive plan was presented to the Planning and Zoning Commission on October 17, 2023. The reaction to the first draft was of mixed review. It was requested that staff bring back a strike through and underlined version of the Data and Analysis portion of the Comprehensive Plan to distinguish the information that is to remain, be removed or requires updating. Since October 2023, the PZC has convened for public review of the EAR-based 2024 Comprehensive Plan eight times, in addition to providing independent reviews with written comments and suggestions to staff. During these last ten months, an engaged group of residents has also been providing meaningful and substantial input into the planning process.

The Town’s existing Comprehensive Plan encompasses the following eleven elements:

#### **Data and Analysis and Goals, Objectives, and Policies**

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

The proposed amendments to the Comprehensive Plan are 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 proposed 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 and proposed changes to the Level of Service Standards.
- ✓ 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.

The proposed 2024 Comprehensive Plan update composition is as follows.

#### **Data and Analysis and Goals, Objectives and Policies**

	Introduction
1	Future Land Use Element
2	Transportation Element
3	Housing Element
4	Historic Preservation Element
5	Public Safety Element
6	Infrastructure Element
7	Recreation and Open Space
8	Coastal Management Element
9	Conservation Element
10	Property Rights Element
11	Capital Improvements Element
12	Intergovernmental Coordination Element
	GIS Map Series

The proposed 2024 Comprehensive Plan also includes an update of the existing maps in the Map Series and the addition of the following 11 maps:

#### **New Maps**

1.	Location Map
2.	Origin and Destination (OD) Map
3.	Historically Significant Structures
4.	Historic Markers Map
5.	Historic Specimens Map

6.	Public Buildings Map
7.	Seawall Map
8.	Beach Access Map
9.	100 Year Flood Plan Map
10.	Town Spoils Map
11.	Natural and Artificial Reef Map

This EAR-based amendment to the Town’s Comprehensive Plan is subject to the State Coordinated Review process, pursuant to §163.3184(4) Fla. Stat. 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.

### **BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends the Town Council transmit the draft 2024 Evaluation and Appraisal Review of the Town of Palm Beach Comprehensive Plan to the Florida Department of Commerce.

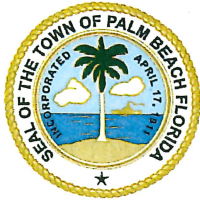
### **TOWN ATTORNEY REVIEW**

Ordinance No. 015-2024 has been reviewed and approved for legal form and sufficiency.

WRB: JHD

Attachments: Determination letter to Florida Department of Commerce  
Ordinance No. 015-2024  
EAR-based 2024 Comprehensive Plan

cc: James Murphy, Assistant Planning Director  
Jennifer Hofmeister-Drew, Planner III, AICP



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
(561) 838-5430 • [www.townofpalmbeach.com](http://www.townofpalmbeach.com)

PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Planning and Zoning Commission

TO: Chair and Members of the Commission

THRU: Wayne Bergman, MCP, LEED-AP  
Director PZ&B

FROM: Jennifer Hofmeister-Drew, AICP  
Planner III

SUBJECT: EVALUATION AND APPRAISAL REVIEW (EAR) OF THE TOWN'S  
COMPREHENSIVE PLAN

MEETING: April 27, 2023

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#### **RECOMMENDED ACTION**

Pursuant to Code Section 2-333, 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 shall follow the concepts and contents of the Town's comprehensive plan in all planning, zoning and development related deliberations and decisions. Therefore, staff recommends that the PZC hear the presentation by staff and provide any suggested recommendations.

#### **GENERAL INFORMATION**

The importance of comprehensive planning in the state of Florida cannot be understated, as the document serves as the vision for a community and provides the data and analysis for local government policy decisions. More specifically, as stated in Section 163.3177, F.S., the comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of a community that reflects commitments to implement the plan and its elements.

These principles and strategies must guide future decisions in a consistent manner and contain programs and activities to ensure comprehensive plans are implemented. It is not the intent to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the overall local strategy to realize the vision of the community. The plan is intended to establish meaningful and predictable measures for the use and development of land and provide guidelines for the more detailed land development regulations provided for in a zoning code.

Pursuant to Section 163.3191, F.S., at least once every seven (7) years, every local government in the state of Florida is required to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state law since the last update of the comprehensive plan and notify the Department of Economic Opportunity (DEO), the state land planning agency, as to its determination. Local governments are also encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect

changes in local conditions. If the local government determines amendments to their comprehensive plan are necessary, the amendments must be transmitted to DEO within one (1) year of such determination.

The last time the Town's comprehensive plan was updated was in 2017. Additionally, the Town amended its comprehensive plan to update the Water Supply Plan and incorporate the mandatory Property Rights Element, in 2021 and 2022, respectively. According to the Department of Economic Opportunity website, the statewide Evaluation and Appraisal Notification Schedule requires the Town of Palm Beach to determine if amendments to its Comprehensive Plan are necessary to reflect changes in state requirements and notify the state planning agency of its determination by April 1, 2023.

On March 31, 2023, a notification letter, see Attachment A, was sent to the DEO indicating that the Town of Palm Beach Department of Planning, Zoning & Building has evaluated its Comprehensive Plan and determined that amendments are necessary to reflect changes in state law and local conditions. As required by Section 163.3191(2), F.S., the Town understands that the necessary amendments to its Comprehensive Plan must be transmitted to the state land planning agency within one (1) year, which is by April 1, 2024.

WRB:JGM:JHD



Attachment A



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
561-838-5430 | [www.townofpalmbeach.com](http://www.townofpalmbeach.com)

March 31, 2023

Barbara Powell, Regional Planning Administrator  
Bureau of Community Planning and Growth  
Division of Community Development  
Florida Department of Economic Opportunity  
107 East Madison Street, MSC 160  
Tallahassee, FL 32399-4120

Dear Ms. Powell:

In accordance with the requirements of Chapter 163.3191, Florida Statutes (F.S.) and Rule Chapter 73C-49, Florida Administrative Code (F.A.C), the Town of Palm Beach is required to determine whether the need exists to amend its comprehensive plan to reflect changes in state requirements since the last time the Town's comprehensive plan was updated, which was 2017. Additionally, the Town amended its comprehensive plan to update the Water Supply Plan and incorporate the mandatory Property Rights Element, in 2021 and 2022, respectively. According to the Department of Economic Opportunity website, Evaluation and Appraisal Notification Schedule, 4/1/2016 to 4/1/2023, the Town of Palm Beach must determine if amendments to its Comprehensive Plan are necessary to reflect changes in state requirements and notify the state planning agency of its determination by April 1, 2023.

Please accept this letter as the Town of Palm Beach's notification letter indicating that the Town of Palm Beach Department of Planning, Zoning & Building has evaluated its Comprehensive Plan and determined that amendments are necessary to reflect changes in state law. As required by Section 163.3191(2), F.S., the Town understands that the necessary amendments to its Comprehensive Plan must be transmitted to the state land planning agency within one (1) year, which is by April 1, 2024.

As stated, the Town amended its comprehensive plan in 2017, with subsequent amendments in 2021 to update the Water Supply Plan and incorporate a new Property Rights Element in 2022. The Town of Palm Beach will amend again its Comprehensive Plan within one (1) year to address changes in statutory regulations and consider amendments to the following elements to address issues of local concern.

- |  |   |
|--|---|
| 1. Future Land Use Element                 | 7. Intergovernmental Coordination Element |
| 2. Transportation Element                  | 8. Capital Improvement Element            |
| 3. Housing Element                         | 9. Historic Preservation Element          |
| 4. Infrastructure Element                  | 10. Public Safety Element                 |
| 5. Coastal Management/Conservation Element | 11. Property Rights Element               |
| 6. Recreation/Open Space Element           |   |

Should you have any questions, please do not hesitate to contact me at 561-227-6426 or Jennifer Hofmeister-Drew, AICP, Planner III, at 561-227-6406.

Respectfully,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Wayne R. Bergman, MCP, LEED® AP  
Director of Planning, Zoning & Building  
Town of Palm Beach



## **ORDINANCE NO. 015-2024**

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 HEREWITHIN; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Section 163.3161, Florida Statutes, the "Community Planning Act", the Town of Palm Beach, Florida, is required to adopt and periodically amend its Comprehensive Plan; and

**WHEREAS**, on October 23, 1989, the Town amended the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89; and

**WHEREAS**, on October 14, 1997, pursuant to Section 163.3191, Florida Statutes, "Evaluation and Appraisal of Comprehensive Plan", the Town of Palm Beach adopted an amended Comprehensive Plan based upon an Evaluation and Appraisal Report (EAR) with the adoption of Ordinance No. 14-97; and

**WHEREAS**, on April 15, 2009, the Town of Palm Beach adopted an amended Town of Palm Beach Comprehensive Plan based upon an Evaluation and Appraisal Report (EAR) with the adoption of Ordinance No. 6-09; and

**WHEREAS**, on August 9, 2017, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan based on the Town's Evaluation and Appraisal Review of the Comprehensive Plan with the adoption of Ordinance No. 9-2017; and

**WHEREAS**, on January 13, 2021, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan by amending the Infrastructure Element, as well as the 10-Year Water Supply Facility Work Plan; and

**WHEREAS**, on November 15, 2022, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan by creating a Property Rights Element with the adoption of Ordinance No. 15-2022; and

**WHEREAS**, on May 15, 2024, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2. 3. 6 related to the Private Group Use Future Land Use designation to remove the maximum lot coverage and to allow, in limited circumstances, the maximum building height to be three stories with Town Council approval with the adoption of Ordinance No. 5-2024; and

**WHEREAS**, the Town of Palm Beach is amending the Data & Analysis (D&A) as well as the Goals, Objectives, and Policies (GOPs) based upon the Town's recent Evaluation and Appraisal of the Town of Palm Beach 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 [REDACTED], 2024, meeting, considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and recommended that the Town Council adopt the amendments to the Comprehensive Plan more particularly described in Exhibit A (the "Amendments"), and transmit said ordinance to the Florida Department of Commerce; and

**WHEREAS**, the Town Council accepts the LPA's recommendation to adopt the Amendments; and,

**WHEREAS**, pursuant to Section 163.3184(11), Florida Statutes, the Town Council has conducted a public hearing, and after considering public comments has voted to transmit the Amendments to the Florida Department of Commerce, appropriate reviewing agencies, and any other local government or governmental agency that made a written request of the Town pertaining to the Amendments.

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 31 days subsequent to its enactment on second and final reading, 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 the, 2024, and for second and final reading this (date) day of (Month), 2024.

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Danielle H. Moore, Mayor

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Bobbie Lindsay, Town Council President

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Edward A. Cooney, Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

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Lewis S.W. Crampton, Town Council Member

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Kelly Churney, Acting Town Clerk

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Bridget Moran, Town Council Member

**Ron DeSantis**  
GOVERNOR



**Meredith Ivey**  
ACTING SECRETARY

April 3, 2023

**RESPONSE VIA E-MAIL ONLY**

Mr. Wayne Bergman, MCP, LEED, AP  
Director of Planning, Zoning & Building  
Town of Palm Beach  
360 South County Road  
Post Office Box 2029  
Palm Beach, Florida 33480

Subject: Town of Palm Beach Evaluation and Appraisal Notification Letter

Dear Mr. Bergman:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter, which was due on April 1, 2023 and received by the Department on March 31, 2023.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by **March 31, 2024**, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the **State Coordinated Review Process** as outlined in Section 163.3184(4), Florida Statutes.

Yazmin Valdez of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at 8524.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Donna Harris, Plan Processor, at 850.717.8491.

Sincerely,

Barbara Powell, Deputy Bureau Chief  
Bureau of Community Planning and Growth

BP/dh

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
(850) 245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://www.Twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://www.Facebook.com/FLDEO)

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