

# TOWN OF PALM BEACH

Information for Town Council Meeting on:

February 12, 2025

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To: Mayor and Town Council Via: Kirk Blouin, Town Manager

From: Wayne Bergman, MCP, LEED® AP Director of Planning, Zoning & Building

Re: Town Council Adoption Hearing on 2024 Comprehensive Plan

Date: February 4, 2025

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council adopt the 2024 Updated Comprehensive Plan with amendments based upon the Department of Commerce's (FloridaCommerce) Objectives, Recommendations and Comments Report (ORC) that addresses one Objection and various comments from the state and the state reviewing agencies.

## **GENERAL INFORMATION**

This EAR-based amendment to the Town's Comprehensive Plan was 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 (Department of Commerce).
2. Next, within 60 days of receiving the complete amendment proposal, the State Land Planning Agency must issue an Objection, Recommendation, and Comments (ORC) Report to the local government.
3. The local government shall review the ORC Report submitted by the state land planning agency, if any, and written comments submitted to it by any other person, agency, or government.
4. The Town is required to hold a second public hearing to adopt the amendment to the Comprehensive Plan. The adoption shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing.
5. The complete adopted Comprehensive Plan amendment must then be submitted back to the State.
6. 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.

On January 13, 2024, the Town of Palm Beach received an ORC Report from FloridaCommerce with one Objection and one Comment. The Objection related to the need to provide 10- and 20-year planning periods for public facilities. With the assistance from the Town's Public Works Department, this Objection has been addressed. Additionally, the Florida Department of Transportation (FDOT) and the Treasure Coast Regional Planning Council (TCRPC) offered comments to be included in the Comprehensive Plan,

which has been done. These changes are shown in strikethrough and underlined for FloridaCommerce, FDOT, and TCRPC to see that those changes have been made. The Elements that have been modified to address the ORC Report included the following:

1. Future Land Use Element Goals, Objectives and Policies
2. Transportation Element Data and Analysis and Goals Objectives and Policies
3. Infrastructure Element Data and Analysis and Goals, Objectives and Policies
4. Capital Improvement Element Data and Analysis and Goals, Objectives and Policies

### **FUNDING/FISCAL IMPACT**

There are no funding fiscal impacts associated with the 2024 Comprehensive Plan. See attached Business Impact Estimate Form.

### **TOWN ATTORNEY REVIEW**

The Town Attorney has reviewed all Elements of the 2024 Comprehensive Plan and the draft Ordinance No. 015-2024 for legal form and sufficiency.

Attachment: Adoption Document of the 2024 Comprehensive Plan  
Ordinance No.015-2024  
Business Impact Estimate Form

cc: Joanne M. O'Connor, Town Attorney  
James Murphy, AICP, Assistant Planning Director  
Jennifer Hofmeister-Drew, AICP, Planner III

January 13, 2025

The Honorable Danielle H. Moore  
Mayor, Town of Palm Beach  
360 South County Road  
P.O. Box 2029  
Palm Beach, Florida 33480

Dear Mayor Moore,

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for the Town of Palm Beach (Amendment No. 24-02ER), which was received on November 14, 2024. 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.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified an objection and have included recommendations regarding measures that can be taken to address the objections. We are also providing a comment. The comment is offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in section 163.3184(1)(b), F.S. Copies of comments received by FloridaCommerce from reviewing agencies, if any, are also enclosed.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

**The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to section 163.3184(4)(e)2., F.S.**

FloridaCommerce staff is available to assist the Town to address the objection and comment. If you have any questions related to this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850)-717-8510 or by email at [Scott.Rogers@Commerce.fl.gov](mailto:Scott.Rogers@Commerce.fl.gov).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/sr

Enclosures: Objections, Recommendations, and Comments Report  
Procedures for Adoption  
Reviewing Agency Comments

cc: Jennifer Hofmeister-Drew, Planner, Town of Palm Beach  
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

**Objections, Recommendations and Comments Report**  
**Proposed Comprehensive Plan Amendment**  
**Town of Palm Beach, Amendment 24-02ER**

The Florida Department of Commerce (FloridaCommerce) has identified an objection and a comment regarding the Town of Palm Beach's proposed comprehensive plan amendments. The objection and comment are provided below, along with recommended actions the Town could take to resolve issues of concern. If the Town adopts the plan amendment without adequately addressing the objection, FloridaCommerce may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

FloridaCommerce staff has discussed the basis of the report with local government staff and is available to assist the Town to address the objection and comment.

**1. Objection 1 (Comprehensive Plan Update):** The proposed Amendment 24-02ER does not update the Town's Comprehensive Plan, based on relevant and appropriate data and analysis, to comply with statutory requirements relating to the Town's planning periods.

Chapter 2023-31, Laws of Florida, modified section 163.3177(5)(a), F.S., to require local governments to increase the two required planning periods in their comprehensive plans from 5-year and 10-year planning periods to 10-year and 20-year planning periods. The proposed Amendment 24-02ER does not update the adopted portions of the Comprehensive Plan to expressly state the planning periods. The applicable 10-year and 20-year long-term planning periods should be 10 and 20 years from the anticipated adoption of Amendment 24-02ER.

The proposed Amendment 24-02ER does not update the Town's Comprehensive Plan Infrastructure Element to address the required planning periods, based upon relevant and appropriate data and analysis, consistent with the requirements of section 163.3177(1)(f), F.S., that all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government. Coordination of the elements of the local comprehensive plan shall be a major objective of the planning process, and the elements shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

The proposed Amendment 24-02ER update to the Comprehensive Plan is not based upon relevant and appropriate data and analysis of public facilities (potable water, sanitary sewer and solid waste facilities) addressing the following for the required updated planning periods: (1) current and projected demand upon public facilities based upon relevant and appropriate population estimates and projections, (2) current and projected designed capacity of public facilities, (3) current and projected operating levels of service of public facilities, (4) identification of any improvements that are needed to public facilities, including the timing and scope of such improvements, in order to achieve and maintain the adopted level of service standards of public facilities, and (5) coordination of any needed improvements within the Capital improvements Element. The Town should revise proposed Amendment 24-02ER to be based upon relevant and appropriate data analysis of public facilities for the planning periods.

**Statutory Authority:** Sections 163.3177(1)(f), 163.3177(1)(f)3., 163.3177(2), 163.3177(3)(a)2., 163.3177(5)(a), 163.3177(6)(c), 163.3184(4) and 163.3191, F.S.

**Recommendation:** The Town must revise the Amendment to ensure the Plan contains at least two planning periods in accordance with the requirements set forth by section 163.3177(5)(a), F.S. The necessary updates must also be based upon relevant and appropriate data and analysis. The Plan must include one planning period to cover at least the first 10-year period occurring after the plan amendment adoption and another planning period must cover at least a 20-year period.

**2. Comment (Future Land Use Intensity Standards):** The proposed Amendment 24-02ER is not consistent with the requirements of sections 163.3177(1) and 163.3177(6)(a)1., F.S., that a future land use category must include meaningful and predictable standards for the intensity of use for non-residential land uses. The proposed Amendment 24-02ER to the Future Land Use Element (Policies 1.10.1, 1.10.2, 1.10.3, 1.11.1, 1.11.3, 1.11.4 and 1.11.6) does not establish meaningful and predictable standards for the maximum intensity of non-residential uses allowed within the following future land use categories: Single-Family Residential, Multi-Family Moderate Density, Multi-Family High Density, Public, Commercial and Private Group Use. The Town should revise the future land use categories to establish meaningful and predictable standards for the maximum non-residential intensities of land use.

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR STATE COORDINATED REVIEW**

**section 163.3184(4), Florida Statutes**

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using FloridaCommerce’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://fldeo.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Florida Department of Commerce identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Florida Department of Commerce did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Florida Department of Commerce to the ORC report from the Florida Department of Commerce.



TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B\_  
From: Staff  
Date: December 13, 2024  
Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Town of Palm Beach Comprehensive Plan  
Amendment No. 24-02ER

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to 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 Palm Beach was received on November 14, 2024 and contains amendments to the Future Land Use, Transportation, Housing, Historic Preservation, Public Safety, Infrastructure, Recreation and Open Space, Coastal Management, Conservation, Property Rights, Capital Improvements; and Intergovernmental Coordination elements; updates to the map series; and updates to the data and analysis support documents of the Town's comprehensive plan. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

The proposed amendments are based on the Town's Evaluation and Appraisal Review (EAR). The purpose of the EAR is to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated and to address issues of local concern. Due to the amount of amendment materials, the proposed amendments are included on Council's website as a supplement. The following summarizes the proposed amendments:

**Future Land Use Element**

The proposed amendments:

- Revise an objective to clarify how the Town will regulate development and redevelopment while maintaining and enhancing the Town's unique physical and historic character.

- Revise a policy to indicate the Town will comply with the land development regulations and that ensure that services consistent with the level of service (LOS) standards are available when needed for development, or development orders and permits are conditioned on the availability of services necessary to serve the proposed development.
- Add a policy to indicate the Town will maintain future land use designations that focus on preserving and protecting the Town's primarily residential community and protect the stability of residential neighborhoods by advocating and promoting year-round occupancy and neighborhood improvements and enhancements.
- Add a policy to revise the definition of an acre to use the actual size of 43,560 square feet, and not the current use of 40,000 square feet.
- Revise a policy related to overuse of infrastructure, parking resources, public services and facilities to maintain the overall high property values of the community.
- Revise a policy that indicates the Town will rigorously discourage commercial establishments that will attract patronage at a regional level.
- Revise a policy to indicate the Town will identify land uses deemed appropriate for each of the individual land use categories.
- Revise a Policy to include shoreline protection and renourishment activities as an essential service under public utility facilities.
- Revise the Single Family Residential land use designation to 4.356 dwelling units per acre, delete group homes and foster care facilities, and list appropriate uses under this category.
- Revise the Multi-Family Moderate Density land use designation to 6.534 dwelling units per acre and list appropriate uses under this category.
- Revise the Multi-Family High Density Residential land use designation to 14.157 dwelling units per acre and list appropriate uses under this category.
- Revise a policy to state that Town-serving commercial establishments shall attract not less than the established percentage defined in the zoning code of their customers/members/clients from among Town persons.
- Revise the Commercial land use designation to indicate that mixed commercial/residential uses are provided primarily for the needs of Town residents and set the maximum density in the Worth Avenue zoning district.
- Delete the maximum lot coverage of 40%.
- Add a statement that the maximum building height may be three stories with Town Council approval.
- Revise a policy to indicate that approved Planned Unit Development (PUD) densities shall not exceed 14.157 dwelling units per acre.
- Revise a policy to indicate the Town will take all technical and administrative measures legally available to prevent the change or transition of existing low-density areas or structures to more intensive use patterns.
- Revise an objective to indicate that the Town will issue development orders and permits in the floodplain and coastal high hazard area only if they meet the building elevations identified in the Flood Insurance Rate Maps, unless the structure has been landmarked or is designated a historically significant building and approved for a floodplain variance.
- Delete a policy related to stormwater management as this is a land development regulation.
- Revise a policy to indicate the Town shall continue to utilize code enforcement procedures to proactively maintain building and property standards.
- Revise a policy to indicate the Town will reduce the number of incompatible uses.

- Revise a policy related to rebuilding destroyed structures when building east of the Coastal Construction Control Line.
- Add a policy to create a new future land use category to correspond with the Beach Area zoning district that provides for essential services.
- Add a policy to create a new Multi-Family Medium Density Residential land use category that corresponds with the R-D(1) Zoning district that limits the number of dwelling units per acre to ten and does not permit hotels.
- Add a policy to consider creating zoning districts to correspond with Public and Recreation land use categories.
- Add a policy stating that within one year of the adoption of the EAR-based amendments the Town will revise the Code of Ordinances and Zoning Map to be consistent with the comprehensive plan.
- Revise a policy to include the City of West Palm Beach, the Palm Beach Transportation Planning Agency (TPA), Palm Beach County, and the School District as agencies the Town will work closely with on regional issues.
- Delete a policy related to coordination of other governments in securing 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 of actual regional significance.
- Revise an objective to state that the Town will acknowledge previously approved PUDs but will not allow new PUDs in the future.
- Delete a policy related to the types of PUDs allowed in the Town.
- Revise a policy to indicate the Town will review and revise its coastal area residential densities and commercial intensities to ensure there will not be a hurricane evacuation or shelter capacity deficiency.
- Delete a policy related to inadequate access points.
- Revise a policy related to public access points to public beaches not under the Town's jurisdiction.
- Revise a policy related to marinas and marina siting criteria.

### **Transportation Element**

The proposed amendments:

- Revise a goal to indicate the Town shall preserve, protect, and ensure a high quality of life for Town residents focused on multi-mobility that fosters a safe and more efficient transportation and parking management system.
- Revise a policy to update the LOS standards for roadways within the Town and indicate the Town will work with the Florida Department of Transportation (FDOT) and TPA to develop solutions to constrained roadway segments.
- Add a policy to indicate the Town shall maintain an LOS C for local roadways.
- Revise a policy to indicate the Town will require proportionate fair share mitigation for transportation facilities consistent with state and Palm Beach County regulations that cannot meet the concurrency requirements for transportation.
- Revise a policy to state that the Town shall require transportation facilities be in place before the final inspection approval of a development permit.

- Add a policy to state the Town shall develop a strategy to improve the level of service standard on roadways with an LOS of D or lower.
- Add a policy to state the Town shall use the FDOT LOS standards for determining road segment LOS on roadways within the Town.
- Revise a policy to state the Town shall enforce land development regulations that limit the number of access points where vehicle driveways enter the roadway system.
- Revise a policy to related to impacts on major collectors and minor arterials leading into the Town.
- Review a policy related to the placement of signage within the Town.
- Delete a policy related to working with the MPO/State Bicycle and Pedestrian coordination to promote public education on the benefits of walking and bicycling.
- Revise a policy to indicate the Town will continue to coordinate to minimize transportation impacts to the Town through participation on the TPA board.
- Revise a policy to include State Road A1A as a regionally significant road leading to the Town.
- Add an objective and underlying policies related to preserving the built and natural environment by managing traffic and parking impacts on Town residents.

## **Housing Element**

The proposed amendments:

- Revise a goal to state the Town shall preserve, protect, and ensure a high quality of life for Town residents through assurance that the housing stock is safe, sanitary, and within a healthy living environment.
- Revise an objective to indicate the Town shall ensure new and renovated homes are compliant with town codes regarding criteria for approval of building permits for non-landmarked and landmarked structures.
- Revise a policy to indicate the Town will utilize the Architectural Review Commission and Landmarks Preservation Commission to assist Town staff with the design process and zoning review on new construction, rehabilitation, and demolition projects.
- Add a policy to state the Town will continue to maintain and enforce building and property standards consistent with the Florida Building Code.
- Add a policy to indicate the Town shall require new construction and redevelopment to comply with existing protective ordinances related to flood protection and management.
- Delete an objective and underlying policies related to the location of manufactured housing.
- Delete an objective and revise a policy related to substandard housing.
- Revise a policy to indicate the Town will enforce property maintenance codes in accordance with the duties and powers of the code officials.
- Revise an objective and underlying policies related to identifying, protecting, and maintaining housing structures and neighborhoods having significant historic and/or architectural merit.
- Add a policy to indicate the Town shall propose and adopt regulations that incentivize property owners to retain and improve their existing buildings.
- Delete an objective and underlying policy related to the displacement of persons and relocation and/or assistance.

- Delete an objective and underlying policies related to the Town’s Housing Implementation Plan.
- Delete an objective that states the Town will designate a planning administrator to identify housing programs and funding opportunities.
- Delete an objective and underlying policies related to the provision of adequate sites for existing low and moderate income households.
- Add a new objective and underlying policies indicating the Town will collaborate with state, regional, and county efforts in the provision of affordable housing through intergovernmental coordination and other appropriate mechanisms.
- Add a new objective and underlying policies requiring the Town to study the south end of the Town and create a long-range vision for the area.

### **Historic Preservation Element**

The proposed amendments:

- Revise the goal to add visual appearance and vistas to the items the Town will preserve and protect.
- Revise a policy to rename “prehistoric” to “archaeological” resources.
- Revise a policy to indicate the Town will continue to update its list of existing landmarked properties and those under construction.
- Revise a policy to indicate the Town shall designate structures, sites, and districts worthy of landmarking in accordance with state statutes and create a list of preservation policies.
- Revise a policy to indicate the Town will coordinate the Historic Marker Program and encourage educational programs.
- Add policies to produce historic plaques for landmarked properties; ensure protection of historic and specimen trees; encourage the designation of historically significant buildings; and participate in the Certified Local Government program.
- Add an objective and underlying policies related to the protection of structures and streetscapes having historic or architectural merit.

### **Public Safety Element**

The proposed amendments:

- Revise the goal to indicate the Town shall preserve, protect, and ensure a high quality of life through the protection of the health, safety, and security of Town residents.
- Revise a policy to indicate the Town will maintain a proactive public safety program through coordinated roles of the Police and Fire Rescue departments. Additionally, policies are added related to training; staffing of emergency medical technicians; staffing of ocean rescue personnel; and protection of sea turtles.
- Revise a policy to indicate the Town Police Department will participate in the site plan review process.
- Add policies related to enforcement of all traffic laws and explore incorporating state-of-the-art technologies in crime prevention, police response, and crime solving.
- Add policies related to hurricane evacuation and coordination with state and county officials.

## **Infrastructure Element**

The proposed amendments:

- Revise the language of the goal.
- Delete a policy related to funding of drainage improvements in the Capital Improvements Element.
- Add a policy that indicates the Town shall implement a Capital Improvements Program that includes the proactive maintenance of drainage pump stations while maintaining the collection system to the pump stations.
- Delete a policy that states the Town will re-evaluate the needs, priorities, and financing of future storm drainage improvements on residential side streets.
- Delete a sub-policy that states the Town will comply with the Environmental Protection Agency National Pollutant Discharge Elimination System program with respect to methods for instituting water quality analysis of the Town's stormwater discharge into the Lake Worth Lagoon.
- Revise an objective and underlying policies to state the Town shall only issue development orders and permits if the proposed project meets the Town's adopted LOS goals, or if needed expansion of facilities is coordinated with future development.
- Add a policy to state the Town shall review stormwater management criteria for different property uses and size with a desire to increase retention on private properties.
- Revise policies related to requiring developers to consult with the Town's potable water supplier.
- Revise policies related to water conservation.
- Revise a policy to indicate the Town will support the City of West Palm Beach's Water Supply Facilities Work Plan as the City is the Town's potable water service provider.
- Delete policies related to exploring future options for water service.
- Revise policies related to aquifer recharge areas.
- Add a policy to the Sanitary Sewer Sub-Element indicating the Town shall implement a Capital Improvement Program that includes the proactive maintenance of sewer lift stations while maintaining the collection system to the lift station.
- Revise a policy related to sewer treatment plant capacity for new development.
- Revise an objective to indicate the Town will coordinate with the East Coast Regional Board in the City of West Palm Beach regarding sanitary sewer facilities needs.
- Revise a policy in the Solid Waste Sub-Element related to the issuance of development orders and permits meeting LOS standards for solid waste.
- Revise a policy to indicate the Town will coordinate with the Solid Waste Authority on provision of future solid waste disposal needs.

## **Recreation and Open Space Element**

The proposed amendments:

- Revise the language of the goal.
- Delete a policy related to the development of a master plan for maintaining, improving, or redeveloping the Seaview Park and Recreation Center.
- Revise a policy to indicate the Town will continue to provide acceptable access to its recreational facilities.

- Revise a policy related to the Town contracting with private sector recreational providers.
- Add a policy stating the Town will have oversight of all vendors to recreation department activities.
- Revise a policy indicating the Town will continue to protect lands designated as open space.
- Delete a policy related to PUDs.
- Add a policy related to providing landscape maintenance for all Town parks.
- Add a policy stating the Town shall continue to participate in the Florida Clean Marina Program.
- Create a new Recreational Programming Sub-Element.

### **Coastal Management Element**

The proposed amendments:

- Revise the language of the goal.
- Separate the Coastal Management and Conservation Elements into two distinct elements. Objectives and policies moved to the Conservation Element are related to:
  - Protection of native vegetational communities and associated wildlife
  - Protection and preservation of threatened and endangered species
  - Protection of wetland habitat, fisheries, and marine habitat
  - Establishment of standards to minimize the impacts of construction and prevention of hazardous waste contamination
  - Marina siting
  - Reduction of greenhouse gas emissions
- Revise a policy to state the Town shall manage its beach resources through implementation of the 1998 Comprehensive Coastal Management Plan.
- Revise a policy to state the Town will implement the mission of the Beach Management agreement with the Florida Department of Environmental Protection.
- Revise a policy to indicate primary dune restoration is a high priority for coastal flood control.
- Revise a policy to state the Town shall evaluate the utility of maintaining its 1931 bulkhead lines along the Atlantic Ocean and Lake Worth Lagoon shore as the mean high-water line.
- Revise a policy related to shoreline protection and erosion control.
- Delete a policy to explore designating the Town as an Area of Critical Concern.
- Revise a policy related to visual access to the Lake Worth Lagoon and Atlantic Ocean.
- Revise a policy indicating the Town shall utilize the remaining opportunities for shoreline land uses for essential services provided for protection of upland properties, natural resources, and residents.
- Revise a policy to indicate the Town will not permit Town-funded public facilities to be built in the Coastal High Hazard Area.
- Add policies related to incorporating Federal Emergency Management Agency Floodplain Regulations; supporting engineering solutions to prevent flooding; and prioritizing outreach and education on the importance and benefits of coastal and beach management.

## **Conservation Element**

The proposed amendments:

- Revise the language of the goal.
- Revise policies related to the Town's prohibition on industrial uses and spreading of commercial development.
- Revise a policy related to maintenance of median and existing roadway planting.
- Add a policy indicating the Town shall support the goals and related actions of the Lake Worth Lagoon Management Plan.
- Add a policy indicating the Town shall enforce landscaping standards that require preservation of existing natural growth and removal of invasive and exotic plant species.
- Revise a policy indicating the Town will consider modifying land development regulations to stipulate that no development or construction shall destroy wetland vegetation, including seagrass beds.
- Add an objective and underlying policies related to managing environmental threats by identifying and planning for immediate and future threats such as climate change, pollution from pesticides and chemicals, invasive species, sewage/stormwater/garbage impacts and intrusive new technologies.
- Add an objective and underlying policies related to protection of natural resources.

## **Property Rights Element**

The proposed amendments:

- Revise the language of the goal.
- Add a reference to state statutes.
- Revise a policy to delete the reference to mineral rights.
- Add an objective and underlying policies indicating the Town shall develop a comprehensive formal communications program and provide appropriate resources to address information expectations for community residents and Town employees.

## **Capital Improvements Element**

The proposed amendments:

- Revise the language of the goal.
- Add an objective to indicate the Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements.
- Revise a policy to delete a reference to the Town's policy to fund renewal and replacement of existing infrastructure on a cash basis.
- Revise a policy related to how the Town will prioritize projects for funding.
- Revise a policy indicating the Town shall ensure that the maximum indebtedness does not exceed 5% of the assessed value of taxable property in the Town.
- Revise a policy to indicate the Town will not allow funding or construction of public facilities within the Coastal High Hazard Area.
- Delete an objective and underlying policies related to the coordination of land use decisions and fiscal resources.



- Add an objective stating the Town shall issue development orders and permits for new development or redevelopment only if public services necessary to meet the Town's adopted LOS standards are available concurrent with the impacts of development.
- Revise an objective to indicate the Town shall consider impacts fees for future development activities as an effective method of distributing the costs of new capital facilities.
- Revise a policy to indicate that the Town may elect to 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 LOS standards.

### **Intergovernmental Coordination Element**

The proposed amendments:

- Revise the language of the goal.
- Revise a policy to indicate that the Future Land Use Map and GIS Map series is available on the Town's website for access by the public.
- Revise policies related to continued participation in the Intergovernmental Plan Amendment Review Committee and coordination with other municipalities and governmental agencies.
- Delete a policy related to coordination of schools in the Town that are part of the State University System.
- Revise a policy to indicate that Town will actively participate on the Palm Beach TPA governing board and committees.
- Revise an objective and policies to indicate the Town shall continue to partner with governmental agencies having operational or maintenance responsibility for facilities within the Town or which may have impacts on the Town.
- Add a policy to indicate the Town shall pursue appointing a member from the Town to be a member of the Business Development Board of Palm Beach County and the Palm Beach County Chamber of Commerce.
- Revise an objective and policies related to citizen participation in the planning process.
- Revise policies related to coordination of roadway LOS standards with FDOT and the Palm Beach TPA.
- Revise policies to indicate the Town shall coordinate with the School District of Palm Beach County on education and facility planning.
- Revise a policy to indicate the Town will adopt the "Interlocal Agreement between the School District of Palm Beach County, Palm Beach County, and the Municipalities of Palm Beach County for Coordinated Planning."
- Delete an objective related to population projections for school planning as it is addressed elsewhere.
- Revise an objective and policies related to the Town working with federal, state, county, and adjacent municipalities and agencies to protect and restore the existing coastal dune system along the Town's beachfront and establish standards to minimize impacts resulting from beach erosion.
- Revise a policy related to mutual aid agreements with Palm Beach County and the City of West Palm Beach regarding hazardous waste materials.

- Revise a policy to indicate the Town will continue to coordinate the implementation of the Post Disaster Redevelopment Plan.
- Delete a policy to explore designating the Town as an Area of Critical Concern.

### Regional Impacts

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

### Extrajurisdictional Impacts

The proposed amendments were provided to the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on November 8, 2024. No extrajurisdictional impacts have been identified.

### Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. However, Council offers the following for consideration prior to adoption of the amendments:

1. Objective 3 in the Future Land Use Element references the “Florida” Emergency Management Agency. This should be the “Federal” Emergency Management Agency.
2. Policy 9.1 in the Infrastructure Element is incomplete.
3. Objective 2, Policy 2.2 would be improved by incorporating support for vehicular and pedestrian cross-access between parcels as this will potentially allow for fewer curb cuts and will improve efficiency, reduce roadway trips, and enhance resident convenience.
4. The Town is to be commended for continuing to work hard to preserve their unique scale, character, and sense of place.

### Recommendation

Council should approve this report and authorize its transmittal to the Town of Palm Beach and FloridaCommerce.

### Council Action

The next scheduled Council meeting is January 17, 2025. To avoid unnecessary delay and meet the 30-day agency review deadline, Council’s Executive Director, Thomas J. Lanahan, approves this report and authorizes its transmittal to the Town of Palm Beach and FloridaCommerce.

This report will be brought to the Council board at the January meeting at which time Council comments and recommendations, if any, will be forwarded to the Town of Palm Beach and FloridaCommerce.

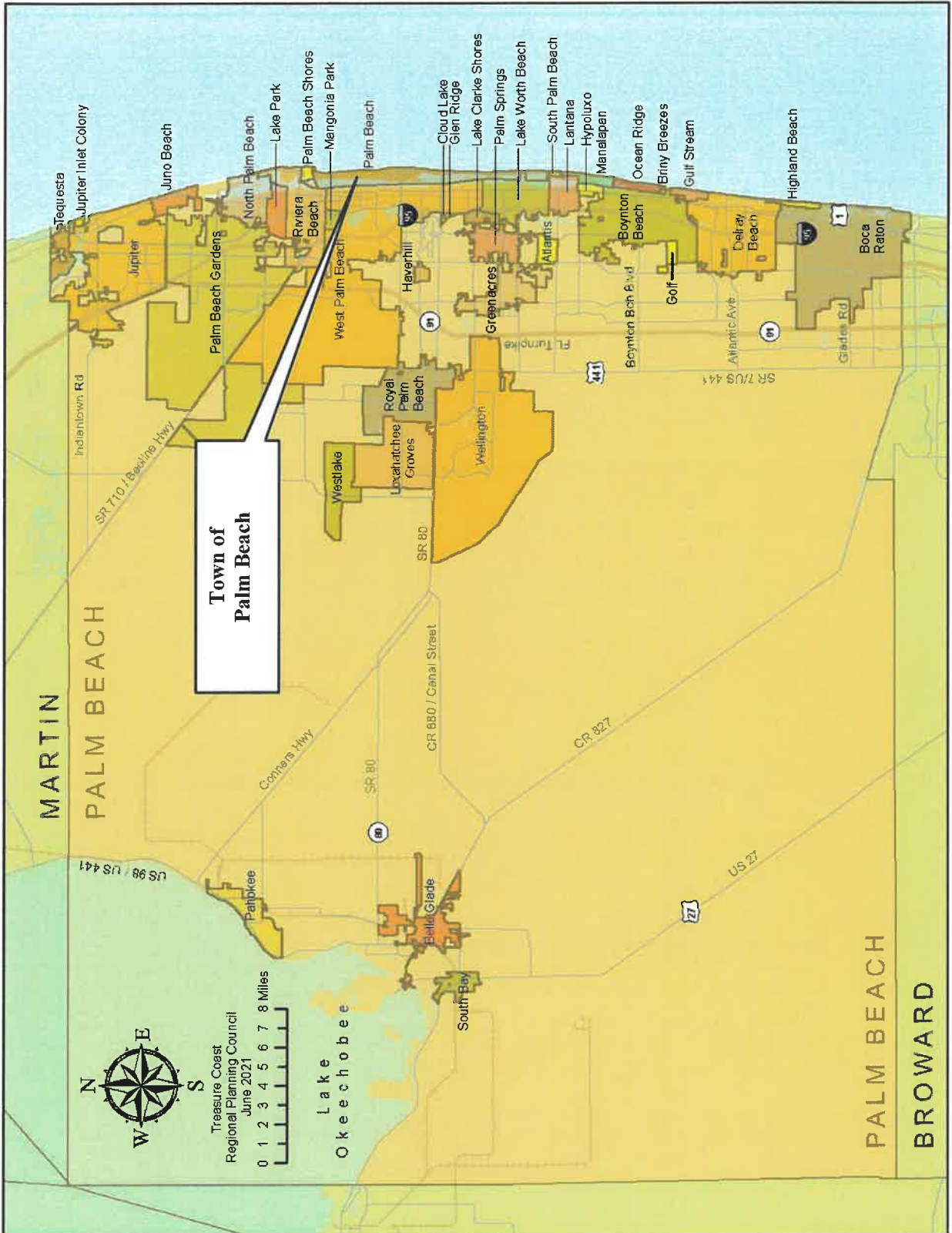
### Attachments

## List of Exhibits

### Exhibit

1 General Location Map

# Exhibit 1 General Location Map



## Harris, Donna

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**From:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Sent:** Wednesday, December 18, 2024 4:10 PM  
**To:** DCPexternalagencycomments  
**Cc:** Plan\_Review  
**Subject:** [EXTERNAL] - Palm Beach 24-02ER Proposed

**CAUTION** - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

To: Donna Harris, Senior Plan Processor, Florida Commerce Bureau of Community Planning and Growth

Re: Palm Beach 24-02ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to [Plan.Review@FloridaDEP.gov](mailto:Plan.Review@FloridaDEP.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



## Harris, Donna

---

**From:** Ragsdale, David <dragsdal@sfwmd.gov>  
**Sent:** Monday, December 09, 2024 7:39 AM  
**To:** jhofmeister@TownofPalmBeach.com  
**Cc:** Harris, Donna; Stansbury, James; Stephanie Heidt (sheidt@tcrpc.org); tlanahan@tcrpc.org; DCPexternalagencycomments  
**Subject:** [EXTERNAL] - Town of Palm Beach, DOC #24-02ER Comments on Proposed Comprehensive Plan Amendment Package

**CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."**

Dear Ms. Hofmeister-Drew:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the Town of Palm Beach (Town). The package includes an EAR-based amendment. The District provides the following comments under Section 163.3184(3)(g), Florida Statutes (F.S.). There appears to be no regionally significant water resource issues; however, the District offers the following technical guidance regarding Regional Water Supply Planning:

### **Regional Water Supply Planning**

The Town is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the 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 24, 2024. Therefore, the Town's Work Plan needs to be updated and adopted by March 24, 2026. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and activities needed to meet the projected future 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/doing-business-with-us/work-plans>.

District staff are available to meet by teleconference or in person to go over the comments above and to discuss possible solutions and options to resolve the comments. Please contact me if you have any questions, need additional information, or would like to arrange a meeting at dragsdal@sfwmd.gov. The District requests that the Town forward a copy of the adopted amendments to the District at the following email mailbox address: [SFLOCALGOVPLAN@sfwmd.gov](mailto:SFLOCALGOVPLAN@sfwmd.gov).

Kind regards,

David Ragsdale  
Policy and Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
Office: 561-682-6715 Cell: 850-572-3176  
[dragsdal@sfwmd.gov](mailto:dragsdal@sfwmd.gov) | 3301 Gun Club Road, West Palm Beach, FL 33406



## *Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

3400 West Commercial Boulevard  
Fort Lauderdale, FL 33309

JARED W. PURDUE, P.E.  
SECRETARY

January 13, 2025

Mr. James D. Stansbury, Chief  
Department of Economic Opportunity  
Caldwell Building  
107 East Madison Street, MSC 160  
Tallahassee, FL 32399

**RE: Town of Palm Beach 24-02ER Proposed Comprehensive Plan (State Coordinated Review Process) – FDOT Technical Assistance Comments**

Dear Mr. Stansbury:

The Florida Department of Transportation (FDOT), District Four, has reviewed the Town of Palm Beach 24-02ER Proposed Comprehensive Plan Amendment, which was transmitted under the State Coordinated Review Process. The proposed Comprehensive Plan includes Evaluation and Appraisal Report (EAR)-based text and map amendments to the Comprehensive Plan. The purpose of the EAR-based amendments is to implement the recommendations of the EAR. This EAR-based Comprehensive Plan Amendment was transmitted by the Town Council in accordance with the requirements of Florida Statutes (F.S.) Chapter 163.

The Town's proposed 2024 EAR-based amendments are intended to address statutory changes to local comprehensive planning and local changes impacting the Town of Palm Beach's Quality of Life; primarily related to traffic and parking issues and intensity of development.

FDOT commends the Town on the development of an updated Comprehensive Plan that includes a clear vision for mobility and future growth management. Based on a review of the Town's amended Plan, FDOT is providing technical assistance comments consistent with Section 163.3168(3) F.S. The technical assistance comments will not form the basis of a challenge. These comments can strengthen the local government's comprehensive plan to foster a vibrant, healthy community and are designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.

This review generally focuses on the goals, objectives, and policies that could impact the four state roadways in/adjacent to the Town, as listed below:

- S.R. A1A, defined by three major sections:
  - Ocean Boulevard generally travels north/south from the southern Town border to Jimmy Buffet Memorial Highway.

- Jimmy Buffet Memorial Highway generally travels north/south from Ocean Boulevard to Flagler Memorial Bridge/Jimmy Buffet Memorial Highway Bridge. A small half mile of this segment is within the City of Lake Worth.
- Flagler Memorial Bridge/Jimmy Buffet Memorial Highway (north bridge) is an east/west road/bridge from Jimmy Buffet Memorial Highway to the Town's western boundary.
- S.R. 704/Royal Palm Way/Royal Park Bridge (middle bridge) is an east west road from S.R. A1A to the Town's western boundary.
- S.R. 80/Southern Boulevard (Southern Boulevard Bridge) is an east west road from S.R. A1A to the Town's western boundary.

## **Future Land Use Element (FLUE)**

### **Technical Assistance Comment #1 – Coordination**

FLUE Policy 4.1 states that 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 existing facilities and services meet the Town's adopted level of service standards, or the final development order is conditioned on such facilities and services being available at the time the impact of development will occur. FLUE Policy 7.1 references coordination with various agencies with resource planning and management plans. FDOT maintains several State roads in the Town; however, FDOT is not referenced as a collaborative partner.

### **Recommendation Technical Assistance Comment #1**

*Any development that could potentially impact the operations on a State/SIS facility should be coordinated with FDOT prior to approval. Please consider adding a policy that requires coordination with FDOT on any planning/development activity that is adjacent to, in close proximity to, or could potentially have an impact on a State/SIS facility.*

*Additionally, the City should coordinate with the FDOT District Four Community Planning Coordinator, Larry Hymowitz ([larry.hymowitz@dot.state.fl.us](mailto:larry.hymowitz@dot.state.fl.us)), to ensure the close integration of transportation and land use. This improved level of coordination could offer new and enhanced opportunities to assist the City with the latest and appropriate guidance and strategies to enhance and preserve the State/SIS.*

## **Transportation Element**

### **Technical Assistance Comment #2 – Coordination**

TE Objective 1 states that the Town shall issue development permits for land uses provided on the Future Land Use Map only when there is sufficient right-of-way to ensure that roadways affected by the development will operate at not less than the minimum levels of service standards. TE Policies 2.1.4 and 2.1.5 reference the impacts of development/redevelopment on traffic. These Objectives and Policies do not reference coordination with FDOT as a collaborative partner related to any activity that might impact the operations of State roads.



**Recommendation Technical Assistance Comment #2**

*Consistent with Technical Assistance Comment #1, please consider adding a policy that requires coordination with FDOT on any planning/development activity that is adjacent to, in close proximity to, or could potentially have an impact on a State/SIS facility.*








*Additionally, the City should coordinate with the FDOT District Four Community Planning Coordinator, Larry Hymowitz ([larry.hymowitz@dot.state.fl.us](mailto:larry.hymowitz@dot.state.fl.us)), to ensure the close integration of transportation and land use. This improved level of coordination could offer new and enhanced opportunities to assist the City with the latest and appropriate guidance and strategies to enhance and preserve the State/SIS.*

**Technical Assistance Comment #3 – Functional Classification**

TE Map 2.1 references the Federal Functional Classification System and identifies several State Roads as “Major Arterial” roads. It should be noted that according to the most recent FDOT Roadway Characteristics Inventory (RCI) Handbook (2024)<sup>1</sup> and the FHWA Highway Functional Classification Concepts<sup>2</sup> report, “Major Arterial” is not listed as a functional classification.

**Recommendation for Technical Assistance Comment #3**

*Please update the TE to designate the official Federal Functional Classification category under the TE Data and Analysis (DIA) and Map 2.1, for consistency with the 2024 RCI Handbook and federal guidelines. By utilizing FDOT’s functional classification categories, consistency is ensured among agencies, including metropolitan and rural planning agencies, local officials and FHWA Division Offices; related to a roadway’s expectations about design, including its speed, capacity and relationship to existing and future land use development.*

	Interstate	1
	Other Freeways and Expressways	2
	Other Principal Arterial	3
	Minor Arterial	4
	Major Collector	5
	Minor Collector	6
	Local	7

**Technical Assistance Comment #4 – Traffic Analysis**

The TE DIA uses yearly peak season daily traffic volumes between years 2010 and 2015. The subsequent levels of service calculations in Tables 2.1 thru 2.3 reflect base data from 2015, which is over nine years old.

<sup>1</sup> <https://www.fdot.gov/statistics/rci/default.shtm>

<sup>2</sup> [www.fhwa.dot.gov/planning/processes/statewide/related/highway\\_functional\\_classifications/fcauab.pdf](https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcauab.pdf)

#### *Recommendation for Technical Assistance Comment #4*

*Florida Statutes 163.3177 (6)b states that a Comprehensive Plan’s Transportation Element shall reflect data and analysis related to the existing and projected system levels of service, deficiencies and needs. Please update the LOS analysis to reflect the most currently available traffic count data. FDOT provides annual traffic count data for State (and select off-system) roads via the Florida Traffic Online Web Application<sup>3</sup>, with historical data thru year 2023. Additionally, Palm Beach County Engineering and Public Works maintains peak season traffic counts to year 2023 at select count locations countywide.*

#### **Technical Assistance Comment #5 – Multimodal/Quality Level of Service**

TE Policy 1.11 references the Generalized Service Volume Tables from the FDOT 2020 LOS Handbook, dated June 2020. This handbook was updated in 2023 to the Multimodal/Quality Level of Service Handbook.

#### *Recommendation for Technical Assistance Comment #5*

*Consider revising TE Policy 1.11 to include the correct reference to the Generalized Service Volume tables from the 2023 Multimodal/Quality Level of Service (MMLOS) Handbook. Additionally, the updated MMLOS Handbook incorporates FDOT’s context classification systems<sup>4</sup> for assessing LOS on State and other roadways. FDOT’s Context Classification Guidebook provides guidance on developing a transportation network that balances transportation and safety needs with the needs of adjacent land uses. Context sensitive classifications are increasingly being used to assess roadway design needs, determine roadway levels of service, and make other necessary roadway decisions. The 2023 MMLOS Handbook, for instance, now organizes highway and arterial roadways by context classifications in the Generalized Service Volume Tables, and the Access Management Guide contains standards, criteria, and guidance used for planning, designing, and operating roadways in each context classification.*

*The Town could consider adding a policy to implement FDOT’s context classification system for the implementation of context-sensitive development within the Town. This policy could include language encouraging coordination with the FDOT District Four Complete Streets Coordinator in the review and evaluation of the Context Classification system within the Town.*

#### **Technical Assistance Comment #6 – Safety**

TE Policy 5.7 references safety of all modes of traffic through enforcement and education. However, there is no reference to FDOT’s Target Zero or the Palm Beach TPA Vision Zero campaigns to eliminate all traffic fatalities and serious injuries while increasing mobility for all.

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<sup>3</sup> <https://tdaappsprod.dot.state.fl.us/fto/>

<sup>4</sup> FDOT Context Classification guidebook: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/completestreets/files/fdot-context-classification.pdf?sfvrsn=12be90da\\_2](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/completestreets/files/fdot-context-classification.pdf?sfvrsn=12be90da_2)

### *Recommendation for Technical Assistance Comment #6*

*Consider adding language in the Comprehensive Plan that acknowledges the TPA’s Vision Zero Plan, the State’s Target Zero Action Plan, and coordination with the FDOT District Four Complete Streets/Bicycle-Pedestrian. FDOT offers numerous tools, data and additional resources that can aid the Town in achieving safety objectives<sup>5</sup>.*

### **Technical Assistance Comment #7 – Vulnerable Road Users**

TE Objective 2 states that the Town shall correct traffic operational deficiencies and undertake necessary measures to provide a safe, convenient, and energy-efficient multimodal transportation system with consideration for the safety of all road users. The USDOT Federal Highway Administration defines a vulnerable road user as a nonmotorist, including a person walking, biking, or rolling. These road users are particularly susceptible to negative outcomes due to collisions on roadways, and account for an increasing number of fatalities and serious injuries.

The TE includes some references to improvements geared towards nonmotorist mobility; however, the references are primarily congestion alternatives to motorized traffic.

### *Recommendation #1 for Technical Assistance Comment #7*

*FDOT recommends that the Town add language to Objective 2 to prioritize the safety of vulnerable road users when making design decisions in the multimodal transportation system in tandem with the safety of motorists.*

### *Recommendation #2 for Technical Assistance Comment #7*

*FDOT recommends that the Town add language related to pedestrian and bicycle outreach and education, and to coordinate with the FDOT District 4 Pedestrian and Bicycle Coordinator and Safety Coordinator regarding community outreach activities as well as resources available to agencies to address pedestrian and bicycle safety, education and enforcement. The District 4 Coordinator works with the State Safety Office and local/regional partners to implement safety related community events, high visibility enforcement funding, free bicycle helmets, pedestrian and bicycle trainings, etc.*

### **Technical Assistance Comment #8 – Safety Improvements for Crash Reduction**

TE Policy 5.7 states that the Town shall improve safety through enforcement and public education to reduce accidents. The term “Accidents” is not an industry-standard term to describe traffic incidents or events.

### *Recommendation for Technical Assistance Comment #8*

*In 1997, the National Highway Traffic Safety Administration launched the “Crashes Aren’t Accidents” campaign to emphasize that traffic incidents are results of specific actions and not unpredictable events outside of human control. This campaign identified*

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<sup>5</sup> <https://www.fdot.gov/agencyresources/target-zero>

*terms such as “crash,” “collision,” “incident,” and “injury” in recognition of the cause-based and avoidable nature of traffic crashes.<sup>6</sup> FDOT recommends replacing the term “accidents” to align with an industry-standard and more accurate term.*

## **Coastal Management Element**

### **Technical Assistance Comment #9 – Water-related Activities in the Coastal High Hazard Area (CHHA)**

CM Policy 5.16 states that the Town shall support engineering solutions to prevent flooding that include retaining walls, seawalls, and property elevation, and does not include nature-based solutions (NBS), low impact development (LID), or green stormwater infrastructure (GSI) in the list of strategies supported. Besides being a set of emerging strategies to mitigate floods, erosion, heat island effect, and water quality impacts, NBS, LID, and GSI are often programmed into state and federal grant and funding programs that are directed towards and available to municipal communities.<sup>7</sup>

#### **Recommendation for Technical Assistance Comment #9**

*FDOT encourages the Town to consider additional language that expands engineering solutions to include nature-based solutions, low impact development, and green stormwater infrastructure as flood mitigation and prevention, which can reinforce the engineering strategies identified in CM Policy 5.16.*

## **General Comments**

### **Technical Assistance Comment #10 – Grammar and Formatting**

There were several locations in the Elements reviewed that had minor grammar errors or potential for clarification. Additionally, there were several instances where the numbering system/format for the Objectives and Policies were inaccurate or had missing strikethrough for edits.

#### **Recommendation for Technical Assistance Comment #2**

*FDOT encourages the Town to review the following sections to ensure the Objectives and Policies are numbered correctly and that strikethrough language is appropriately stricken.*

#### ***Future Land Use Element***

- 1. (Page 86-89/447) – review strikethrough and numbering to ensure Objectives and Policies are numbered correctly.*
- 2. (Page 97/447) Objective 8 has no associated policies.*
- 3. (Page 98-99/447– review strikethrough and numbering to ensure Objectives and Policies are numbered correctly.*

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<sup>6</sup> [NHTSA News Archive 1997 v3.11](#)

<sup>7</sup> [FDEP Resilience and Coastal Protection Project Funding Sources](#)

*Transportation Element*

1. (Page 113/447) D&A – Second paragraph (“The Townwide historic growth rate...the Town’s roads.”) is repeated in the fifth paragraph, second sentence.

*Conservation Element*

1. (Page 334/447) Policy 7.11 & 7.16 are the same.
2. (Page 335-337/447) – review strikethrough and numbering to ensure Objectives and Policies are numbered correctly; some numbers are missing strikethroughs or numbered incorrectly.

Thank you for coordinating on the review of this proposed Comprehensive Plan EAR-based amendment with FDOT. If you have any questions, please do not hesitate to contact me by email at [larry.hymowitz@dot.state.fl.us](mailto:larry.hymowitz@dot.state.fl.us) or at (954) 777-4663.

Sincerely,



Larry Hymowitz  
Community Planning Specialist  
Policy & Mobility Planning Section  
Planning & Environmental Management Office  
FDOT District Four

CC: Jennifer Hofmeister-Drew, Town of Palm Beach  
Wayne Bergman, Town of Palm Beach Director of Planning, Zoning & Building  
DCP External Agency Comments ([dcpexter@commerce.fl.gov](mailto:dcpexter@commerce.fl.gov)) – Florida  
Commerce

**From:** [Ragsdale, David](#)  
**To:** [Jennifer Hofmeister-Drew](#)  
**Cc:** [Donna.Harris@commerce.fl.gov](#); [James.Stansbury@Commerce.fl.gov](#); [Stephanie Heidt \(sheidt@tcrpc.org\)](#); [tlanahan@tcrpc.org](#); [DCPexter@Commerce.fl.gov](#)  
**Subject:** Town of Palm Beach, DOC #24-02ER Comments on Proposed Comprehensive Plan Amendment Package  
**Date:** Monday, December 9, 2024 7:38:53 AM

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\*\*\*\*\*STOP: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.\*\*\*\*\*

Dear Ms. Hofmeister-Drew:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the Town of Palm Beach (Town). The package includes an EAR-based amendment. The District provides the following comments under Section 163.3184(3)(g), Florida Statutes (F.S.). There appears to be no regionally significant water resource issues; however, the District offers the following technical guidance regarding Regional Water Supply Planning:

### **Regional Water Supply Planning**

The Town is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the 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 24, 2024. Therefore, the Town's Work Plan needs to be updated and adopted by March 24, 2026. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and activities needed to meet the projected future 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/doing-business-with-us/work-plans>.

District staff are available to meet by teleconference or in person to go over the comments above and to discuss possible solutions and options to resolve the comments. Please contact me if you have any questions, need additional information, or would like to arrange a meeting at [dragsdal@sfwmd.gov](mailto:dragsdal@sfwmd.gov). The District requests that the Town forward a copy of the adopted amendments to the District at the following email mailbox address: [SFLOCALGOVPLAN@sfwmd.gov](mailto:SFLOCALGOVPLAN@sfwmd.gov).

Kind regards,

David Ragsdale  
Policy and Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
Office: 561-682-6715 Cell: 850-572-3176  
[dragsdal@sfwmd.gov](mailto:dragsdal@sfwmd.gov) | 3301 Gun Club Road, West Palm Beach, FL 33406

**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**, the Town of Palm Beach has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, known as the Community Planning Act (the "Act"); and

**WHEREAS**, pursuant to Section 163.3191 of the Act, the Town of Palm Beach, Florida, is required to periodically and comprehensively evaluate its Comprehensive Plan to determine if plan amendments are necessary and to notify the state land planning agency as to its determination; and

**WHEREAS**, on October 23, 1989, the Town of Palm Beach 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 amended the Town of Palm Beach 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 amended the 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; and

**WHEREAS**, in accordance with Section 163.3191 of the Act, the Town of Palm Beach conducted a recent Evaluation and Appraisal of the Town of Palm Beach Comprehensive Plan and determined that it is necessary and appropriate to amend the Data & Analysis (D&A) as well as the Goals, Objectives, and Policies (GOPs) of the Town of Palm Beach Comprehensive Plan; and

**WHEREAS**, pursuant to Section 163.3184(4) of the Act, the Town of Palm Beach has followed the state coordinated review process for review of comprehensive plans and plan amendments described in Section 163.3184(2)(c) of the Act; and

**WHEREAS**, the Town of Palm Beach's Planning and Zoning Commission issued a Record and Report recommending proposed amendments to the Town of Palm Beach Comprehensive Plan; and

**WHEREAS**, pursuant to Section 163.3174(11) of the Act after notice required by law, the Town Council, acting as the Local Planning Agency (LPA) , conducted a public hearing on November 13, 2024 wherein it considered the Planning and Zoning Commission's Record and Report and all evidence and testimony regarding the proposed amendments;

**WHEREAS**, the LPA recommended that the Town Council amend the Town of Palm Beach's Comprehensive Plan in the manner set forth in Exhibit "A" hereto (the "Amendments"), and transmit the Amendments to the Florida Department of Commerce; and

**WHEREAS**, pursuant to Section 163.3184(11) of the Act and after notice required by law, the Town Council conducted a public hearing on November 13, 2024 to consider the LPA's recommendations regarding the Amendments wherein it determined that the adoption of the Amendments would be in compliance with the Act and voted to transmit the Amendments to the Florida Department of Commerce, appropriate reviewing agencies, and any other local government or governmental agency that has made a written request of the Town pertaining to the proposed amendments; and

**WHEREAS**, the Florida Department of Commerce and appropriate reviewing agencies have reviewed the Amendments for consistency with the Act pursuant to Section 163.3184(4)(c) and (d) of the Act; and



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 pursuant to Section 163.3184(4)(e)5, Florida Statutes.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading on November 13, 2024, and for second and final reading on the 12<sup>th</sup> day of February 2024.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk

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Bridget Moran, Town Council Member



## Business Impact Estimate

### TOWN OF PALM BEACH

#### TITLE OF ORDINANCE:

#### Business Impact Estimate

This is provided in accordance with section 166.041(4), Florida Statutes. According to Section 166.041(4)(c) of the Florida Statutes, if one or more boxes are checked below, state law **does not** require a business impact estimate for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation.
- The proposed ordinance relates to the issuance or refinancing of debt.
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government.
- The proposed ordinance is an emergency ordinance.
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220 - 163.3243.
  - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
  - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
  - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention

