






**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
561-838-5431 | [www.townofpalmbeach.com](http://www.townofpalmbeach.com)

---

TO: Town of Palm Beach Mayor and Town Council

THRU: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building   
James Murphy, Assistant Planning Director 

FROM: Jennifer Hofmeister-Drew, AICP, LCAM, Planner III 

RE: **Transmittal of the Town of Palm Beach Comprehensive Plan Amendment  
Creating a New Property Rights Element to the Florida Department of Economic  
Development**

DATE: September 1, 2022

---

#### **STAFF RECOMMENDATION**

Staff recommends that the Town Council, acting as the Local Planning Agency (LPA) recommend approval to the Town Council to transmit an amendment to the Town of Palm Beach Comprehensive Plan, creating a new Property Rights Element.

#### **GENERAL INFORMATION**

On June 28, 2021, the Governor signed into law House Bill 59, amending the required and optional elements of comprehensive plans provided for in ss. 163.3177(6)(i).2, Florida Statutes, (F.S.). Effective July 1, 2021, all local governments must adopt and include as a distinct element in their comprehensive plans a new Property Rights Element by the earlier of the date of its adoption of its next proposed plan amendment or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, F.S. Future amendments to a comprehensive plan, including the Future Land Use Map, cannot occur until such time of the adoption of a Property Rights Element.

The purpose of the Property Rights Element is to identify property rights for consideration in the local decision-making process. As listed in ss. 163.3177(6)(i), F.S., a local government may adopt its own property rights element or incorporate the following statement of rights into the local adopting ordinance:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

Out of the 39 local governments in Palm Beach County, 17 or approximately 45% have adopted or are in the processing of adopting the required Property Rights Element into their comprehensive plans. Below is summary of those jurisdictions.

<b>LIST OF LOCAL GOVERNMENTS IN PALM BEACH COUNTY WHO HAVE PROPERTY RIGHTS ELEMENTS</b>	
1	Unincorporated Palm Beach County
2	The City of Atlantis
3	The City of Boca Raton
4	The City of Delray Beach
5	The City of Palm Beach Gardens
6	The City of Riviera Beach
7	The City of Wellington
8	The City of West Lake
9	The Town of Haverhill
10	The Town of Highland Beach
11	The Town of Juno Beach
12	The Town of Jupiter
13	The Town of Lake Clark Shores
14	The Town of Mangonia Park
15	The Village of Palm Springs
16	The Village of Royal Palm Beach
17	The Village of Tequesta

On August 8, 2022, the proposed Ordinance to amend the Town's comprehensive plan was sent to the Intergovernmental Plan Amendment Review Committee (IPARC) (see attachment). The IPARC was formed to establish a countywide Comprehensive Plan Amendment Coordinated Review process in Palm Beach County comprised of Planning Directors or their designees. This process provides coordination of proposed Comprehensive Plan amendments between affected local governments and service providers. To date, Town staff has not received any comments from other local Planning Departments.

#### **RECOMMENDATION**

On August 16, 2022, the Planning and Zoning Commission recommended that the Town Council, acting as the Local Planning Agency (LPA), recommend transmittal of the Comprehensive Plan amendment to the Town Council.

## EXECUTIVE SUMMARY FOR COMPREHENSIVE PLAN AMENDMENTS

DATE: August 8, 2022

Reference #: ORDINANCE NO. XX-2022

### General Information

Initiating Local Government: Town of Palm Beach

Contact Person: Jennifer Hofmeister-Drew, AICP, LCAM

Address: 360 South County Road, Palm Beach, FL 33480

Telephone/Fax: 561-227-6414/561-227-6406

Applicant/Agent: Town of Palm Beach

Telephone/Fax: 561-227-6414/561-227-6406

### Proposed Comprehensive Plan Textual Amendments

General Summary of Amendments:

☐ amendments relating to traffic circulation or the roadway networks

☐ amendments relating to affordable housing

Amendments related to the following elements:

☐ Land Use

☐ Traffic Circulation

☐ Mass Transit

☐ Ports And Aviation

☐ Housing

☐ Infrastructure \_\_\_\_\_ Sub-Elements

☐ Coastal Management

☐ Conservation

☐ Recreation and Open Space

☐ Intergovernmental Coordination

☐ Capital Improvements

☒ other Property Rights Element

Summary of addition(s) to adopted comprehensive plan: **Effective June 29, 2021, the State of Florida amended the requirements for comprehensive plan elements in ss. 163.3177(6), Florida Statutes, (F.S.), to require a Property Rights Element. The statutory requirement stipulated that the Property Rights Element must be adopted by the earlier of the adoption of the next proposed plan amendment initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of the Comprehensive Plan pursuant to s. 163.3191, F.S. As such, the Property Rights Element is intended to ensure that private property rights are considered in local decision-making. The Town of Palm Beach is proposing to amend the Town of Palm Beach Comprehensive Plan by creating a Property Rights Element in order to meet updated**

**statutory requirements while maintaining internal consistency within the comprehensive plan.**

Summary of proposed change(s) to adopted comprehensive plan: N/A

Proposed Amendments to the Future Land Use Map – N/A

Location of proposed map amendment (include a location map): N/A

Size of Area Proposed for Change (acres): N/A

Present Future Land Use Plan Designation (include a density/intensity definition): N/A

Proposed Future Land Use Designation (include a density/intensity definition): N/A

Present Zoning of Site (include a density/intensity definition): N/A

Proposed Zoning of Site (include a density/intensity definition): N/A

Present Development of Site: N/A

Proposed Development of the Site, if known (Number of Dwelling Units; Commercial Square Footage; Industrial Square Footage; Other Proposed usage and intensity): N/A

Is proposed change a Development of Regional Impact? NO

Comprehensive Plan Change Processing

**Date/Time/Location Scheduled for Planning & Zoning Commission Review: August 16, 2022 – 9:30 AM in the Town Hall Council Chambers, 360 South County Road, Palm Beach, FL 33480.**

Comprehensive Plan Change Processing (continued)

**Date/Time/Location Scheduled for Local Planning Agency (LPA) Public Hearing: September 14, 2022 – 9:30 AM in the Town Hall Council Chambers, 360 South County Road, Palm Beach, FL 33480.**

**Date/Time/Location Scheduled for Governing Body Public Hearing: September 14, 2022– Following LPA public hearing at 9:30 AM in the Town Hall Council Chambers, 360 South County Road, Palm Beach, FL 33480.**

**Scheduled Date for Transmittal to DEO: September 15, 2022**