



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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TO: Mayor and Town Council

THRU: Wayne Bergman, Director of Planning, Zoning & Building  
James Murphy, Assistant Planning Director

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

RE: **Second and Final Hearing on Town of Palm Beach Comprehensive Plan Amendment - 22-01ESR**  
**New Property Rights Element**

DATE: October 30, 2022

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### **STAFF RECOMMENDATION**

Staff recommends adoption of the amendment to the Town of Palm Beach Comprehensive Plan to create 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.

At a public meeting held on August 16, 2022, the Town of Palm Beach Planning and Zoning Commission considered all evidence and testimony and recommended to the Town Council to transmit the proposed comprehensive plan amendment. The Palm Beach Town Council, acting as the Local Planning Agency, held a public hearing on September 14, 2022, and voted unanimously recommending approval to the Town Council to transmit an expedited review to Florida Department of Economic Opportunity (DEO). On September 14, 2022, the Town Council approved the transmittal of the comprehensive plan amendment document, along with its associated Ordinance No. 015-2022 to the DEO. The Town of Palm Beach has received response letters from the DEO, Treasure Coast Regional Planning Council, the Florida Department of Transportation, and the Florida Department of Environmental Protection. These correspondences are attached to this report. On November 9, 2022, the Town Council is scheduled to vote to adopt on second reading the new 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