



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
561-838-5431 | www.townofpalmbeach.com

March 14, 2024

Barbara Powell, Plan Processing Administrator
Florida Commerce, Bureau of Comprehensive Planning
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399-4120
Barbara.Powell@Commerce.fl.gov

RE: Transmittal of An Amendment to the Future Land Use Element of the Town of Palm Beach Comprehensive Plan

Dear Ms. Powell:

In accordance with Section 163.3184(3), F.S., the Town of Palm Beach is submitting one electronic copy through the Department's electronic submittal portal for an Expedited State Review of a privately initiated Comprehensive Plan Amendment to amend Policy 2.3, related to the Private Group Use Future Land Use category. The proposed text amendment mirrors the language proposed by the Town's planning staff during the current Evaluation and Appraisal Review (EAR) of the Town of Palm Beach Comprehensive Plan. Due to extended public input, the adoption of the Town's EAR-based Comprehensive Plan has been delayed. As such, the subject applicant is seeking a privately initiated amendment to add the subject text to the Future Land Use Element in advance of the EAR-Based 2024 Comprehensive Plan.

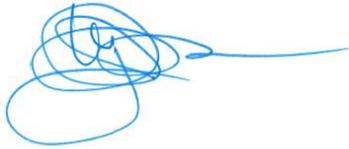
The purpose of the amendment is to remove land development regulations from the policy and allow three story structures for Town Council consideration within the Private Group Use Future Land Use category. The subject transmittal package includes the applicant's Letter of Intent for the proposed text amendment and a proposed corresponding zoning district and the Future Land Use amendment draft Ordinance No. 005-2024.

At a public meeting held on March 5, 2024, 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 March 13, 2024, and voted unanimously to recommend adoption of the Comprehensive Plan Ordinance No. 005-2024. The Town Council, later the same day, voted unanimously to approve the ordinance and to transmit the text amendment to the Florida Department of Commerce.

One electronic copy of the Comprehensive Plan Amendment package was emailed to all required reviewing agencies on March 14, 2024. Each reviewing agency is identified after the signature line of the subject letter.

Should you require additional information or have any questions, please contact Jennifer Hofmeister-Drew at (561)227-6406 or jhofmeister@townofpalmbeach.com.

Respectfully,

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

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

WB:JHD

cc: Joanne O'Connor, Town Attorney, Jones Foster
Harvey E. Oyer, III, Partner, Shutts & Bowen LLP

Distribution List:

Plan Review, DEP
Alissa S. Lotane, Department of State
Terry Manning, SFWMD

Kevin Fischer, PBC Planning Division
Stephanie Heidt, AICP, TCRPC
Cesar Martinez, P.E., District 4, Planning and Environmental Administrator



L E T T E R O F I N T E N T

SECOND SUBMITTAL

DATE: January 10, 2024
TO: Town of Palm Beach, Planning, Zoning & Building Dept.
RE: ZON-24-00x 100 FOUR ARTS PLZ

Table with 2 columns and 3 rows: Future Land Use (FLU), Proposed Zoning District, Municipality. Values: Private Group Use (PGU), Cultural Institution District (CI District), Town of Palm Beach (Town).

REQUEST

On behalf of the Society of the Four Arts, Inc. (Applicant), Shutts & Bowen LLP (Agent) submits this request for a Zoning Code of Ordinances (Code) Text Amendment, and a Comprehensive Plan (Comp Plan) Text Amendment. Specifically, the request is to amend the Code to allow for a new CI District designed to implement the PGU FLU, a copy of which is attached hereto as Exhibit A; and to update the text in the Policy 2.3 of the Comp Plan by deleting text inconsistent with the PGU FLU, a copy of which is attached hereto as Exhibit B. Currently, there are no zoning districts that are consistent with the PGU FLU.

The Town assigned the Applicant's property and other properties a PGU FLU designation, but failed to create a zoning district consistent with the PGU FLU. As such, the Applicant proposes to create the CI District for that purpose and amend the text in the Comp Plan to ensure consistency with the CI District.

BACKGROUND

The Town has been forward thinking for almost 100 years. It adopted its first Plan in 1930, which had a goal to preserve and enhance the charming character of Palm Beach. However, in 1985, Florida adopted changes creating a new Local Government Comprehensive Planning and Land Development Regulation Act (Act) that required local governments to adopt a Comp Plan by 1989. The Act has very specific requirements which the Town's 1930 Plan could not satisfy. As such, the Town conformed with the requirements of the Act and adopted its Comp Plan in 1989, by which it is now guided.

It is not the intent of the Comp Plan to require the inclusion of implementing regulations, but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the Comp Plan and the principles that describe how the programs, activities, and land development regulations will be carried out.

Chapter 134 of the Code was adopted to establish comprehensive controls for the development of land in the Town based on the Comp Plan for the Town, and this chapter is enacted in order to protect, promote and improve the public health, safety, morals and the general welfare of the people.

Chapter 134, Article VI, Division 1 establishes the zoning districts which are designed to implement the FLU designations per the Comp Plan. It is within this section of the Code that there is no zoning district designed to implement the PGU FLU. As a result, the Applicant proposes these text amendments to add the new CI District designed to implement the PGU FLU.

April 12, 2024

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:

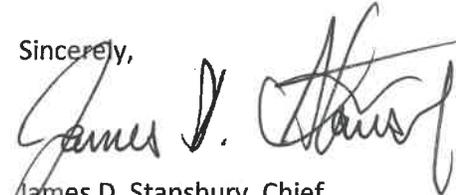
The Florida Department of Commerce (FloridaCommerce) has reviewed the proposed comprehensive plan amendment for the Town of Palm Beach (Amendment No. 24-01ESR) received on March 14, 2024. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

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 adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **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 agency comments or the amendment shall 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(3)(c)1., F.S.
- **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to 163.3184(3)(c)2., F.S.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after FloridaCommerce notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by FloridaCommerce or the Administration Commission.

If you have any questions concerning this review, please contact David Pullin, Planning Analyst, by telephone at (850)-717-8503 or by email at david.pullin@commerce.fl.gov.

Sincerely,



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

JDS /dp

Enclosure(s): Procedures for Adoption

cc: Wayne Bergman, MCP, LEED AP, Director of Planning, Zoning, and Building, Town of Palm Beach
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fideo.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:

_____ State Land Planning Agency identification number for adopted amendment package;

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

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ 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 amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its 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 the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, 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 State Land Planning Agency 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 State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B5
From: Staff
Date: April 12, 2024
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Town of Palm Beach Comprehensive Plan
Amendment No. 24-01ESR

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 March 14, 2024 and contains one text amendment to the Future Land Use Element (FLUE) of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

This privately-initiated text amendment revises FLUE Policy 2.3.6, which defines the Private Group Use land use designation and provides a list of low intensity uses that are allowed under this designation. The amendment, shown below in ~~strikeout~~ and underline format, will:

- remove language that indicates properties with this designation may also be appropriate for residential or commercial development;
- remove the maximum lot coverage requirement of 40%;
- remove a reference to the Commercial Worth Avenue zoning district; and
- indicate that the Town Council may, in limited circumstances, approve buildings at a maximum height of three stories.

Policy 2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi family Moderate Density, and Commercial future land use categories.~~

b. ~~Maximum lot coverage shall be 40%.~~

~~b. e.~~ In limited circumstances (~~Commercial Worth Avenue (CWA) zoning district~~), the maximum building height may shall be three stories with Town Council approval.

Regional Impacts

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

Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on March 4, 2024. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

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

Council Action – April 19, 2024

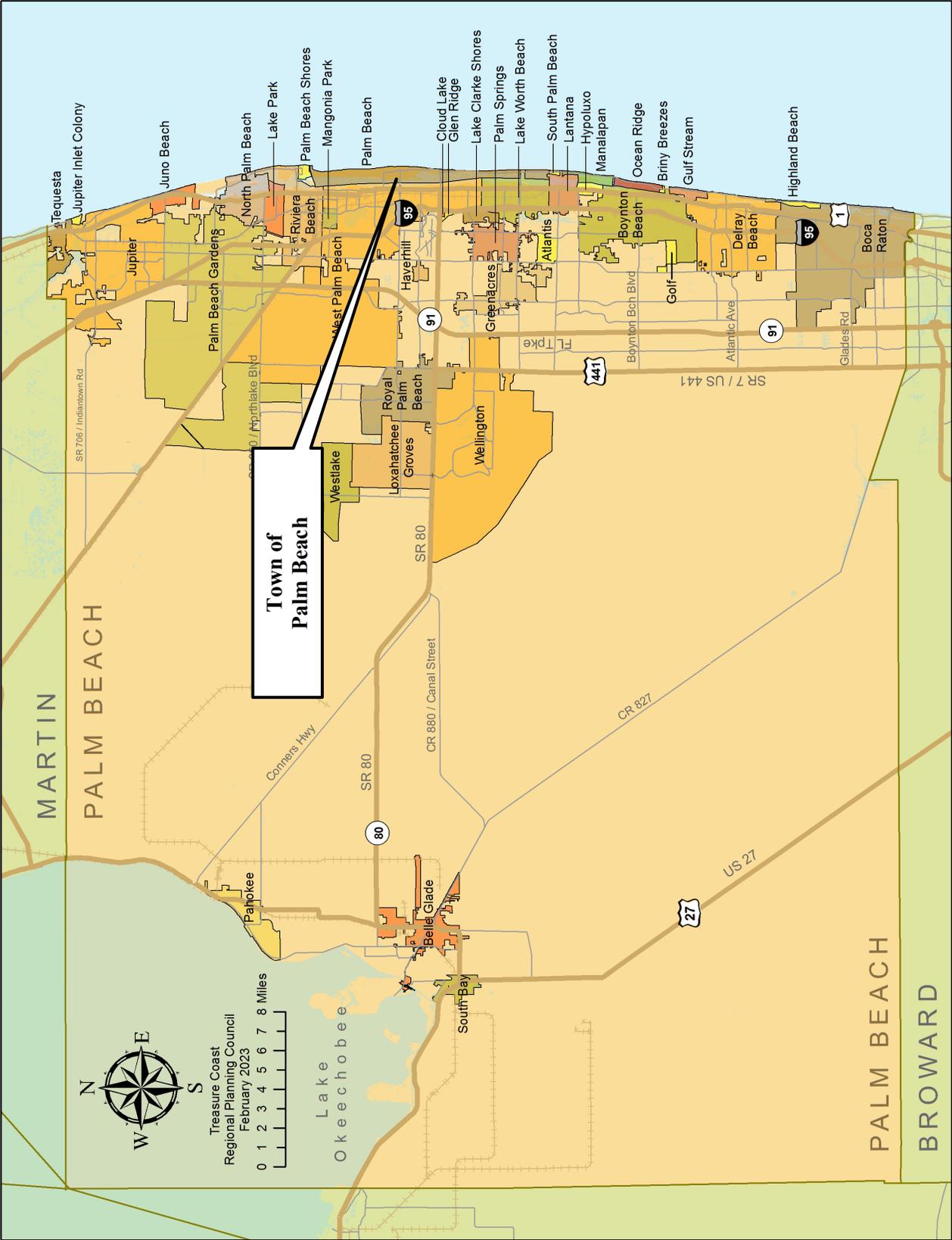
Attachments

List of Exhibits

Exhibit

1 General Location Map

Exhibit 1 General Location Map



From: [Jennifer Hofmeister-Drew](#)
To: [Wayne Bergman](#)
Subject: RE: Palm Beach Town 24-01ESR Proposed
Date: Friday, April 12, 2024 2:58:00 PM
Attachments: [image001.png](#)

Thank you.

The Town of Palm Beach PZB Department is excited to launch its new permitting and licensing software! EPL (Enterprise Permitting & Licensing) allows applicants to apply for permits, submit plans, request licenses, make payments, and track application progress on an online portal customized for the Town. This includes applications for any of the development review boards. [Click here for a link to register for access to this system via the online portal.](#)

**Jennifer Hofmeister-Drew, AICP, LCAM
Planner III**

Town of Palm Beach
Planning, Zoning, & Building
360 S. County Road
Palm Beach, FL 33480
Office Phone: 561-227-6406 Cell Phone: 561-573-7907
www.townofpalmbeach.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, April 12, 2024 2:55 PM
To: Jennifer Hofmeister-Drew <jhofmeister@TownOfPalmBeach.com>
Subject: Fwd: Palm Beach Town 24-01ESR Proposed

Wayne Bergman
Sent from my iPhone

Begin forwarded message:

From: Plan_Review <Plan.Review@dep.state.fl.us>
Date: April 12, 2024 at 2:44:00 PM EDT
To: Wayne Bergman <wbergman@townofpalmbeach.com>, DCPexter@commerce.fl.gov
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: **Palm Beach Town 24-01ESR Proposed**

*******Note: 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.*****

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

Re: Palm Beach Town 24-01ESR – Expedited State 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. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



[Dep Customer Survey](#)





Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

April 12, 2024

Wayne Bergman, MCP, LEED® AP
Director of Planning, Zoning & Building
360 South County Road
P.O. Box 2029
Palm Beach, Florida 33480

**Subject: Town of Palm Beach Proposed Comprehensive Plan Amendment
(Reference No. 24-01ESR)**

Dear Mr. Bergman:

FDOT has reviewed the transmitted Comprehensive Plan amendment for the **Town of Palm Beach**, pursuant to Section 163.3184(3), Florida Statutes. The proposed change to the Private Group Use future land use category is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed amendment and request that a copy of the adopted amendment, along with the supporting data and analysis be transmitted within ten working days after the second public hearing. If you have any questions, please do not hesitate to contact me by email at laurie.harari@dot.state.fl.us or (954) 777-4294.

Sincerely,

Laurie Harari, MURP, AICP Candidate
Planning Specialist II
District Four

cc: D4 Planning Reviews, FDOT District Four (d4-planningreviews@dot.state.fl.us) – FDOT
DCP External Agency Comments (dcpexter@commerce.fl.gov) – FloridaCommerce
Jennifer Hofmeister-Drew, AICP, LCAM, Planner III – Town of Palm Beach, Florida