

TOWN OF PALM BEACH

Information for Town Council Meeting on:

November 13, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

WB

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

Re: Local Planning Agency (LPA) and Town Council Transmittal Hearing on 2024 Comprehensive Plan

Date: October 25, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council acting as the Local Planning Agency (LPA) and the governing body transmit the 2024 Updated Comprehensive Plan based upon the required Evaluation and Appraisal Review to the Florida Department of Commerce, the state planning agency.

GENERAL INFORMATION

Pursuant to §163.3177, Fla. Stat., referred to as the Community Planning Act, the state mandates that every local government adopt a comprehensive plan. The comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These “Elements” are state required of a comprehensive plan. The state also allows for optional elements that are specific to the particulars of a local jurisdiction. Each element requires Goals, Objectives and Policies that are based upon the data and analysis of historical and current statistics, housing needs, development trends, natural resource protection, an adequate multi-mobile transportation network, and the ability to provide necessary public services and facilities, among other aspects that are specific to that local government.

The state law also mandates per §163.3191, Fla. Stat. that every seven years local governments update their comprehensive plans through the Evaluation and Appraisal Review (EAR) to address any changes in state law that may impact local comprehensive plans since the last update. Additionally, the EAR requires a review to any changes in local conditions that may affect the Goals, Objectives, and Policies of a comprehensive plan.

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

1. After initial local hearings (Local Planning Agency and Town Council) approving the proposed amendment to the Comprehensive Plan, the Town is required to transmit the complete proposed plan amendment to the State Land Planning Agency.

2. Next, within 60 days of receiving the complete amendment proposal, the State Land Planning Agency must issue an Objection, Recommendation, and Comments Report (ORC) to the local government.
3. The Town is required to hold a second public hearing to adopt the amendment to the Comprehensive Plan.
4. The complete adopted Comprehensive Plan amendment must then be submitted back to the State.
5. Finally, within 45 days of receiving the complete adopted plan amendment, the State Land Planning Agency issues a Notice of Intent to find the plan in compliance or not in compliance, which is posted on its website.

State law also requires the establishment of a Local Planning Agency (LPA) pursuant to §163.3174, Fla. Stat. The LPA is responsible for the preparation of the comprehensive plan or plan amendment after hearings held with public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The governing body may designate itself as the local planning agency pursuant to this subsection of the Florida Statutes.

The Town of Palm Beach Town Council is the designated LPA. The duties and responsibilities of the LPA are specified in Code Section 86-52 and include the following.

- ✓ Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the Town.
- ✓ Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State.
- ✓ Recommend the comprehensive plan or elements or portions thereof to the town council for adoption.
- ✓ Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the town council such changes in the comprehensive plan as may be required from time to time.

Additionally, under the direction of Code Section 2-333, the Planning and Zoning Commission (PZC) is authorized to act in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The PZC is required to follow the concepts and contents of the Town's Comprehensive Plan in all planning, zoning and development related deliberations and decisions. The PZC also has such powers and duties as may be prescribed by ordinance.

PLANNING AND ZONING COMMISSION REVIEW

As part of the state mandated public participation related to comprehensive planning, the PZC served as the primary reviewing Town body. Over nearly one year and a half, the PZC meet collectively and independently to serve the Planning, Zoning and Building (PZB) staff in the preparation of the 2024 Comprehensive Plan. Additionally, an engaged group of residents meet continually with staff to assist.

The updated 2024 Comprehensive Plan has been redrafted to place Quality of Life for Town residents as the forefront, while maintaining reverence for businesses and Town persons. As stated, the Town of Palm Beach's Comprehensive Plan provides the policy framework to address Quality of Life issues. The Quality of Life definition is the controlling component within each of the Elements' Goals of the 2024

Comprehensive Plan. The definition was adopted by the Town’s Strategic Planning Committee in 2022 and confirmed by the PZC. Through the EAR process, at the public hearing held on October 15, 2024, the Town Council added the quiet enjoyment of residential property to the definition.

The Quality of Life definition, which provides for the community’s vision through our series of Elements, now reads as follows:

“Our lifestyle is sustained by preservation of our community beauty through its built and natural environment; management of traffic, parking, and mobility impacts; enjoyment of cultural, recreational, and educational opportunities; expectations for respectful community conduct; quiet enjoyment of residential property and a safe and secure community.”

Town of Palm Beach Strategic Plan, as amended during the EAR process

The proposed 2024 Comprehensive Plan update includes the following amendments:

- ✓ The Coastal Management/Conservation Element has been separated into two (2) distinct Elements
- ✓ The Public Safety Element now has Data and Analysis, which was not present with the 2017 Comprehensive Plan
- ✓ The Transportation Element has the addition of a Parking Sub-Element
- ✓ The Recreation and Open Space has a new Recreational Programming Sub-Element
- ✓ The order of the Elements has been amended to tell the story of the Town of Palm Beach.
- ✓ The Goals for each of the twelve Elements of the Comprehensive Plan state that the “Town shall preserve, protect and ensure a high Quality of Life for Town residents...”

The 2024 Comprehensive Plan update composition is as follows.

Data and Analysis and Goals, Objectives and Policies

	Introduction
1	Future Land Use Element
2	Transportation Element
3	Housing Element
4	Historic Preservation Element
5	Public Safety Element
6	Infrastructure Element
7	Recreation and Open Space

8	Coastal Management Element
9	Conservation Element
10	Property Rights Element
11	Capital Improvements Element
12	Intergovernmental Coordination Element
	GIS Map Series

The Town held the following workshops with the PZC:

- May 3, 2023 – kick off meeting
- October 17, 2023- Distribution of the draft 2024 Comprehensive Plan update
- November 8, 2023–Public meeting on the draft 2024 Comprehensive Plan update
- December 6, 2023 - Public meeting on the draft 2024 Comprehensive Plan update – Introduction, Future Land Use, Housing, Historic Preservation, Public Safety, Recreation and Open Space and Property Rights.
- January 3, 2024 – Public meeting on the draft 2024 Comprehensive Plan update – Infrastructure, Coastal Management, Conservation, Capital Improvements Intergovernmental Coordination, Map Series
- February 6, 2024 – Public meeting on the draft 2024 Comprehensive Plan update Transportation and Infrastructure Elements
- March 5, 2024 – Public meeting on the draft 2024 Comprehensive Plan update Review of all Elements with the exception of the Transportation Element
- May 7, 2024 - Public meeting on the draft 2024 Comprehensive Plan update to review the Transportation Element
- June 4, 2024 - Public meeting on the draft 2024 Comprehensive Plan update to review the Transportation Element
- August 6, 2024 - Public meeting on the entire draft 2024 Comprehensive Plan update

In addition, the Comprehensive Plan update was presented to the Town Council, acting as the Local Planning Agency, on the following dates:

- May 10, 2023 – kick off meeting
- October 17, 2023- Distribution of the draft 2024 Comprehensive Plan update
- August 12, 2024 – Introductory Review of 2024 Comprehensive Plan update
- September 11, 2024 – Review of draft 2024 Comprehensive Plan update
- October 15, 2024- Review of draft 2024 Comprehensive Plan update
- November 13, 2024 - LPA and Town Council transmittal hearing
- January 15, 2025 – Tentative date of Adoption Hearing

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

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

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 15th day of January 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

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

In accordance with the provisions of controlling law, the Town hereby publishes the following information:

1. Summary of the proposed ordinance:
2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:
3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
4. Additional information the governing body deems useful (if any):

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Palm Beach's website by the time notice of the proposed enactment of the ordinance is published.