

ORDINANCE NO. 2021 - 026

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; ESTABLISHING THE PROPERTY RIGHTS ELEMENT (TO ADOPT A NEW **PROPERTY RIGHTS ELEMENT**); AND TO REVISE THE **INTRODUCTION AND ADMINISTRATION ELEMENT** (TO REFLECT THE NEW COMPOSITION OF COMPREHENSIVE PLAN ELEMENTS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3184(2)(a), Florida Statutes, provides that comprehensive plan amendments shall follow the expedited state review process except as set forth in Section 163.3184(2)(b) and (c), Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the proposed amendments meet the requirements of Section 163.3184(3)(a), Florida Statutes, to be processed through the expedited state review process, and are being processed through the expedited state review process; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearing on August 13, 2021, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 26, 2021 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendment to the state land planning agency and review agencies pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received a letter from the state land planning agency dated September 14, 2021 for Round 21-07ESR (County Round 22-A1) stating that the agency had identified no comments related to important state resources and facilities within

1 the Agency's authorized scope of review that will be adversely impacted by the amendment
2 contained in this ordinance if adopted; and

3 **WHEREAS**, on October 28, 2021 the Palm Beach County Board of County
4 Commissioners held a public hearing to consider adoption of the amendment; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has determined
6 that the amendment complies with the requirements of the Community Planning Act.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
8 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

9 **Part I. Amendments to the 1989 Comprehensive Plan**

10 Amendments to the 1989 Comprehensive Plan are hereby adopted and attached to
11 this Ordinance is Exhibit 1:

12 **A. Property Rights Element**, to add a Property Rights Element;

13 **B. Introduction and Administration Element**, to update the Introduction and
14 Administration Element to reflect the new composition of Comprehensive Plan
15 Elements;

16 **Part II. Repeal of Laws in Conflict**

17 All local laws and ordinances applying to the unincorporated area of Palm Beach
18 County in conflict with any provision of this ordinance are hereby repealed to the extent of
19 such conflict.

20 **Part III. Severability**

21 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
22 any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not
23 affect the remainder of this Ordinance.

24 **Part IV. Inclusion in the 1989 Comprehensive Plan**

25 **Part IV. Inclusion in the 1989 Comprehensive Plan**



26 The provision of this Ordinance shall become and be made a part of the 1989 Palm
27 Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or
28 re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"
29 "article," or any other appropriate word.


30 **Part V. Effective Date**

31 The effective date of this plan amendment, if the amendment is not timely challenged,
32 shall be 31 days after the state land planning agency notifies the County that the plan
33 amendment package is complete. If timely challenged, this amendment shall become
34 effective on the date the state land planning agency or the Administration Commission enters
35 a final order determining this adopted amendment to be in compliance. No development

orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 28th day of October, 2021.

ATTEST: PALM BEACH COUNTY, FLORIDA,
JOSEPH ABRUZZO, CLERK & COMPTROLLER BY ITS BOARD OF COUNTY COMMISSIONERS
By  By 
Deputy Clerk Dave Kerner, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
By 
County Attorney

Filed with the Department of State on the 4th day of November, 2021.

EXHIBIT 1

A. Property Rights Element

REVISION: To add a Property Rights Element. The added text is underlined

PROPERTY RIGHTS ELEMENT

I. INTRODUCTION

A. Purpose

The purpose of the Property Rights Element is to implement requirements of House Bill 59, signed by the Governor on June 28, 2021. The bill modified Chapter 163.3177, Florida Statutes (F.S.), to require local government comprehensive plans to contain a Property Rights Element. The purpose of the Element, per Chapter 163.3177(i), is to identify property rights that shall be considered in local decision-making.

B. Assessment and Conclusions

As stated in Section A, Purpose, this Element meets the statutory requirements of Chapter 163.3177, F.S.

II. GOAL, OBJECTIVES AND POLICIES

It is the **GOAL** of Palm Beach County to respect judicially acknowledged and constitutionally protected private property rights.

OBJECTIVE 1.1 Property Rights

The County shall consider property rights during local decision-making processes.

Policy 1.1-a: The right of a property owner to physically possess and control his or her interest in the property, including easements, leases, or mineral rights.

Policy 1.1-b: 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.

Policy 1.1-c: The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.1-d: The right of a property owner to dispose of his or her property through sale or gift.

B. Introduction and Administration Element

REVISION: To update the Introduction and Administration Element to reflect the new composition of Comprehensive Plan Elements. The added text is underlined, and the deleted text ~~struck out~~.

II. ADMINISTRATION

Palm Beach County's Comprehensive Plan has been prepared to meet the requirements of Chapter 163, F.S.

A. Plan Elements

The Comprehensive Plan is comprised of 15 elements or sections. The following ~~nine~~ ten elements are required by Chapter 163.3177 F.S.:

- Future Land Use
- Transportation
- Housing
- Utility (includes Water, Sewer, Stormwater Management and Solid Waste)
- Recreation and Open Space
- Conservation (includes Aquifer Recharge)

Coastal Management
Intergovernmental Coordination
Capital Improvement
Property Rights

In order to develop a truly "comprehensive" plan, Palm Beach County has included optional elements in the Comprehensive Plan. These elements were desired so that the County could fully address the provision of services and facilities to its population dispersed in varying and distinctive sub-regions:

Introduction and Administration
Fire Rescue
~~Public Education~~
Health and Human Services
Library Services
Historic Preservation.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 4, 2021

Honorable Joseph Abruzzo
Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attn: Yadzia Roa

Dear Mr. Abruzzo:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No 2021-026, which was filed in this office on November 4, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb