

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BASED ON EVALUATION AND APPRAISAL REVIEW IN ORDER TO PROVIDE CONSISTENCY WITH CURRENT STATUTORY REQUIREMENTS PER SECTION 163.3191(4), FLORIDA STATUTES, INCLUDING, BUT NOT LIMITED TO, DELETING ANY AND ALL REFERENCES TO RULE 9J-5, FLORIDA ADMINISTRATIVE CODE, AS PROVIDED WITHIN ALL ELEMENTS OF THE COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT AND COASTAL MANAGEMENT ELEMENT, AND TO ADDRESS PERIL OF FLOOD PRINCIPLES PER SECTION 163.3178(2)(F), FLORIDA STATUTES; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City's Comprehensive Plan is a policy document required by state statute, which provides guidance for future development and growth patterns within the City; and

**WHEREAS**, the City is required to evaluate and appraise the Comprehensive Plan every seven years; and

**WHEREAS**, as part of the evaluation and appraisal process, the Comprehensive Plan must be amended to incorporate any statutory changes adopted by the state since the Comprehensive Plan was last approved; and

**WHEREAS**, there is a current state requirement to remove any and all references to previously repealed Rule 9J-5 of the Florida Administrative Code which may exist within the City's Comprehensive Plan; and

**WHEREAS**, existing references to Rule 9J-5 Florida Administrative Code located on Comprehensive Plan page number 1, 12 and 74 must be deleted; and

**WHEREAS**, existing elements, goals, objectives and policies within the City's Comprehensive Plan speak to state required "peril of flood" principles; see pages 1, 12, 66-67, 74-76, 77; and

**WHEREAS**, the Planning and Zoning Board, sitting as the City's Local Planning Agency, reviewed the requested Comprehensive Plan amendments on July 12, 2018 and recommended approval to the City Council; and

**WHEREAS**, the City Council desires to approve the proposed Comprehensive Plan amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Riviera Beach hereby approves the Comprehensive Plan amendments, attached hereto and made part of this resolution as Exhibit 'A', which result in the deletion of any and all reference to Rule 9J-5 Florida Administrative Code.

**SECTION 2.** The City Council authorizes City staff to transmit this ordinance to the Florida Department of Economic Opportunity and other applicable reviewing agencies and to amend the City's Comprehensive Plan pursuant to Exhibit 'A'. It is the intent of this Ordinance to satisfy the requirements of Section 163.3191(4) Florida Statutes and to address required peril of flood principles per Section 163.3178(2)(f) Florida Statutes.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage and adoption.

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**ORDINANCE NO.** \_\_\_\_\_  
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**PASSED AND APPROVED** on the first reading this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

**PASSED AND ADOPTED** on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

**APPROVED:**

\_\_\_\_\_  
**THOMAS A. MASTERS**  
**MAYOR**

\_\_\_\_\_  
**TONYA DAVIS JOHNSON**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**LYNNE L. HUBBARD**  
**CHAIR PRO TEM**

\_\_\_\_\_  
**CLAUDENE L. ANTHONY,**  
**CERTIFIED MUNICIPAL CLERK**  
**CITY CLERK**

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**COUNCILPERSON**

\_\_\_\_\_  
**JULIA A. BOTEL**  
**COUNCILPERSON**

\_\_\_\_\_  
**TERENCE D. DAVIS**  
**COUNCILPERSON**

**1<sup>ST</sup> READING**

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

L. HUBBARD \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

T. DAVIS JOHNSON \_\_\_\_\_

J. BOTEL \_\_\_\_\_

T. DAVIS \_\_\_\_\_

**2<sup>ND</sup> & FINAL READING**

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

L. HUBBARD \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

T. DAVIS JOHNSON \_\_\_\_\_

J. BOTEL \_\_\_\_\_

T. DAVIS \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
ANDREW DEGRAFFENREIDT, CITY ATTORNEY

DATE: \_\_\_\_\_