

ORDINANCE NO. 4132

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WHEREAS, there is a current state requirement to remove and all references to previously repealed Rule 9J-5 of the Florida Administrative Code which may exist within the City's Comprehensive Plan; and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 within the 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 also proposes to assign a density of one unit per 20 acres for properties found to have a judicially determined vested right to develop or alter submerged lands as provided for in the Comprehensive Plan, Objective 1.8, Policy 1.8.1, Special Preservation section; 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 adopts 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. Legislative Findings, Intent, and Purpose. The foregoing recitals are ratified as true and correct and are incorporated herein. It is the purpose and intent of this Ordinance to promote the health, safety and general welfare of the residents, businesses, and stakeholders of the City.

SECTION 4. 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 5. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, 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. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

PASSED AND APPROVED on the first reading this 1st day of August 2018.

PASSED AND ADOPTED on second and final reading this ____ day of _____
2021

APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY D. LANIER
CHAIRPERSON

ATTEST:

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

TRADRICK MCCOY
COUNCILPERSON

DR. JULIA BOTEL
COUNCILPERSON

DOUGLAS LAWSON
CONCILPERSON

1st READING

MOTIONED BY: L. HUBBARD

SECONDED BY: J. BOTEL

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

J. BOTEL AYE

T. DAVIS AYE

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

S. LANIER _____

K. MILLER-ANDERSON _____

T. MCCOY _____

J. BOTEL _____

D. LAWSON _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY