



"The Best Waterfront City in Which to Live, Work and Play."

CITY OF RIVIERA BEACH – MEMORANDUM

TO: MAYOR, CHAIRPERSON, AND CITY COUNCIL

FROM: CLARENCE SIRMONS, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

SUBJECT: **ORDINANCE NO. 4132- AMENDING THE CITY'S COMPREHENSIVE PLAN BASED ON AN EVALUATION AND APPRAISAL REVIEW**

DATE: NOVEMBER 17, 2021

CC: GENERAL PUBLIC

Background:

The State of Florida requires that all municipalities adopt and maintain a Comprehensive Plan to guide future growth and development. Municipalities are also required to conduct an evaluation and appraisal review (EAR) of their Comprehensive Plans no less than every seven years. The City of Riviera Beach submitted its notice to conduct its required EAR on May 25, 2017 to the Florida Department of Economic Opportunity (DEO) pursuant to Section 163.3191, Florida Statutes. Since this action to initiate the EAR process, Development Services staff has worked diligently with the DEO to address all required plan updates. However, there were significant delays in the process. The timeline below captures the process of this proposed EAR based on an amendment to the City's Comprehensive Plan:

- **May 25, 2017:** Pursuant to Section 163.3191 of State Statutes, the City of Riviera Beach notified the Department of Economic Opportunity that it would be conducting its septennial evaluation of its Comprehensive Plan to determine if any updates were necessary to maintain consistency with state requirements.
- **June 2017-June 2018:** City staff evaluated state regulations and drafted a Comprehensive Plan amendment reflecting needed changes.
- **July 12, 2018:** The Planning & Zoning Board recommends approval of the proposed Comprehensive Plan amendment.

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- **August 1, 2018:** The City Council unanimously approves Comprehensive Plan amendment on first reading.
- **March 19, 2019:** The City transmits the draft Comprehensive Plan amendment to DEO for review and comment.
- **May 17, 2019:** The City receives feedback from DEO including one objection and eight comments. The City is given 180 days to address the items and to hold the second public hearing to adopt.
- **November 8, 2019:** The City's request to DEO for a 45-day adoption extension due to the cyberattack is approved; the new deadline is December 28, 2019.
- **December 20, 2019:** The City's request to DEO for a 90-day adoption extension is approved so that staff can engage consultants to assist in the response; the new deadline is March 27, 2020.
- **March 23, 2020:** The City's request to DEO for a 180-day adoption extension due to COVID-19 is approved; the new deadline is September 23, 2020.
- **September 21, 2020:** The City's request to DEO for a 365-day adoption extension is approved so that staff can engage consultants to complete the response; the new deadline is September 23, 2021.
- **July 14, 2021:** The City's request to DEO for a 30-day adoption extension is approved to ensure sufficient time for document review; the new deadline is October 23, 2021.
- **August 6, 2021:** The City transmits updated amendment language to DEO for review.
- **August 2021-September 2021:** City staff has multiple communications with DEO staff and satisfies all comments. The document and materials are prepared for City Council hearing.
- **October 20, 2021:** Ordinance for approval of Comprehensive Plan amendment fails.

After this item failed at the October 20th City Council meeting, staff contacted the Florida DEO to request a 60 day extension to finalize the amendment. This request was granted and the new deadline is December 23, 2021. In order to position City Council to vote on the item during the November 3rd meeting, staff has advertised this item in the Palm Beach Post in order to satisfy statutory requirements.

Summary of Proposed Amendments:

The proposed Comprehensive Plan amendment provides 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. As a result of the DEO Objections, Recommendations and Comments (ORC) Report (10-01ER), substantial revisions have been made to the Future Land Use and Coastal Management Elements. 'Peril of Flood' principles and strategies per Section 163.3178(2) (F) have been expanded and are reflected in the Coastal Management Element as well.

The Future Land Use Element has been amended by revising the GOAL, Policy 1.1.5, OBJECTIVE 1.5 Hurricane Evacuation, OBJECTIVE 1.8 - Public Related Uses sub-section under Policy 1.8.1, Future Land Use Category for Special Preservation.



The Coastal Management Element has been amended as follows: revising OBJECTIVE 1.5: Shoreline Protections, specifically by adding Policies 1.2.5 and 1.2.6; revising OBJECTIVE 2.2: Development within the Coastal High Hazard Area (CHHA) by revising Policies 2.2.1, 2.2.3 and 2.2.8. Policies 2.2.9 through 2.2.22 were added under the same OBJECTIVE. Revising OBJECTIVE 2.3: Emergency Preparedness and Evacuation; Policy 2.3.5 has been added. OBJECTIVE: Climate Change and Community Resiliency is newly added with supporting Policies 2.5.1 through 2.5.10.

Citywide Goal:

Build Great Neighborhoods.

Budget/Fiscal Impact:

N/A

Recommendation(s):

City staff recommends approval of Ordinance No. 4132.

Attachments:

1. Ordinance No. 4132
2. Exhibit A: Coastal Management Element Strikethroughs & Underlines
3. Exhibit A Continued: Future Land Use Element Strikethroughs & Underlines
4. Staff Report
5. P&Z Meeting Minutes 7.12.2018
6. Map Figures: Sea Level Rise
7. Map Figures: High Tide Flooding Susceptible Areas
8. Map Figures: Storm Surge Areas
9. Map Figures: Coastal High Hazard Areas
10. DEO Objections, Recommendations, and Comments From May 2019

