AGENDA ITEM 4B5

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the City of Riviera Beach was received on March 15, 2019 and contains text changes to the Future Land Use and Coastal Management elements of the comprehensive plan. The proposed changes are based on the City’s Evaluation and Appraisal Review (EAR). This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The purpose of the EAR is to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. On May 25, 2017, the City sent a letter to the Florida Department of Economic Opportunity (FDEO) indicating that amendments to their comprehensive plan were necessary. Once a letter of intent is sent to FDEO, a local government must complete the EAR process, prepare their plan amendments, and transmit them to FDEO within one year. Due to significant employee turnover following transmittal of the notice, the City was unable to complete the EAR process and was notified by FDEO on June 21, 2018 that they could not amend their comprehensive plan until the EAR process was completed. The proposed amendment includes text changes to the Future Land Use and Coastal Management elements of the comprehensive plan based on the City’s EAR, which was completed in July 2018.
The City identified only one change during the EAR process, which was to delete any and all references to Rule 9J-5, Florida Administrative Code within all elements of the comprehensive plan. The proposed amendment specifically deletes these references in the Future Land Use and Coastal Management elements of the comprehensive plan.

In 2015, under Chapter 163, Florida States (F.S.), the legislature passed requirements under the Peril of Flood Act for jurisdictions with Coastal Management Elements contained in their comprehensive plan to develop a redevelopment component with principles to use to eliminate inappropriate and unsafe development in coastal areas. The Act defines components that must be included in the comprehensive plan. The City staff report indicates that requirements for Peril of Flood principles are already included within the Coastal Management Element of the City’s comprehensive plan. Therefore, the City is not proposing any additional amendments to address the Peril of Flood Requirements.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on July 12, 2018. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. Although the City does address Peril of Flood Principles in the comprehensive plan through various policies and references to the City’s Land Development Codes, Council recommends enhancing it by adding policy language to the comprehensive plan to ensure the City is meeting the requirements of the Peril of Flood Act. That language should:

- Include a policy to require the City to review all plans for construction within the floodplain area and that the requirements be consistent with, or more stringent than, the minimum requirements of the Florida Building Code for such construction.

- Include development and redevelopment principles, strategies, and engineering solutions that will reduce flood risk in coastal areas that result from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise.

- Call of identifying areas that are at greater risk of experiencing coastal flooding from extreme high tides, storm surge, and sea level rise. These areas can then be prioritized for infrastructure needs and adaptation planning.

- Require construction activities seaward of the established coastal construction control line be consistent with Chapter 161 F.S.
- Include strategies for Shoreline protection and erosion control such as installation and maintenance of native shoreline vegetation where appropriate, and consideration of hard structures, such as seawalls.

- Encourage development and redevelopment best practices principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zones designations established by the Federal Emergency Management Agency.

**Recommendation**

Council should approve this report and authorize its transmittal to the City of Riviera Beach and the Florida Department of Economic Opportunity.

**Council Action – April 19, 2019**

Commissioner Smith from Martin County moved approval of the staff recommendation. Councilmember Parrish, Gubernatorial Appointee from St. Lucie County, seconded the motion, which carried unanimously.

Attachments
## List of Exhibits

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Location Map</td>
</tr>
<tr>
<td>2</td>
<td>Proposed Text Amendments in <strong>Strikeout</strong> and <strong>Underline</strong> Format</td>
</tr>
</tbody>
</table>
Exhibit 1
General Location Map
Exhibit 2
Proposed Text Amendments in Strikeout and Underline Format

FUTURE LAND USE ELEMENT
GOALS, OBJECTIVES AND POLICIES

GOAL  To protect and enhance the residential, commercial, industrial and natural resource areas of Riviera Beach.

OBJECTIVE 1.1: Public Facilities Availability

The City shall continue to insure that all development and redevelopment is coordinated with the availability of facilities and services, and is compatible with soil conditions and topography.

Policy 1.1.1: As new development occurs within the City, continue to use the development code to require a tie-in to the sanitary sewer and public water systems.

Policy 1.1.2: The City shall continue to supply water and sewer to new developments that occur in areas yet to be annexed and subject to receipt of a petition for voluntary annexation. If the property is contiguous, it shall be annexed prior to connection to the City’s water and sewer system; otherwise, the property shall be annexed when the development becomes contiguous.

Policy 1.1.3: The City shall continue to use the flood plain provisions of the Land Development Code to assure new development at topographic elevations sufficient to minimize flood impact.

Policy 1.1.4: Periodically review all development codes to determine needed refinements relative to on-site drainage, open-space and parking lot design standards.

Policy 1.1.5: The City shall continue to use the adopted Concurrency Management System, contained in "Article X of the Land Development Code, to implement requirements contained in 01 05 0056 and to insure that public facilities are in place concurrent with the impacts of any development, and levels of service continue to be maintained.

Policy 1.1.6: The City will encourage the use of water conserving appliances in order to reduce the per capita consumption of potable water and the increased use of energy efficient appliances to reduce energy consumption and the carbon footprint of the City through public information campaigns.

OBJECTIVE 1.2: Redevelopment

By 2010, the City shall reconsider revisions to the adopted Community Redevelopment Plan (CRA) by addressing issues and market conditions that have arisen since plan implementation was initiated.

Policy 1.2.1: The City and the CRA will revise the adopted 2001 Redevelopment Plan which shall be designed to change the image of the Riviera Beach community redevelopment area from a depressed district suffering from loss of residential and business vitality into one respected for community purpose and pride, and to reshape the City into a desirable place to live, work, shop, and visit, with special places, events, and experiences.
Policy 1.4.3: The City shall continue to implement the predominant use of native vegetation through the Land Development Code.

OBJECTIVE 1.5: Hurricane Evacuation

Grant no land use plan amendments that would increase residential land use density and intensity in the coastal high hazard area (CHHA) [36 C.F.R. § 107.5, F.A.C.]

Policy 1.5.1: The City shall evaluate plan amendments and rezoning requests that would increase the permanent and transient residential population densities permitted by the Comprehensive Plan in the CHHA in order to avoid further burdens on the hurricane evacuation process. Vacant parcels shall be developed at densities and intensities consistent with the Future Land Use Map, and will adhere to Objective 2.2 (Development in The Coastal High Hazard Area [CHHA]) and related policies of the Coastal Management Element.

Policy 1.5.2: The City of Riviera Beach has adopted the hurricane evacuation routes and times as stated in the Palm Beach County Comprehensive Emergency Management Plan. The City has developed its own Emergency Management Plan for category 5 hurricanes which includes the state-mandated evacuation times of 16 hours out of county and 12 hours to shelter including a description of routes for potential evacuees.

OBJECTIVE 1.6: Annexation

The City shall continue to identify and annex pockets and enclaves, east of the City's western limits, to create a unified, compact pattern of municipal development and efficiency of utility service delivery.

Policy 1.6.1: The City will continue to annex enclaves within its municipal boundaries in accordance with its interlocal agreement with Palm Beach County (Resolution 96-01: Designating the Future Annexation Boundaries of the City of Riviera Beach).

Policy 1.6.2: The City will continue to annex enclaves within its municipal boundaries for the purposes of economies of scale as relates to the provision of utility services.

OBJECTIVE 1.7: Innovative Land Development

The City shall continue to develop and encourage utilization of innovative land regulations and zoning districts, including PUD, mixed-use development, and new urbanist approaches.

Policy 1.7.1: The City shall continue its review of existing Planned Unit Development (PUD) Districts to determine if adjustments to the PUD code are necessary. To date, the City has made revisions to minimum lot areas within PUDs, and in the future will create/adopt additional districts with Land Use designations as necessary.

Policy 1.7.2: The City shall review existing Floor Area Ratios (FAR's) and make adjustments as needed to facilitate innovative development.
GOAL 2  COASTAL DEVELOPMENT AND EMERGENCY MANAGEMENT

It is the goal of the City of Riviera Beach (1) to restrict development activities that would damage or destroy coastal resources; (2) to protect human life by limiting public expenditures in areas subject to destruction by natural disasters within the coastal high hazard area; (3) to maintain and implement a safe and effective emergency management program; and (4) provide for orderly redevelopment in a post-disaster period.

OBJECTIVE 2.1: Levels of Service

The City of Riviera Beach shall maintain existing public infrastructure capacity in the coastal high hazard area to ensure the protection of its residents during disaster events.

Policy 2.1.1: The City shall insure that infrastructure is available to serve responsible development or redevelopment in the coastal area through implementation of the Concurrency Management System.

Policy 2.1.2: The City shall provide for the safe evacuation from coastal areas by requiring that within the Hurricane Vulnerability Zone as defined by Rule SJ-2.0256(f), F.A.C., the amount of new development or redevelopment be controlled by the capacity of existing coastal roads, such that evacuation times shall be no greater than the eight-hour hurricane evacuation time currently predicted for the CHHA.

OBJECTIVE 2.2: Development in the Coastal High Hazard Area (CHHA)

The City of Riviera Beach shall direct permanent residential population concentrations away from known or predicted coastal high hazard areas except as provided in the adopted Future Land Use Map. The City shall discourage increases in permanent residential population densities or land use that would increase the eight-hour hurricane evacuation time currently predicted for the CHHA.

Policy 2.2.1: The City shall carefully evaluate all land use plan amendments and zoning amendments that would increase residential land use density or intensity in the CHHA in order to reduce adverse impacts to property and people and public costs associated with disaster recovery. [SJ 5.012(3)(b)(5)(7), F.A.C.]

Policy 2.2.2: The City shall discourage increased densities in the Category 1 hurricane evacuation areas as defined by the Division of Emergency Management.

Policy 2.2.3: New development in the Coastal Planning Area shall be consistent with the densities proposed by the Future Land Use Element for the area.