



**CITY OF RIVIERA BEACH STAFF REPORT
COMPREHENSIVE PLAN AMENDMENT
APRIL 28, 2022**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN, TO ESTABLISH THE PROPERTY RIGHTS ELEMENT (TO ADOPT A NEW **PROPERTY RIGHTS ELEMENT**), AND AMENDING ALL ELEMENTS AS NECESSARY, IN ORDER TO PROVIDE CONSISTENCY WITH CURRENT STATUTORY REQUIREMENTS PER SECTION 163.3177, FLORIDA STATUTES, PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- A. Applicants:** City initiated amendment process.
- B. Request:** to amend the City's Comprehensive Plan to establish a new element, the "Property Rights Element" pursuant to House Bill 59 – which amended Chapter 163.3177, Florida Statutes (F.S.).
- C. Location:** The Comprehensive Plan is applicable citywide.
- D. Background and Staff Analysis:**

Effective July 1, 2021, new legislative mandates (House Bill 59-Growth Management) requires all local government to have a Property Rights Element as part of their Comprehensive Plan. Thus, the legislation amended Chapter 163.77 of the Florida Statutes to include a Property Rights Element as one of the required elements in all Comprehensive Plans. As a result of the legislation, no other Comprehensive Plan amendment can be adopted by the city, until the Property Rights Element is adopted. The State defines amendments initiated after July 1, 2021 as those amendments which had their first public hearing, which for the City of Riviera Beach means a Planning and Zoning Board hearing.

Zoning Regulations: The proposed Comprehensive Plan text amendment is not anticipated to require changes to the City's Zoning regulations.

Comprehensive Plan: There are no inconsistencies identified within the language proposed in the text amendment relative to the current Goals, Objectives, and Policies of the Comprehensive Plan.

Hearing: The Planning and Zoning Board will conduct a Public Hearing on Thursday, April 28, 2022, at 6:30 PM, at the Riviera Beach Event Center located at 190 E 13th Street, Riviera Beach, FL 33404, to consider the proposed Ordinance.

Intergovernmental Plan Amendment Review Committee (IPARC): Notification was sent to the County's IPARC, a clearing house for Comprehensive Plan amendments prior to the Planning and Zoning Board hearing on April 28, 2022.



Recommendation: City staff recommends approval of this Ordinance, to establish the Property Rights Element (to adopt a new **Property Rights Element**), and amending all elements as necessary.

E. Attachments:

Exhibit 1 – Proposed Comprehensive Plan text amendment in strike out and underline format.

Exhibit 2 – Examples of other Local Governments adopted Property Right Elements

Comprehensive Plan Online Portal or Scan QR Code Below

- [Comprehensive Plan Online Portal](#)



Exhibit 1

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



Property Rights Element

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

PROPERTY RIGHTS ELEMENT **GOALS, OBJECTIVES AND POLICIES**

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

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

OBJECTIVE 1.1: Property Rights Element

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

Policy 1.1.1: 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 1.1.2: 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 1.1.3: The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.1.4: The right of a property owner to dispose of his or her property through sale or gift.

OBJECTIVE 1.2

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



Transparency, Reliability, and Predictability in Decision-making: The City shall continue its effort in promoting public involvements and afford property owners the opportunity to participate in public meetings and hearings where it is making decision involving a property owner's property.

Policy 1.2.1: Comprehensive Plan Amendments and Development Applications - All applications affecting the development or use of property in the City, including amendments to the City's Comprehensive Plan, shall be made at duly noticed public meetings and the applications shall be made available for public review at any time before or after the date of any hearing wherein the application is to be considered within the City's business hours. All residents and businesses of the City shall be entitled to inspect public records associated with an application and to participate in any hearings regarding the applications.

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