

ORDINANCE NO. 90-20-245

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, TRANSMITTING PROPOSED AMENDMENTS TO THE GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN TO THE STATE OF FLORIDA'S VARIOUS AGENCIES FOR REVIEW AND COMMENT; PROVIDING FOR ADOPTION OF SAID AMENDMENTS UPON RECEIPT OF SAID COMMENTS AND COMPLETION OF THE STATE COORDINATED REVIEW PROCESS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161-163.3215, Florida Statutes, empowers and requires the City Commission for the City of Atlantic Beach, Florida to prepare, implement and enforce Comprehensive Plans and Land Development Regulations for the regulation of development within the City; and

WHEREAS, Section 163.3184, Florida Statutes, establishes the process for the amendment and adoption of the Comprehensive Plan or amendments thereto; and

WHEREAS, the Community Development Board, as the Local Planning Agency, held a duly noticed public hearing on these amendments, reviewed and considered all comments received and made its recommendation to transmit these amendments to the City Commission; and

WHEREAS, after required notice was published and public hearings were held in accordance with Section 163.3184(11), Florida Statutes and Section 24-51 of the City of Atlantic Beach Code of Ordinances, the City Commission now desires to transmit these amendments to the City's 2030 Comprehensive Plan through the State Coordinated Review Process; and

WHEREAS, upon receipt and consideration of comments, the state report and completion of the State Coordinated Review Process and making such revisions to the amendments as are deemed appropriate, the City Commission desires to approve and adopt the amendments.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Transmittal Authorized. Pursuant to Sections 163.3184 and 163.3191, Florida Statutes, the Commission hereby approves for transmittal to the Florida Department of Economic Opportunity, the Northeast Florida Regional Council, the St. Johns River Water Management District, the Florida Department of Environmental Protection, the Florida Department of State, the Florida Department of Transportation and the City of Jacksonville for their review and comment,

the proposed amendments, consisting of changes to the text the City's 2030 Comprehensive Plan, as more particularly described in that certain set of documents entitled "Proposed Amendments for State Coordinated Review Process" dated February ____, 2020, on file at the City's Planning and Community Development Department as attached as exhibit A.

SECTION 2. Adoption of Amendments. Having received and considered the comments and State report and completed the State Coordinated Review Process in accordance with Section 163.3184, Florida Statutes, and having revised the initial set of amendments as deemed appropriate and held duly noticed and required public hearings, the City Commission hereby approves and adopts the amendments, consisting of changes to the Goals, Policies and Objectives of the 2030 Comprehensive Plan, amendments more particularly described in that certain set of documents entitled "Proposed Amendments" Amendments" dated _____ 2019 and on file at the City's Planning and Community Development Department. The City Comprehensive Plan as amended therein shall hereafter be known as the 2030 Comprehensive Plan.

SECTION 3. Purpose and Intent. The purpose and intent of this Ordinance is to carry out the adoption procedures set forth in the Community Planning Act, Sections 163.3161 through 163.3248, Florida Statutes, Chapter 166, Florida Statutes, as amended, and the City's Code of Ordinances, for amendment of the City's Comprehensive Plan, in order to preserve and enhance the orderly growth of the City, encourage the most appropriate use of land, water and resources consistent with the public interest, overcome present deficiencies and effectively address future problems which may result from the use and development of land within the City of Atlantic Beach.

SECTION 4. Effective Date of Plan Amendment. Unless timely challenged, the 2030 Comprehensive Plan adopted herein shall go into effect pursuant to the Florida Department of Economic Opportunity's Notice of Intent, issued and published by the Department of Economic Opportunity, in accordance with Section 163.3184, Florida Statutes.

SECTION 5. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 6. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 7. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this ____ day of ____, 2019.

PASSED by the City Commission on second and final reading this ____ day of ____, 2020.

CITY OF ATLANTIC BEACH

Ellen Glasser, Mayor

Attest:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Brenna M. Durden, City Attorney