

**ORDINANCE NO. O-3-25**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING ITS COMPREHENSIVE DEVELOPMENT PLAN TO ADOPT EVALUATION AND APPRAISAL ("EAR") BASED AMENDMENTS PURSUANT TO SECTION 163.3191, FLORIDA STATUTES, WHICH PROVIDES FOR AN EVALUATION AND FOR PLAN AMENDMENTS DETERMINED TO BE NECESSARY PURSUANT TO THE REQUIREMENTS OF SECTION 163.3191, FLORIDA STATUTES; BY ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT AND BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO ADDRESS PERILS OF FLOOD, ALL PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184 FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

**WHEREAS**, the State Legislature of the State of Florida has also mandated that all municipalities evaluate their comprehensive plan at least once every seven (7) years; and

**WHEREAS**, Section 163.3191, Florida Statutes, requires that local governments review the adopted comprehensive plan, in part, to respond to changes in local, state and regional policies along with an analysis of the major issues necessary to further the community's goals consistent with statewide minimum standards; and

**WHEREAS**, the Town Commission adopted the final version of the required "Evaluation and Appraisal Report" by Resolution R-13-06 on November 20, 2006 and that report was deemed sufficient by the then Florida Department of Community Affairs on January 26, 2007; and

**WHEREAS**, the State Legislature of the State of Florida has also mandated that all municipalities shall include in their Comprehensive Development Plans a Property Rights Element to ensure that private property rights are considered in local decision-making; and

**WHEREAS**, the State Legislature of the State of Florida has also mandated that all municipalities abutting the Atlantic Ocean shall include in their Comprehensive Development Plans a Coastal Management Element that addresses the perils of flood; and

**WHEREAS**, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

**WHEREAS**, the Town of Palm Beach Shores, Florida, has carefully prepared an amendment to its Comprehensive Development Plan to add a Property Rights Element and update the Coastal Management Element pursuant to Sec.163.3191, Florida Statutes, in order to provide text and map amendments or revisions in conformance with the adopted Evaluation and Appraisal report; and

**WHEREAS**, the Town of Palm Beach Shores has held all duly required public hearings; both prior to submission of the proposed amendments of the plan to the Florida Department of Commerce and after the proposed amendments of the plan were returned to the Town of Palm Beach Shores, in accordance with Chapter 163.3184, Florida Statutes; and

**WHEREAS**, the Town Commission desires to adopt the amendments to the current comprehensive development plan to guide and control the future development of the Town, and to preserve, promote and protect the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** The Town of Palm Beach Shores Comprehensive Plan is hereby amended by adopting this amendment to its current Comprehensive Plan; which amendment is attached hereto as Exhibit “A” and made a part hereof and of the current Comprehensive Plan. This amendment specifically provides comprehensive amendments to the Coastal Management Element, and the newly created Private Property Rights Element of the Comprehensive Plan in conformance with the adopted Evaluation and Appraisal Review described therein which affects the pagination of certain elements; all as specifically set forth on Exhibit “A”. The text and maps adopted in Exhibit “A” shall be substituted for and replace in total the previously adopted text and maps in the amended elements.

**Section 2:** A copy of the Comprehensive Development Plan, as amended, is on file in the office of the Town Clerk, Town of Palm Beach Shores, Florida.

**Section 3:** The Town Clerk is hereby directed to transmit within ten (10) working days after adoption one (1) paper copy and two (2) electronic PDF format copies of the amendment to the current Comprehensive Development Plan to the State Land Planning Agency, along with one copy to any other agency or unit of local government that timely provided comments in accordance with Section 163.3184(3)(c)2, Florida Statutes.

**Section 4:** Each and every other section and subsection of the Town of Palm Beach Shores Comprehensive Development Plan shall remain in full force and effect as previously adopted.

**Section 5:** All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

**Section 6:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 7:** The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Commerce or the Administration Commission finding the amendment in compliance in accordance with Section 163.3184(4)(e)5., Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by

the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to Florida Department of Commerce, Division of Community Planning, Plan Processing Team.

**FIRST READING** this \_\_\_\_ day of April, 2025.

**SECOND AND FINAL READING** this \_\_\_\_ day of May, 2025.

**TOWN OF PALM BEACH SHORES**

\_\_\_\_\_  
Alan Fiers, Mayor

ATTEST:

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Jude Goudreau, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

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Keith Davis, Town Attorney