

**ORDINANCE NO. 2024 - 05**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, PROVIDING FOR EVALUATION AND APPRAISAL BASED AMENDMENTS TO THE CITY OF PAHOKEE'S COMPREHENSIVE DEVELOPMENT MASTER PLAN AS REQUIRED BY AND IN CONFORMITY WITH SECTION 163.3191(1), FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions including those relating to Comprehensive Planning, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Section 2.5 of the City Charter of the City of Pahokee ("City") empowers the City Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the City; and

**WHEREAS**, pursuant to F.S. 163.3191(1), at least once every 7 years ("Evaluation and Appraisal Cycle"), each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in Part II of Chapter 163, Florida Statutes, since the last update of the local government's comprehensive plan, and notify the state land planning agency as to its determination; and

**WHEREAS**, Chapter 14, Section 14-28 of the City of Pahokee's Code of Ordinances provides for a procedure for amendment; and

**WHEREAS**, the City Commission finds that the proposed evaluation and appraisal based text amendments, attached hereto as Composite Exhibit "A", and incorporated herein by reference, will help strengthen the City's long-term ability to protect its residential neighborhoods and improve overall community character and quality of life; and

**WHEREAS**, the City Commission desires to comply with state law and adopt the text amendments to the City's Comprehensive Plan in the form prescribed by law; and

**WHEREAS**, notice was publicly advertised as required by City and State regulations regarding text amendments to the Comprehensive Plan; and,

**WHEREAS**, on \_\_\_\_\_, the Board of Adjustment and Planning and Zoning, as the local planning agency for the City held its hearing on this proposed Ordinance with due public notice and input, and recommended its adoption by a \_\_\_\_\_ vote; and

**WHEREAS**, on \_\_\_\_\_, the City Commission held a first reading and public hearing of this proposed Ordinance; and

**WHEREAS**, the City Commission voted to transmit the proposed evaluation and appraisal based text amendments to the Comprehensive Plan to state agencies, after first reading, for review pursuant to Section 163.3184(3)(b), Florida Statutes; and

**WHEREAS**, on \_\_\_\_\_, the City Commission held a second reading and public reading of this proposed Ordinance with due public notice and input; and

**WHEREAS**, the City Commission of the City of Pahokee, Florida, finds that it is in the best interest of the City and its residents amended the City Comprehensive Plan to incorporate the proposed text amendments, pursuant to Section 163.3184, Florida Statutes, as provided in Composite Exhibit "A".

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:**

**SECTION 1. RECITALS.**

The above recitals are true and correct and incorporated into this Ordinance by reference.

**SECTION 2. AMENDING THE CITY OF PAHOKEE COMPREHENSIVE PLAN.**

The City of Pahokee, Florida, Comprehensive Plan is hereby amended to incorporate the proposed text amendment, pursuant to Section 163.3184, Florida Statutes, as provided in Composite Exhibit "A".

**SECTION 3. SCRIVENER'S ERRORS.**

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent of this Ordinance may be authorized by the City Manager, following review by the City Attorney, without need of public hearing, by filing a corrected copy of same with the City Clerk.

**SECTION 4. CONFLICT AND REPEALER.**

Any provision of any City of Pahokee ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

**SECTION 5. LIBERAL CONSTRUCTION.**

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

**SECTION 6. SEVERABILITY.**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

**SECTION 7. EFFECTIVE DATE.**

That pursuant to Florida Law, the Comprehensive Plan amendment(s) adopted by this Ordinance shall not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to comply.

**PASSED FIRST READING** this 23<sup>rd</sup> day of July 2024.

**PASSED SECOND READING** this 10<sup>th</sup> day December 2024.

\_\_\_\_\_  
Keith Babb, Mayor

ATTEST:

\_\_\_\_\_  
Nylene Clarke, CMC, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Burnadette Norris-Weeks, P.A.  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**VOTE:**

Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Cowan-Williams	_____ (Yes)	_____ (No)
Commissioner McPherson	_____ (Yes)	_____ (No)
Vice Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)