

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, ENACTING A MORATORIUM FOR A PERIOD UP TO SIX MONTHS AS THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR SITE PLANS FOR SINGLE PRICE OVERSTOCK/DISCOUNT STORES WITHIN THE CITY; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach's Comprehensive Plan and Code of Ordinances controls and directs development and uses throughout the City; and

WHEREAS, the Land Development Regulations, which is part of the City's Code of Ordinances, needs updating to incorporate, regulate and control the location of single price overstock/discount stores within the City; and

WHEREAS, the City has received numerous inquiries for the development of single price overstock/discount stores in the City; and

WHEREAS, for the purposes of this Ordinance, "single price overstock/discount stores" are establishments that sell a broad range of outlet, close-out, discontinued, liquidation, or overstock and general merchandise primarily at a single discount price and/or in the low and very low price ranges including, but not limited to, food items, alcoholic beverages, apparel and accessories, costume jewelry, notions and small wares, house wares, fountain refreshments, and toys; and

WHEREAS, the City's Land Development Regulations does not identify single price overstock/discount stores as permitted by right or as a conditional use, and only has the following definition for retail establishment: a place of business providing the sale and display of goods and/or sale of services directly to customers, with goods available for immediate purchase and removal from the premises by the customer. Retail goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like. Retail services include, but are not limited to, barber shops, beauty salons, travel agencies, dry cleaning, health clubs, photo studios, funeral homes (no embalming on premises), pet care, repair establishments, and employment offices. For the purposes of this definition, retail establishments exclude adult entertainment, weapons sales, and the sale and servicing of vehicles or watercraft with engines larger than 50 horsepower.; and

WHEREAS, this Ordinance is being adopted in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures and fees related to single price overstock/discount stores, and to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand single price overstock/discount stores in the City on the one hand, with the preservation of the health, safety and welfare of the communities in the City of Riviera Beach on the other hand; and

WHEREAS, existing permitted and conditionally permitted uses under the City's Land Development Regulations may not sufficiently support the City's goals for the future of the commercial districts as they relate to single price overstock/discount stores; and

WHEREAS, single price overstock/discount stores primarily offer extremely low priced items in large, minimally developed spaces and discourage the upgrading of the existing area and its future economic vibrancy and are inconsistent with the goal of upgrading the commercial districts not only because such uses may offer minimal or no improvements to existing structures, but because they attract other bargain retail uses and discourage higher quality retail and commercial uses from locating nearby; and

WHEREAS, should any large single price overstock/discount stores be permitted to locate within the commercial districts, such a development would constitute a current and immediate threat to the public health, safety and welfare in that such a development will start an irrevocable downward shift in the economic and aesthetic value of the area and thus act as a bar to the goals of the City's Comprehensive Plan; and

WHEREAS, staff is requesting an up to six months moratorium in order to study, evaluate and create the regulations and additional standards for the placement and development of single price overstock/discount stores within the City, and incorporate those regulations into the City's Land Development Regulations; and

WHEREAS, it is the intention of the City Council to direct staff to study, evaluate and create the regulations and additional standards for the placement and development of single price overstock/discount stores within the City; and

WHEREAS, the City Council has determined that the enactment of this Ordinance is for proper municipal purposes and protects the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

SECTION 2. It is the purpose and intent of this Ordinance to promote the health, safety and general welfare of the residents and businesses of the City through the study and analysis of regulations to create additional standards for the placement and

development of single price overstock/discount stores within the City and incorporate those regulations into the City's Land Development Regulations within the City.

SECTION 3. This Ordinance for a moratorium shall apply to all lands within the municipal boundaries of the City of Riviera Beach.

SECTION 4. The City Council hereby enacts a moratorium for up to six months prohibiting the filing and/or receiving of any application for site plan for the development of new single price overstock/discount stores within the City. Staff is hereby directed to study, analyze and to create the regulations and additional standards for the placement and development of single price overstock/discount stores within the City and incorporate those regulations into the City's Land Development Regulations within the City, which would further and promote the public health, safety, morals and general welfare.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

SECTION 7. This Ordinance shall take effect upon its final passage and approval by the City Council.

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PASSED AND APPROVED on the first reading this _____ day of
_____ 2016.

PASSED AND ADOPTED on second and final reading this _____ day of
_____ 2016.

APPROVED:

THOMAS A. MASTERS
MAYOR

TERENCE D. DAVIS
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

LYNNE L. HUBBARD
COUNCILPERSON

TONYA DAVIS JOHNSON
COUNCILPERSON

DAWN S. PARDO
COUNCILPERSON

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1ST READING

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

D. PARDO _____

T. DAVIS _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

D. PARDO _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT, ESQ.
CITY ATTORNEY

DATE: _____