

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO SIX MONTHS AS TO THE FILING, RECEIVING AND PROCESSING OF ANY APPLICATION OR PERMIT FOR THE ESTABLISHMENT, DEVELOPMENT OR OPERATION OF A FILLING STATION (AKA GAS STATION), AS DEFINED HEREIN, IN ORDER TO REVIEW EXISTING LAND DEVELOPMENT REGULATIONS ASSOCIATED WITH THIS USE, INCLUDING BUT NOT LIMITED TO SEPARATION REQUIREMENTS BETWEEN FILLING STATIONS; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 6, 2018, the City Council adopted Ordinance No. 4111, which enacted a 1,000 foot separation buffer between filling stations, with an exemption area for any property located within 2,000 feet of the intersection of interstate-95 and Blue Heron Boulevard; and

WHEREAS, Ordinance No. 4111 was consistent with the recommendation of City Staff, however, on April 27, 2017, the Planning and Zoning Board had requested that the City Council consider a more stringent separation requirement of 2,000 feet without an exemption area adjacent to Interstate-95; and

WHEREAS, the City Council identified establishment of the abovementioned 1,000 foot buffer as an immediate need, thus approving Ordinance No. 4111, however, the City Council instructed City staff to conduct further research to determine if a 2,000 foot buffer could be supported through other current examples or case law; and

WHEREAS, the City Council desires to enact a moratorium for up to a six month period of time, prohibiting the filing receiving or processing of any new application or permit for the establishment, development, or operation of a filling station to allow City staff to research this item further; and

WHEREAS, the City Council has determined that the enactment of this moratorium in the best interests of the health, safety and welfare of the City's residents and stakeholders.

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

SECTION 1. Legislative Findings, Intent and Purpose. The foregoing recitals are ratified as true and correct and are incorporated herein. 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 analysis of potential impacts from filling stations and associated separation requirements.

SECTION 2. Definition. For the purposes of this Ordinance, a filling station (gas station) shall be defined as, any building, structure, or plot of land used or designed to be used for the storage and retail sale of automotive fuels.

SECTION 3. Boundaries. This Ordinance shall apply to all property and land area within the jurisdictional boundary of the City of Riviera Beach.

SECTION 4. Moratorium and Direction to Staff. The City Council hereby enacts a moratorium up to six months, prohibiting the filing receiving or processing of any new application or permit for the establishment, development, or operation of a filling station to allow City staff to research this item further.

SECTION 5. Severability. 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. Repeal of laws in conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon final approval and adoption.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

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

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

APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

LYNNE L. HUBBARD
CHAIR PRO TEM

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA A. BOTEL
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

T. DAVIS _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT, CITY ATTORNEY

DATE: _____