

ORDINANCE NO. 4133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO 180 DAYS AS TO THE FILING, RECEIVING OR PROCESSING OF ANY APPLICATION OR PERMIT ASSOCIATED WITH LANDS HAVING A SPECIAL PRESERVATION FUTURE LAND USE DESIGNATION, IN WHOLE OR IN PART, INCLUDING SUBMERGED LANDS AND UPLANDS, OR LANDS DEFINED AS WETLANDS OR A WETLANDS PRESERVATION AREA WITHIN CHAPTER 23, ARTICLE III, OF THE CITY'S CODE OR ORDINANCES, IN ORDER TO REVIEW, AMEND AND DEVELOP CODES AND LAND DEVELOPMENT REGULATIONS ASSOCIATED WITH THE CITY'S COMPREHENSIVE PLAN AND THE SPECIAL PRESERVATION FUTURE LAND USE DESIGNATION, ALONG WITH CODES FOR COASTAL CONSTRUCTION AND WETLANDS PRESERVATION, IN ORDER TO PROTECT AND CONSERVE THE CITY'S NATURAL RESOURCES; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on April 17, 2019, City staff received a City Council directive to draft a moratorium associated with development of the area located west of North Ocean Drive and north of Pine Point Road, having a Special Preservation Future Land Use designation, for future City Council review and consideration, in order to better protect and conserve the City's natural resources; and

**WHEREAS**, multiple Elements, Goals, Objectives and Policies of the City's Comprehensive Plan, including but not limited to the Future Land Use Element, the Conservation Element and the Coastal Management Element, are applicable to the submerged land area and uplands located west of North Ocean Drive and north of Pine Point Road; and

**WHEREAS**, Goal 1, Objective 1.1 of the Conservation Element of the City's Comprehensive Plan states that, the City shall continue to implement, revise, maintain and adopt new codes, ordinances and regulations as necessary, to protect and conserve the City's natural resources including, Air; Beaches and shores; Fisheries; Native plant and animal communities and ecosystems; Noise level; Wetlands; Soils; Water; Wildlife and wildlife habitats; and Bottomlands; and

**WHEREAS**, Chapter 23, Article III, of the City's Code of Ordinances defines, describes and regulates wetlands preservation areas; and

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**WHEREAS**, the City Council desires to enact a moratorium for up to a 180 day period of time, prohibiting the filing receiving or processing of any application or permit associated with real property having a Special Preservation Future Land Use designation or designated as a wetlands preservation area, in order to provide City staff with time to review, amend and develop codes to further protect and conserve the City's natural resources; and

**WHEREAS**, the City Council has determined that the enactment of this moratorium in the best interest 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, businesses and stakeholders of the City.

**SECTION 2. Definition.** For the purposes of this Ordinance, Special Preservation Future Land Use shall be defined by the City's Comprehensive Plan, more specifically as provided within the Future Land Use Element and associated Future Land Use Map. The Wetlands Preservation Area shall be defined by Chapter 23, Article III, of the City's Code of Ordinances.

**SECTION 3. Boundaries.** This Ordinance applies to all lands within the City having a Special Preservation Future Land Use Designation, in whole or in part, including submerged lands and uplands, including lands located west of North Ocean Drive and north of Pine Point Road. This Ordinance also applies to all lands defined as wetlands or wetlands preservation area within Chapter 23, Article III, of the City's Code of Ordinances. The City's Future Land Use Map and the City's Wetlands Preservation Area Map have been attached hereto and made a part of this Ordinance as Exhibit 'A' and Exhibit 'B'.

**SECTION 4. Moratorium and Direction to Staff.** The City Council hereby enacts a moratorium for up to 180 days, prohibiting the filing receiving or processing of any application or permit associated with real property having a Special Preservation Future Land Use designation, solely or in part, or associated with a Wetlands Preservation Area, in order for City staff to review amend and develop codes and land development regulations, in order to better protect and conserve the City's natural resources.

**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.

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**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.

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PASSED AND APPROVED on the first reading this 15th day of May,  
2019.


PASSED AND ADOPTED on second and final reading this 5th day of June,  
2019.

APPROVED:

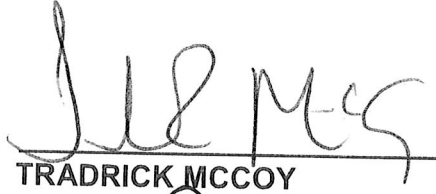
  
\_\_\_\_\_  
RONNIE L. FELDER  
MAYOR


  
\_\_\_\_\_  
KASHAMBA MILLER-ANDERSON  
CHAIRPERSON

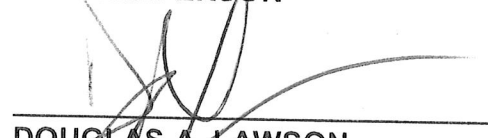
ATTEST:

  
\_\_\_\_\_  
CLAUDENE L. ANTHONY,  
CERTIFIED MUNICIPAL CLERK  
CITY CLERK

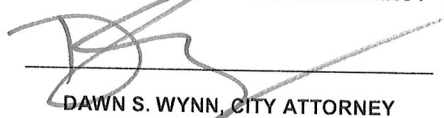
  
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JULIA A. BOTEL, Ed.D  
CHAIR PRO TEM

  
\_\_\_\_\_  
TRADRICK MCCOY  
COUNCILPERSON

  
\_\_\_\_\_  
SHIRLEY D. LANIER  
COUNCILPERSON

  
\_\_\_\_\_  
DOUGLAS A. LAWSON  
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
DAWN S. WYNN, CITY ATTORNEY

DATE: 5/17/19

1<sup>ST</sup> READING

MOTIONED BY: J. BOTEL

SECONDED BY: D. LAWSON

T. MCCOY	<u>AYE</u>
K. MILLER-ANDERSON	<u>AYE</u>
S. LANIER	<u>AYE</u>
J. BOTEL	<u>AYE</u>
D. LAWSON	<u>NAY</u>

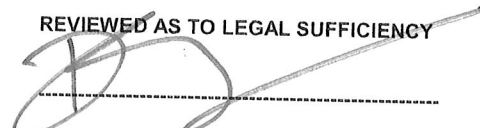
2<sup>ND</sup> & FINAL READING

MOTIONED BY: T. MCCOY

SECONDED BY: S. LANIER

T. MCCOY	<u>AYE</u>
K. MILLER-ANDERSON	<u>AYE</u>
S. LANIER	<u>AYE</u>
J. BOTEL	<u>AYE</u>
D. LAWSON	<u>AYE</u>

REVIEWED AS TO LEGAL SUFFICIENCY

  
DAWN S. WYNN, CITY ATTORNEY

DATE: 6/17/19