

**ORDINANCE NO. 4141**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING A TIME EXTENSION NOT TO EXCEED AN ADDITIONAL 180 DAYS, FROM DECEMBER 2, 2019, THE ORIGINAL EXPIRATION DATE OF THE CURRENT MORATORIUM PREVIOUSLY ENACTED BY ORDINANCE NO. 4133, FOR A TOTAL MORATORIUM TIME PERIOD NOT TO EXCEED 360 DAYS, EXPIRING ON MAY 30, 2020, 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 OF 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

**ORDINANCE 4141**  
**PAGE 2 of 5**

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

**WHEREAS**, the City Council desired to enact a moratorium 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**, on June 5, 2019, the City Council approved a Moratorium on development applications associated with lands having a Special Preservation Future Land Use Designation, and also on Submerged Lands, for up to 180 days, by adopting Ordinance No. 4133, which will expire on December 2, 2019; and

**WHEREAS**, discussion of this moratorium, including progress to date, occurred during the October 5, 2019 City Council Workshop; and

**WHEREAS**, City staff has not yet completed its work, including but not limited to updated geographic mapping of wetlands for updating of the wetlands preservation map included within Chapter 23, Article III of the City's Code of Ordinances, and is continuing its research regarding available resources documenting, mapping and/or cataloguing sensitive natural resources within the areas currently within the Special Preservation Future Land Use designation under the City's Comprehensive Plan; and

**WHEREAS**, City staff experienced significant work delays due to a citywide computer system cyber-attack; and

**WHEREAS**, City staff has requested a time extension to the active moratorium adopted by Ordinance No. 4133, not to exceed an additional 180 days, for a total time period not to exceed 360 days, which would expire on May 30, 2020; and

**WHEREAS**, the City Council has determined that extending the active time period of the moratorium adopted by Ordinance No. 4133 for an additional 180 days, for a total time period not to exceed 360 days, which would expire on May 30, 2020, is 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.

**ORDINANCE 4141**  
**PAGE 3 of 5**

**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 extends the previously enacted moratorium, adopted by Ordinance No. 4133, for up to an additional 180 days, not to exceed a total of 360 days, which would expire on May 30, 2020, 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.

**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.

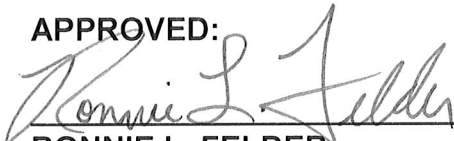
**SECTION 7. Effective Date.** This Ordinance shall take effect immediately upon final approval and adoption.


[ REMAINDER OF PAGE INTENTIONALLY BLANK ]

**PASSED AND APPROVED** on the first reading this 6<sup>th</sup> day of November, 2019.

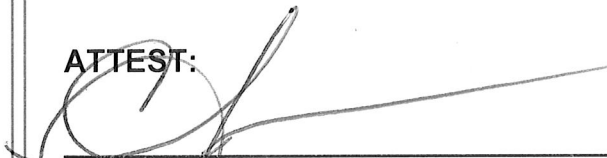
**PASSED AND ADOPTED** on second and final reading this 25th day of November,  
2019.

**APPROVED:**

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

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

**ATTEST:**

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

  
\_\_\_\_\_  
**JULIA A. BOTEL, Ed.D**  
**CHAIR PRO TEM**


**ABSENT**

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

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

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

**REVIEWED AS TO LEGAL SUFFICIENCY**

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

**DATE:** 11/8/19

ORDINANCE 4141  
PAGE 5 of 5

1<sup>ST</sup> READING

MOTIONED BY: T. MCCOY

SECONDED BY: S. LANIER

T. MCCOY AYE

K. MILLER-ANDERSON AYE

S. LANIER AYE

J. BOTEL AYE

D. LAWSON AYE

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

MOTIONED BY: J. BOTEL

SECONDED BY: D. LAWSON

T. MCCOY ABSENT

K. MILLER-ANDERSON AYE

S. LANIER AYE

J. BOTEL AYE

D. LAWSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY

*Dawn S. Wynn*

DAWN S. WYNN, CITY ATTORNEY

DATE: 11/25/19