



CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: JEFF GAGNON, ACTING DIRECTOR OF DEVELOPMENT SERVICES, MCDP, MPA, AICP AND DAWN S. WYNN, CITY ATTORNEY

SUBJECT: **ORDINANCE TOLLING AND EXTENDING THE MORATORIUM ENACTED BY ORDINANCE NO. 4133 AND EXTENDED BY ORDINANCE NO 4141 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**

DATE: APRIL 15, 2020

CC: GENERAL PUBLIC

The purpose of this Ordinance is to request authorization to toll the current Moratorium previously enacted by Ordinance No. 4133 and extended by Ordinance No. 4141 for the period remaining on the Moratorium from March 18, 2020, when the City Council declared a local State of Emergency relating to the public health emergency of COVID-19 for the duration of the emergency declaration and further extending the moratorium for 90 days in addition to the tolled period 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.

Background:

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.

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.

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 Bottomland.

Discussion of this moratorium, including progress to date, occurred during the October 5, 2019 City Council Workshop. Subsequently, City staff experienced significant work delays due to a citywide computer system cyber-attack. City staff proposed 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.

The City Council approved the abovementioned extension by Ordinance No. 4141, on November 25, 2019, resulting in a new expiration date of May 30, 2020.

However, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a State of Emergency for the State of Florida as a result of COVID-19, a global pandemic. And, on March 18, 2020, pursuant to Section 252.38, Florida Statutes, the City of Riviera Beach declared a local State of Emergency, waiving the procedures and formalities otherwise required by ordinance pertaining to expenditures, empowering the



City Manager to exercise all powers and duties to provide for the health, safety, and welfare of persons and property of the community.

Further, on March 20, 2020, Governor DeSantis issued Executive Order 20-69 suspending the requirement that a quorum be physically present or that requires the local government to meet at a specific public place; and allowing the local government body to utilize communications media technology, such as telephonic and video conferencing in order to hold the public meeting.

On April 1, 2020, Governor DeSantis issued Executive Order 20-91 mandating that all state citizens limit their movement outside of their homes to mitigate against the spread of COVID-19, which Order is effective until April 30, 2020, unless extended by subsequent Order.

The current COVID-19 pandemic and responsive federal, state, and local orders have prevented the City from proceeding with customary public hearings, which are required in order to adopt new land development regulations.

For those reasons, City staff is proposing to toll the period remaining on the Moratorium from March 18, 2020, when the City Council declared a local State of Emergency relating to the public health emergency of COVID-19 for the duration of the emergency declaration, and further extend the Moratorium for 90 days in addition to the tolled period.

Staff contends that it is in the best interest of the lives, health, safety and welfare of the City's residents and stakeholders to take this action.

Citywide Goal:

The Citywide goal is to Build Great Neighborhoods and thereby the enactment of this Ordinance will provide for sufficient time 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.

Budget/Fiscal Impact:

There is no fiscal impact of this Ordinance.



Recommendation(s):

The Office of the City Attorney in conjunction with the Department of Development Services recommends approval of this Ordinance.

Attachment(s):

1. Ordinance Tolling Moratorium
2. Exhibit A-Future Land Use Map
3. Exhibit B- Future Wetlands Preservation Map
4. Ordinance 4133
5. Ordinance 4141