

ORDINANCE NO. O-4-18

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS, AND THE ISSUANCE OF ANY TOWN PERMITS OR APPROVALS CURRENTLY OUTSTANDING AND REQUIRED FOR PENDING APPLICATIONS, FOR THE INSTALLATION OR RENOVATION OF DOCKS WITHIN THE TOWN AS SET FORTH IN CHAPTER 82. WATERWAYS. ART. III DOCKS. OF THE TOWN OF PALM BEACH SHORES CODE OF ORDINANCES; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT FOR A PERIOD OF SIX (6) MONTHS; DIRECTING TOWN STAFF TO UNDERTAKE A COMPREHENSIVE REVIEW OF THE TOWN'S EXISTING DOCK REGULATIONS WITH AN EMPHASIS ON INTERNAL CONSISTENCY AND COMPLIANCE WITH APPLICABLE STATE AND FEDERAL REQUIREMENTS AS WELL AS CURRENT BEST PRACTICES RELATED TO CONSTRUCTION AND NAVIGATION; PROVIDING FOR CONTINUATION OR TERMINATION OF SAID MORATORIUM; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach Shores' ("Town's") Code of Ordinances contains certain sections and provisions regulating the construction of docks within the Town; and

WHEREAS, the Town's dock regulations have not been updated or otherwise amended since 2008; and

WHEREAS, the construction of docks on residential and commercial property within the Town implicates both state and federal laws regulating waterways and navigable water bodies and the permitting of certain activities therein; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to review and update the Town's dock regulations to ensure internal consistency and compliance with both state and federal laws and regulations, as well as current best practices related to construction and navigation; and

WHEREAS, the Town Commission believes that a six (6) month moratorium on the acceptance of new applications and the issuance of any Town permits or approvals currently

outstanding and required for pending applications to install or renovate docks within the Town is necessary in order to maintain the status quo in the Town and simultaneously allow Town staff to conduct a comprehensive review of the Town's existing codes to determine the appropriate revisions to offer for adoption by the Town Commission, and to ensure that Town code provides for a thorough and efficient application process for applicants; and

WHEREAS, the Town Commission has determined that the enactment of this moratorium is in the best interest of the Town and is necessary in order to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: The foregoing recitals are true and correct, are hereby made a specific part of this Ordinance.

Section 2: There is hereby imposed a moratorium with respect to the acceptance of new applications, and the issuance of any Town permits or approvals currently outstanding and required for pending applications, for the installation or renovation of docks within the Town as set forth in Chapter 82. Waterways., Art. III. Docks. of the Town of Palm Beach Shores Code of Ordinances.

Section 3: During the term of the moratorium, Town staff shall conduct a comprehensive review of the Town's existing dock regulations and permitting codes to ensure internal consistency and compliance with both state and federal laws and regulations, as well as current best practices related to construction and navigation, and to ensure that Town code provides for a thorough and efficient application process for applicants.

Section 4: During the term of the moratorium, it shall be unlawful for any person or entity to install or renovate a dock on any property within the Town. Nothing contained in this ordinance shall be deemed to prevent or prohibit the acceptance and processing of new applications related to the maintenance, repair or removal of any dock installed and existing prior to the adoption of this ordinance, or the issuance of permits for the same.

Section 5: This moratorium shall remain in full force and effect for a period of six (6) months from adoption of this ordinance. This moratorium shall automatically expire at the

conclusion of said six-month period unless terminated sooner by the Town Commission at a public hearing called for such purpose. The Town Commission may, by ordinance, and upon the adoption of findings of fact justifying same, extend the term of this moratorium prior to its automatic expiration.

Section 6: Violations of this moratorium may be remedied through any means available to the Town, both in law and at equity.

Section 7: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 8: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the Town and shall thereafter be binding under this Ordinance.

FIRST READING this 18th day of June 2018.

SECOND AND FINAL READING this 16th day of July 2018.

ATTEST:


Evyonne Browning, Town Clerk


Myra Koutzen, Mayor

Approved as to form and legal sufficiency.

(Seal)


Keith Davis, Town Attorney

