

ORDINANCE NO. 3007

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM INDUSTRIAL TO UTILITY DESIGNATION FOR 6.0 ACRES LOCATED AT 100 BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 163.3187(1)(c) provides the requirements for adoption of small scale amendments to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, on May 11, 2006, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed future land use map amendment and the Board's recommendation was forwarded to the City Council; and

WHEREAS, the City Council having reviewed the proposed amendment, finds it to be consistent with the Comprehensive Plan and its policies.

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

Section 1. Pursuant to Florida Statutes, the City of Riviera Beach, Florida, Comprehensive Plan Future Land Use Map is hereby amended from Industrial to Utility designation for property located at 100 Broadway, Riviera Beach, PCN: 56-43-42-33-000-00-04-0020.

Section 2. The Director of Community Development is hereby authorized and directed to update the City's Future Land Use Map by assigning the land use designation described by the Ordinance.

Section 3. Should any word, phrase, clause, subsection, section, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

Section 4. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

Section 5. That the effective date of this small scale plan amendment shall be 31 days after adoption, or if the amendment is challenged, the effective date will not be until the State Land Planning Agency of the Administration Commission issues a final order determining that the adopted small scale amendment is in compliance.

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PAGE 3

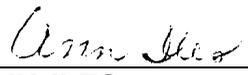
PASSED AND APPROVED on the first reading this 21st day of May -
2006

PASSED AND ADOPTED on second and final reading this 7th day of
June 2006

APPROVED:



MICHAEL D. BROWN
MAYOR

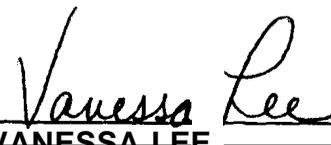


ANN ILES
CHAIRPERSON

(MUNICIPAL SEAL)
ATTEST:



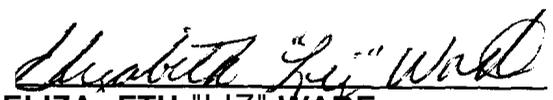
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



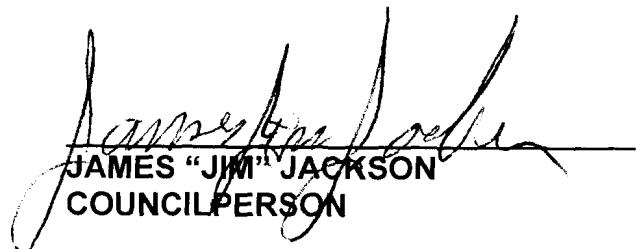
VANESSA LEE
CHAIR PRO TEM



NORMA DUNCOMBE
COUNCILPERSON



ELIZA ETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

1ST READING

MOTIONED BY: V. Lee -

SECONDED BY: N. Duncombe

A. ILES	<u>aye</u>
V. LEE	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
E. WADE	<u>aye</u>
J. JACKSON	<u>aye</u>

2ND & FINAL READING

MOTIONED BY: N. Duncombe

SECONDED BY: J. Jackson

A. ILES	<u>aye</u>
V. LEE	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
E. WADE	<u>aye</u>
J. JACKSON	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/10/06

ORDINANCE NO. 3008

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF RIVIERA BEACH FROM TRANSITIONAL LIMITED INDUSTRIAL TO UTILITY CLASSIFICATION FOR 6.0 ACRES LOACTED AT 100 BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving less than ten (10) contiguous acres; and

WHEREAS, the proposed zoning classification for the subject property is consistent with the proposed Utility Future Land Use designation; and

WHEREAS, on May 11, 2006, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed zoning map amendment, and the Board's recommendation was forwarded to the City Council.

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

Section 1. The City of Riviera Beach Zoning Map is hereby amended to assign a "Utility" zoning classification to property located at 100 Broadway, PCN: 56-43-42-33-000-00-04-0020.

Section 2. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning the zoning classification described by the Ordinance.

Section 3. Should any word, phrase, clause, subsection, section, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

Section 4. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

Section 5. That the effective date of this zoning map amendment shall be

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31 days after adoption, or if the related land use amendment is challenged, the effective date will not be until the State Land Planning Agency of the Administration Commission issues a final order determining that the related small scale amendment is in compliance.

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PAGE 3

PASSED AND APPROVED on the first reading this 21st day of May
2006

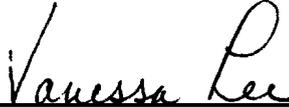
PASSED AND ADOPTED on second and final reading this 7th day of
June 2006

APPROVED:


MICHAEL D. BROWN
MAYOR

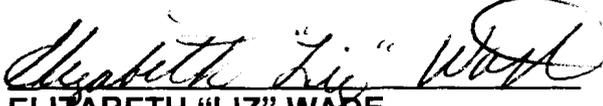

ANN ILES
CHAIRPERSON

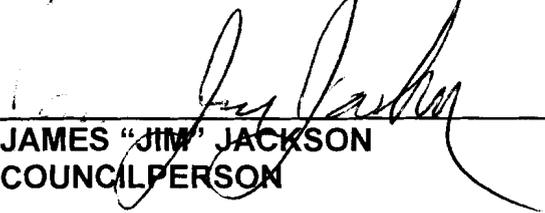
(MUNICIPAL SEAL)
ATTEST:


VANESSA LEE
CHAIR PRO TEM


CARRIE ARD,
MASTER MUNICIPAL CLERK
CITY CLERK


NORMA DUNCOMBE
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON


JAMES "JIM" JACKSON
COUNCILPERSON

1ST READING

MOTIONED BY: V. Lee

SECONDED BY: E. Wade

A. ILES aye

V. LEE aye

N. DUNCOMBE aye

E. WADE aye

J. JACKSON aye

2ND & FINAL READING

MOTIONED BY: N. Duncombe

SECONDED BY: L. Jackson

A. ILES aye

V. LEE aye

N. DUNCOMBE aye

E. WADE aye

J. JACKSON aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/10/00

ORDINANCE NO. 3009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 12 ENTITLED, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH TO CREATE A NEW ARTICLE III, TO BE ENTITLED "SEXUAL OFFENDER RESIDENCY PROHIBITION"; PROVIDING A RESIDENTIAL RESTRICTION OF 2500 FEET FOR SEXUAL OFFENDERS FOR LIMITED LOCATIONS BY CREATING NEW SECTIONS TO BE ENTITLED "FINDINGS AND INTENT"; "DEFINITIONS"; "PROHIBITIONS AND EXCEPTIONS; PENALTIES"; "RENTAL OF REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND PREDATORS PROHIBITED"; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Riviera Beach are deeply concerned about occurrence in our state and elsewhere, whereby convicted sex offenders who have been released from custody victimize children within the community where they reside; and

WHEREAS, the Mayor and the City Council acknowledge the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and

WHEREAS, the Florida Legislature has determined that sexual offenders and predators convicted of certain sexual crimes pose a real and substantial danger to children and therefore, has prohibited such sexual offenders and predators from residing within one thousand (1000) feet from certain locations where children regularly congregate, as set forth in sections 794.065 and 947.1405, Florida Statutes; and

WHEREAS, the Mayor and the City Council desire to establish a policy which protects, to an extent greater than the State statutes, the public health, safety, and welfare of its most vulnerable citizens from this threat; and

WHEREAS, Article VII, Section 2(b) of the Florida Constitution and section 166.021, Florida Statutes, grant the City authority to adopt such provisions in order to protect the health, safety, and welfare of its residents; and

WHEREAS, the 8th Circuit, United States Court of Appeals recently issued an opinion in the case of *Doe vs. Miller*, 405 F. 3d 700 (8th Cir. 2005) in which the Court upheld similar residency restrictions adopted by the State of Iowa, and found the restrictions to be valid; and

WHEREAS, Florida Statutes, sections 794.065 and 947.1405 do not contain clear language expressly preempting local government from enacting ordinances regarding unlawful places of residence for persons convicted of sex offenses, nor is the legislative scheme so pervasive as to evidence an intent to preempt the particular area, or is there such a strong public policy reason for finding such an area preempted by the Legislature as depicted in *Phantom of Clearwater, Inc. v. Pinellas County*, 894 SO.2d 1011 (Fla. 2d DCA 2005); and

WHEREAS, the Mayor and the City Council find that the creation of a Sexual Offender regulation in the City Code of Ordinances to prohibit convicted sex offenders from living within two thousand five hundred (2500) feet of specified locations in the City of Riviera Beach is in the best interest of the health, safety, and welfare of the residents and citizens of the City of Riviera Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2. That Article III of the City of Riviera Beach Code of Ordinances is hereby created and shall be entitled "Sexual Offender Residency Prohibition" to read as follows:

ARTICLE III. SEXUAL OFFENDER RESIDENCY PROHIBITION

(1) Findings and Intent

- (a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey upon children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this ordinance to serve and to protect the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

(2) Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except, where the context clearly indicates a different meaning:

Permanent residence means a place where the person abides, lodges or resides for fourteen (14) or more consecutive days.

Temporary residence means a place where the person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(3) Prohibited Location of Residence; Measurement of Distance; Penalties; Exceptions

- (a) *Prohibited Location of Residence.* It is unlawful for any person who has been convicted of a violation of Florida State Statute, sections 794.011, 800.04, 827.071 or 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to establish a permanent residence or temporary residence within 2500 feet of any school, public school bus stop, day care center, park, playground or other place where children regularly congregate.
- (b) *Measurement of Distance.* For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, designated public school bus stop, day care facility, park, playground or other place where children regularly congregate.
- (c) *Penalties.* A person who violates this section shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.
- (d) *Exceptions.* A person residing within 2500 feet of any school, designated public school bus stop, day care center, park, playground or

other place where children regularly congregate does not commit a violation of this section if any of the following apply:

- (i) The person established the permanent residence prior to the effective date of this ordinance.
- (ii) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (iii) The person is a minor.
- (iv) The school, designated public school bus stop, day care center, park or playground was opened after the person established permanent residence.

(4) Rental of Real Property to Certain Sexual Offenders and Sexual Predators

- (a) It is unlawful to rent or lease any place, structure, or part thereof, trailer or other conveyance, with or without the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Code, if such place, structure, or part thereof, trailer or other conveyance, is located within 2500 feet of any school, designated public school bus stop, day care center, park, playground or other place where children regularly congregate.
- (b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provisions and procedures as provided for in this Code of Ordinances and/or Chapter 162, Florida Statutes, including the provisions that allow the City to seek relief as otherwise provided by law.

SECTION 5. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the section of this ordinance may be renumbered to accomplish such intentions.

SECTION 6. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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SECTION 7. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 8. Specific authority is hereby granted to codify this ordinance.

SECTION 9. This ordinance shall be in full force and effect immediately upon its final passage and adoption.

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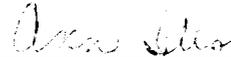
PASSED AND APPROVED on the first reading this 7TH day of JUNE 2006.

PASSED AND ADOPTED on second and final reading this 21ST day of JUNE 2006.

APPROVED:

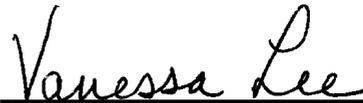


MICHAEL D. BROWN
MAYOR



ANNILES
CHAIRPERSON

(MUNICIPAL SEAL)
ATTEST:



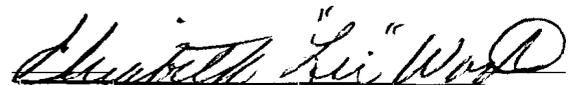
VANESSA LEE
CHAIR PRO TEM



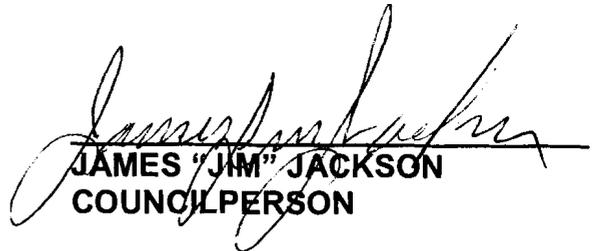
CARRIE E. ARD,
MASTER MUNICIPAL CLERK
CITY CLERK



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

ORDINANCE NO.: 3009

PAGE NO. 7

1ST READING

MOTIONED BY: V. LEE

SECONDED BY: N. DUNCOMBE

A. ILES AYE

V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

2ND & FINAL READING

MOTIONED BY: N. DUNCOMBE

SECONDED BY: E. WADE

A. ILES AYE

V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATORNEY

DATE: _____

ORDINANCE NO. 3010

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 26, ENTITLED "MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the cost of providing affordable housing has increased significantly in the past ten years due to increased land values and construction costs; and

WHEREAS, the value of bonuses achieved under the MEAHOP Ordinance that was originally developed in 1983 has increased significantly, and whereas the property values in Palm Beach County have also increased significantly; and

WHEREAS, the City has met the requirements of Florida Statutes Section 166.041 entitled "Procedures for adoption of Ordinances and Resolutions"; and

WHEREAS, on June 8, 2006, the Planning and Zoning Board held a public hearing to consider the amendment to Chapter 26 entitled "Minority Employment and Affordable Housing Opportunity Plan" of the City of Riviera Beach Code of Ordinances and voted to recommend approval to the City Council.

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

Section 1. Chapter 26, entitled "Minority Employment and Affordable Housing Opportunity Plan" of the City of Riviera Beach Code of Ordinances is hereby amended as follows: (underlined portions are added; Strike through portions are deleted)

Chapter 26. MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing unit means a unit which is sold or rented to low to moderate- income families where housing expenses shall not exceed the following:

(1) *Rental expenses* shall not exceed ~~30~~ 35 percent of the gross monthly income, adjusted for family size (range potential equals ~~\$785.00~~\$360.00 to \$1,200.00 \$540.00 per month rental).

(2) *Homeownership expense* means the price paid for the unit, which shall not exceed 2 1/2 times of the purchaser's annual income. (range equals \$36,000.00 to \$54,000.00).

An affordable unit may be either a single-family or multiple-family dwelling unit. *General contractor* means a person having the primary responsibility of causing to be erected a building or buildings on a job site or of bringing to a job site such services as sewers, water, ~~hydro~~, and drainage attendant to the erection of the buildings on the job site.

General labor means persons engaged in building activity on a job site of a nonspecific nature and, without limiting the generality of the foregoing, includes persons engaged in security, night or day watchmen, flagmen, traffic control, time-keepers, clean-up and handymen.

Job site means the land where it is proposed by the party requesting the bonus to carry on construction or servicing activities.

Minority employers means those businesses employing six or more persons, including the owner or owners and/or managerial staff from minority groups on a job site.

Minority group means persons of the Black or Hispanic race or from any racial group which has an unemployment rate in excess of the state unemployment rate for white caucasians.

Moderate-income family means those families whose gross incomes are between \$32,200.00 \$14,800.00 to \$ 51,500.00 \$21,600.00 a year, based on family of four.

Party requesting the bonus means the owner of the job site, his heirs, executors, administrators, successors and assigns.

Subtrades means those businesses, whether or not incorporated, engaged in providing supplies or services related to the construction industry by contract to a general contractor or owner of a job site.

Sec. 26-2. Purpose of plan.

The provisions of this chapter are enacted to effectuate the following purposes:

- (1) Decrease unemployment by encouraging the hiring of minorities in the construction industry, including minority businesses, skilled and nonskilled labor and professionals.
- (2) Provide a means of increasing the supply of affordable housing in this city.
- (3) Encourage revitalization of the downtown, particularly mixed use development.
- (4) Accomplish the objectives of this section through the use of a voluntary program utilizing zoning-related incentives, in various zoning districts throughout the city.

Sec. 26-3. Rationale.

(a) Solutions to unemployment and lack of affordable housing are two serious challenges facing the city and, under current fiscal constraints, the government cannot rely solely upon public programs, but must work with the private sector.

(b) The provisions of this chapter recognize that the private sector has the expertise and resources to aid the city in these areas and that the city may call upon that aid in exchange for compensation.

(c) The program is designed so that bonuses will reflect the appropriate economic incentive for the particular use or district, making it financially advantageous for the developer to use the bonus and provide employment or housing in return.

Sec. 26-4. Housing needs, potentials and goals.

(a) *Need*. The need for an increased supply of affordable housing in the city is substantiated by review of the housing market and existing supply. Three examples

are as follows For Example:

(1) As of July, 1983, the housing authority had a waiting list of two years. Many of these families would qualify at the lower income scale of the program.

~~(2)~~ The vacancy rate for the city, according to the 1980 census, indicates very few vacant units for rent or sale.

~~(3)~~ The average value of house in the county (in 2006 ~~1979~~) was \$375,000.00 ~~\$55,000.00~~. This is outside affordable range for city mainland residents, indicating the need for means to ensure city residents will be able to become homeowners.

(b) *Potentials for vacant land.* A substantial amount of vacant land is available for housing, both on a large scale and for smaller infill development. The area with the greatest potential for receiving affordable housing units is the south central planning sector, which is west of Old Dixie Highway and south of Blue Heron Boulevard. Numerous scattered single-family and small multifamily sites are located throughout the city: Table I indicates, based on the current zoning, the potential for over 2,500 units on the mainland. If the trend toward rezoning from single family to multiple family in the south central sector continues, the mix would change.

Table I
Housing Potential

TABLE INSET:

-	Type	
Area	Single Family	Multifamily Units
North central	250	500
South central	700	850
North/southeast	100	200
TOTALS	1,050	1,550

(c) *Goals:*

(1) It is the goal of the provisions of this chapter to provide sufficient affordable housing to ultimately result in the following mix of potential units:

a. *Multifamily construcUon* (1,550 units):

Public housing Ten percent or 155 units

Conventional 40 percent or 620 units

Affordable 50 percent or 775 units

b. *Single family construcUon* (1,050 units):

Conventional 50 percent or 525 units

Affordable 50 percent or 525 units

(2) Three year goals are established as follows:

a. Multifamily is 25 percent of affordable units or 200 units.

b. Single family is 25 percent of affordable units or 130 units.

Sec. 26-5. Bonuses offered.

(a) *Generally.* One of the keys to the success of a voluntary program is the bonuses offered to the developer. These bonuses must be attractive enough so that even when something is demanded in return, the developer still desires to participate and utilize the bonus.

(b) *Bonuses offered, by zoning district.* Table II lists the bonuses to be offered, by zoning district. Bonuses chosen relate to what has been determined as a financial incentive for a particular zoning district. These determinations were made based on staff experience in working with developers and site plans, and discussion with industrial and commercial developers. For example, excessive parking requirements relating to industrial uses are frequently cited by developers, so a reduction has been offered as an incentive.

Table II
Bonuses Offered
TABLE INSET:

Districts	Bonus	
RM-20, RH and RMH-20	1.	Density: 5 3 dulac (Hotel bonus per specific zoning regulation)
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
CG	1.	Height: additional 5 stories
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
IL and IG	1.	Parking reduction: no limit, based on demonstrated use
	2.	Waive one side setback
	3.	Additional lot coverage: 10 percent
	4.	CN uses as accessory use
C-PUD	1.	Density: 10 dulac
	2.	Height: additional 15 stories
	3.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
R-PUD	1.	Height: additional story (one story

I-PUD	1.	Height: additional 50 feet
	2.	Parking reduction: no limit, based on usage or alternative plan

(c) *Base requirements and bonuses.* Table III establishes the relationship of the bonus to the base regulations, indicating the ultimate requirements if a bonus is used. The base is kept at a reasonable standard, so that a developer not using an incentive can still produce a viable project, based on current building trends. However, developers with more ambitious projects will be able to build, while contributing towards the goals of this chapter.

*Table III
Base Requirements and Bonuses*

TABLE INSET:

Zoning District		Base Requirement		Bonus		Maximum Permitted With Bonus
RM-20, <u>RH</u> and RMH-20	1.	Density: 15 11 dulac (Hotel over Zoning)	1.	5-3 dulac	1.	20 dulac
	2.	Parking: 2 spaces/unit (2 bedroom)	2.	Parking reduction:	2.	Parking reduction:
			a.	20 percent of total req.; and/or	a.	20 percent of total req.; and/or
			b.	25 percent of total spaces may be compact	b.	25 percent of total spaces maybe compact
CO	1.	Height: 5 stories or 65 feet	1.	Additional 5 stories	1.	10 stories
	2.	Parking:	2.	Parking reduction:	2.	Parking reduction:

	a.	1/300 sq. ft. office	a.	20 percent of total req.; and/or	a.	20 percent of total req.; and/or
	b.	1/200 sq. ft. retail	b.	25 percent of total spaces may be compact	b.	25 percent of total spaces maybe compact
IG and III	1.	Parking:	1.	Parking reduction:	1.	Reduction in spaces or Size (no limit) based on demonstrated use or alternative plan
	a.	1/300 manufacture	a.	Number of spaces		
	b.	1/1,000 wholesale	b.	Percent compact		
	2.	Side setbacks: 15 feet	2.	Waive side setbacks one side only	2.	Elimination of one side setback requirement
	3.	Lot coverage: 45 Percent	3.	Additional 10 percent coverage	3.	55 percent lot coverage
	4.	Commercial uses prohibited	4.	CN uses to be allowed	4.	CN uses as accessory use
C-PUD	1.	Density: 15 dulac	1.	10 dulac	1.	25 dulac (50 hotel/motel)
	2.	Height: 10 stories	2.	15 stories	2.	25 stories
	3.	Parking: based on use requirements	3.	Parking reduction:	3.	Parking reduction:
			a.	20 percent of total required; and/or	a.	20 percent of total required; and/or
			b.	25 percent of total spaces may be compact	b.	25 percent of total

									spaces maybe compact
		Base	Bonus		Total				
R-PUD	1.	Height: 3 stories	1 story (one)		4 stories				
			Maximum of 2% of Site Area						
I-PUD	1.	Height: 50 feet	1. 50 feet		1.		100 feet		
	2.	Parking: based on use/sq. ft.	2. Parking reduction (no limit):		2.		Reduction in spaces or SIze (no limit)		
			a. Number of spaces				based on demonstrated use or alternative plan		
			b. Percent of compact						

(d) *Intent of bonuses.* The intent of the bonuses is not to relax zoning restrictions indiscriminately, but to allow for additional leeway upwards within the acceptable bounds of a zoning standard. For example, a developer cannot simply reduce parking by 20 percent. It must be demonstrated that the requirement is unrealistic for a particular use (i.e., based on number of employees) or that an alternative plan, such as park and ride, is available.

Sec. 26-6. Minority employment component.

(a) The purpose of this section is to encourage the developer to hire minorities in various capacities of project development, from planning to final construction. This will enable the workforce of the city, which is predominately minority, to directly benefit from the economic boom South Florida is experiencing.

(b) A zoning bonus, or bonuses, as set forth in this chapter shall be permitted where the person requesting the bonus enters into a written agreement with the city providing for the following:

- (1) The party requesting the bonus shall employ on the job site at least 20 percent of its part-time and full-time general labor on a job site from minority groups;
- (2) The party requesting the bonus enters into contracts for work or supplies to a job site with at least ten subtrades or suppliers who are minority employers; and
- (3) Where the party requesting the bonus demonstrates through an approved minority participation plan, the hiring of five minority professionals.

(c) While under the minority employment option, all three components of subsection (b) of this section must be met to qualify for a bonus.

(d) A developer desiring more than one bonus to the employment option need only satisfy the requirement once to utilize multiple bonuses.

(e) Prior to project site plan approval, the party applying for the bonus shall submit a minority participation plan for council approval, as per administrative procedures.

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Sec. 26-7. Housing contribution component.

(a) *Options.* A developer choosing the housing option will have two methods to choose from to satisfy this requirement:

- (1) Construction of affordable units; or
- (2) In lieu cash contribution to the housing trust fund.

(b) *Extent of contribution.*

(1) The amount of the housing contribution by a developer directly relates to the extent and number of bonuses used, as shown in Table IV in section 26-8; i.e., as the number of bonus units requested increases, so does the corresponding housing contribution that must be made.

(2) It is the intent of the program to encourage construction of units by developers; contribution ratios have been set accordingly.

(3) It is anticipated that the additional financial gain with incentives should not exceed the costs of participating in the program.

(c) *Construction of affordable units; option 1.*

(1) Under this option, the developer is responsible for actually constructing the units, including purchasing the land. The units may be single-family or multiple-family.

(2) Units must meet the definition of affordable housing and be sold or rented to moderate-income families.

(3) Rental units may be rented by the developer or managed by the housing authority or sold to a private party to rent as affordable units.

(4) Affordable units shall be governed by legal covenant which guarantees availability to moderate-income residents for at least five years.

(5) The principle behind the construction contribution is that, while the developer must bear the cost of buying the land and constructing the unit, his costs are recovered when it is sold. The difference between his cost and the affordable price is his profit.

(6) Under the construction option, while time and effort is involved, the developer will make a profit or break even. His contribution is the production of affordable housing adding to the supply.

(7) No certificate of occupancy shall be issued for a project utilizing bonuses, until the affordable units are complete and have received a certificate of occupancy.

(d) *In lieu contribution to housing trust fund, option 2.*

(1) Under this option, the developer chooses to contribute directly to the housing trust fund in accordance with Table IV in section 26-8.

(2) Timing of the contribution shall be one-half to be deposited in fund prior to permit remainder prior to certificate of occupancy.

Sec. 26-8. Calculating bonus contributions.

(a) *Introduction.*

(1) This section sets forth the means of translating the bonus used into the amount of contribution which is required in return, as shown in Table IV. As Table IV indicates, available bonuses include:

- a. Additional density.
- b. Reduction in number of parking spaces.
- c. Reduction in size of spaces.
- d. Additional height.
- e. Setback waiver.

- f. Lot coverage.
- g. Additional uses permitted.
 - (2) To simplify contribution calculations, the benefits of the above, varied bonuses are translated into two bonus measures: units or building square footage. The amount of housing contribution is then assessed by unit or square footage gain. (There is one exception, which is detailed in subsection (d) of this section.)
 - (3) Only the bonus increments are assessed a contribution.
 - (b) *Bonus measure: units.*
 - (1) *Where available.* Additional units may be created by density bonus in the RM-20, RH, and RMH-20 districts. Additional units may be created by density, height or parking in the C-PUD (see subsection (e) of this section.)
 - (2) *How assessed.* Contribution is assessed on the additional units possible through use of the bonus. The amount of contribution per unit will vary according to the project location, as per Table IV.
 - (c) *Bonus measure: square footage.*
 - (1) *Generally.* Bonuses of height, lot coverage, setback waiver, CN uses and parking reductions are translated into additional square footage gained for a structure, by the use of these bonuses, as detailed in this subsection.
 - (2) *Height.*
 - a. Where available. In CG, C-PUD, I-PUD, R-PUD districts.
 - b. How assessed. The available stories allowed by the bonus are translated into the additional square footage gained.
 - c. Bonus square footage is then assessed according to Table IV.
 - (3) *Lot coverage.*
 - a. Where available. IG and IL districts.
 - b. How assessed. That building square footage which exceeds the amount permitted under the base lot coverage requirements is assessed.
 - c. Example. A base 45 percent lot coverage on a certain lot allows a 15,000 square foot building. Using the bonus of increased lot coverage, a 20,000 square foot building is constructed, the additional 5,000 square feet are then used to assess contribution.
 - (4) *Setback waiver.*
 - a. Where available. IG and IL districts.
 - b. One side setback may be waived, allowing for zero lot line construction (not streetside).
 - c. How assessed. That portion of the building which encroaches into the setback is assessed in terms of the square footage which is in the base setback.
 - (5) *eN uses in industrial districts.*
 - a. Where available. IG and IL districts.
 - b. How assessed.
 - 1. Neighborhood commercial use (except as residential) permitted as subordinate use in an industrial building.
 - 2. Industrial use must comprise 75 percent or more of the building.
 - 3. Assessed by amount of square footage devoted to CN use.
 - (6) *Parking reduction in number of spaces.*
 - a. Available in:
 - 1. RM-20, RMH-20, CG, C-PUD: reduction up to 20 percent.
 - 2. IG, IL, I-PUD: no limit on reduction.
 - b. How assessed.

1. Assumption is made that a reduction in the number of spaces creates additional buildable area and thus results in a larger structure.
 2. The square footage of the building gained by the reduction in spaces is then assessed.
 - c. Example.
 1. A developer desires to build a 10,000 square foot building which would require 50 parking spaces.
 2. The developer can only supply 40 spaces (20 percent less than requirement).
 3. Under base requirements, 40 spaces would allow 8,000 square feet.
 4. The developer is able to construct 2,000 additional square feet based on bonus.
 5. This 2,000 bonus square feet of building is assessed as per Table IV.
 - d. To utilize parking spaces reduction, a developer shall demonstrate the following:
 1. Parking requirements are excessive and require substantially more spaces than are needed, as demonstrated by actual usage, etc.; or
 2. Alternative means of transportation are to be provided, such as park and ride, shuttle buses, etc.
 - e. Failure to accommodate parking demand on site or by alternative methods may result in revocation of the permit to occupy the building.
- (7) *Parking; allowance for compact spaces.*
- a. Where available. RM-20, RMH-20, CG, IL, IG, I-PUD and C-PUD districts.
 - b. Compact parking stall shall measure eight feet by 16 feet.
 - c. How assessed. As use of this bonus, by decreasing parking area and increasing buildable area, results in a larger structure, additional building square footage created shall be assessed accordingly.
 - (d) *Parking reduction.* If reduction in number or size of spaces is unrelated to an increase in size, an assessment shall be made based on either:
 - (1) Number of spaces reduced, at \$250.00 for each space eliminated; or
 - (2) Number of compact provided at \$150.00 for compact space.
 - (e) *C-PUD; special case.*
 - (1) Bonuses in the C-PUD are translated into units or square footage gains, as in the above district.
 - (2) However, due to the more complex nature of a C-PUD involving multiple uses, the means of assessment are summarized below:
 - a. If use of the bonus regarding height, density or parking reduction results in additional residential units, the unit measurement is used; i.e., for each bonus condo unit created, one affordable unit or 7,500 square feet are required.
 - b. For bonuses relating to nonresidential uses, the gain is translated into square feet in CG and the contribution is assessed per square foot at the rate in Table IV.
 - c. Special case: height. In cases where the building contains mixed uses, the bonus square footage shall be assessed at the least restrictive ratio.
 - d. Use of the parking bonus for residential uses shall not be assessed a contribution if a contribution has been received in the density category.

(f) *Bonus/contribution ratio.*

*Table IV
Bonus/Contribution Ratio*

TABLE INSET:

		Minority Employment Or Contribution		Housing Contribution (Per Bonus Increment)			
Bonus				Construction Or Cash in Lieu			
RM-20, <u>RH</u> and RMH-20 districts:							
1.	Density: <u>5.3</u> du/ac (Hotel per Zoning)	1.	Per section 26-6	1.	One AU*1bonus condo unit	1.	Ocean: <u>\$15,000/condo unit</u> <u>\$ 7,500/motel unit</u> 3.5% of sale price/value – mInImUm \$30,000
					0.5 One AU*/bonus motel! <u>Hotel</u> unit		Mainland: <u>\$10,000/condo unit</u> <u>\$ 5,000/motel unit</u> 3.5% of sale price/value – mInImUm \$30,000
2.	Parking reduction: 20 percent required spaces	2.	Per section 26-6	2.	Same as 1 above based on additional units due to parking reduction		
CC district:							
1.	Height: 5 stories	1.	Per section 26-6	1.	1 AU*/bonus 1,000 sq. ft.	1.	\$10,000/1,000 sq. ft. (\$10/sq. ft.)
2.	Parking reduction: 20	2.	Per section 26-6	2.	1 AU*11,000 sq. ft.	2.	\$10,000/11,000 sq. ft.

	percent required space						
II and IG districts:							
1.	Parking reduction	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft. (\$5/sq. ft.)
2.	Side setback waiver	2.	Not applicable	2.	Not applicable	2.	\$2/sq. ft. (area within required 15 foot setback)
3.	Lot coverage	3.	Per section 26-6	3.	0.5 AU*/1,000 bonus sq. ft.	3.	\$5,000/1,000 sq. ft.
4.	CN uses as accessory	4.	Per section 26-6	4.	1 AU*/1,000 sq. ft.	4.	\$10,000/1,000 sq. ft. bonus
C-PUD district:							
1.	Density: 10 dulac	1.	Per section 26-6	1.	1 AU*/bonus condo unit 0.5 AU 1 AU * /bonus motel unit	1.	\$7,500/condo \$3,500/motel 3.5% of sale price/value
2.	Height: 15 stories	2.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to increased height		
				B.	Nonresidential:		
					1 AU*/1,000 sq. ft.		\$10,000/1,000 sq. ft.
3.	Parking reduction: 20 percent of required spaces	3.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to parking reduction		
				B.	Nonresidential: see 2-B above		
R-PUD							
<u>1.</u>	Height: 1 story (one)	<u>1.</u>	Per Section <u>26-6</u>	1.	1 AU*/1,000 sq. ft.	Maximum <u>2% of total site area.</u>	\$3,000/1,000 sq. ft. C\$3/sq. ft.)

I-PUD district:							
1.	Height: Additional 50 feet (office and commercial)	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft.
2.	Parking reduction	2.	Per section 26-6	2.	0.5 AU*/1,000 sq. ft.	2.	\$5,000/1,000 sq. ft.
Parking reduction (No relationship to square feet):							
1.	Reduction in number of spaces	1.	Not applicable	1.	Not applicable	1.	\$250/space
2.	Reduction in size; 25 percent compact	2.	Not applicable	2.	Not applicable	2.	\$150/space

*AU = affordable unit

Sec. 26-9. Related policies and administration.

- (a) In recognition of the value of C-PUD and I-PUD projects to downtown revitalization and/or the general economy of the city, the city council shall have the authority to waive, in part, portions of the contribution amounts based upon the following:
- (1) Demonstration that the project will result in the creation of a significant number of permanent jobs for city residents.
 - (2) Demonstration that the magnitude of the project is such that satisfying the total contribution (based on cumulative assessments) would render the project infeasible.
 - (3) Long-range economic benefits to the city and downtown are substantial and should be considered in lieu of stated contributions in this chapter.
- (b) A developer of an I-PUD choosing to construct affordable units may place those units within the I-PUD, and further may construct additional housing units within the I-PUD, not to exceed 25 percent of the area.
- (c) Administrative guidelines shall be established and adopted by city council.
- (1) All bonus requests shall be approved by city council in accordance with the plan and guidelines.
 - (2) Guidelines shall include, but are not limited to:
 - a. Review procedures to be followed.
 - b. Staff personnel responsibilities.
 - c. Monitoring and enforcement.
 - d. Means to ensure mix of affordable homes across income range, and by housing type.
 - e. Guidelines as necessary to implement the goals of this chapter.

Sec. 26-10. Role of single-family and medium density multiple-family districts.

(a) It is anticipated that the affordable units produced by the developer or through the housing trust fund would be located in the RM-15 multiple family, RD-15 duplex or RS-8 single-family districts. Under the plan, bonuses are not given in these single-family or multiple-family districts. Examination of existing zoning standards for the districts indicates:

(1) Existing standards are set at a minimum level already, which allow the development of affordable housing:

a. For example, 800 square feet minimum for a house could not be categorized as an excessive requirement.

b. Minimum lot size for single-family is lower than in the county.

(2) Review of those communities which were able to offer cost-reducing incentives revealed that the codes contained requirements for enclosed garages and minimum number of bedrooms. The city Code does not contain these types of excessive standards.

(b) The types of bonuses given in the high density residential and commercial districts would not contribute to creating quality low density residential housing. Allowing increased densities in the RM-15 district would generally result in overcrowded sites, without adequate play area for children and privacy for occupants.

(c) The districts are best served by being the recipients of the units added through the housing contribution process, in keeping with existing standards.

(d) Those who choose to build affordable housing in the districts will be able to take advantage of the programs offered through the housing trust fund to help with the costs of construction, rental, home ownership, etc.

Sec. 26-11. Appendices.

The appendices to the minority employment and affordable housing opportunity plan adopted regarding certain recommendations and methods are on file in the city clerk's office.

Section 2. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 3. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

Section 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. Specific authority is hereby granted to codify this Ordinance.

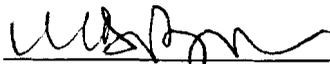
Section 6. This Ordinance shall take effect upon adoption.

ORDINANCE NO. 3010
PAGE 15

PASSED AND APPROVED on the first reading this 5 day of July
2006.

PASSED AND ADOPTED on second and final reading this 19 day of
July, 2006.

APPROVED:



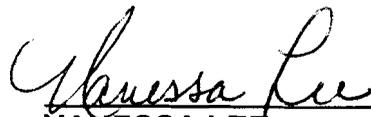
MICHAEL D. BROWN
MAYOR



ANN ILES
CHAIRPERSON

(MUNICIPAL SEAL)
ATTEST:

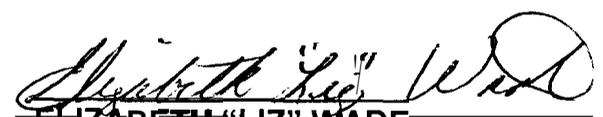




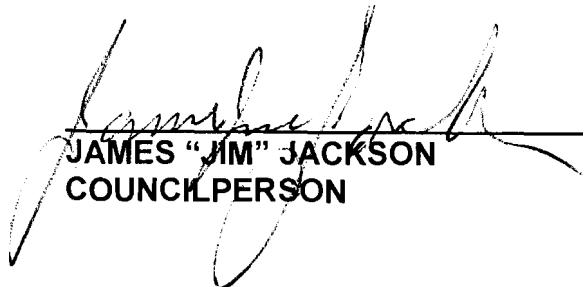
VANESSA LEE
CHAIR PRO TEM



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

ORDINANCE NO. 3010

PAGE 16

1ST READING

MOTIONED BY: Track

SECONDED BY: _____

A.ILES Aye

V.LEE Aye

N. DUNCOMBE Aye

E. WADE Aye

J. JACKSON Aye

2ND & FINAL READING

MOTIONED BY: V. Lee

SECONDED BY: N. Duncombe

A.ILES Aye

V.LEE Aye

N. DUNCOMBE Aye

E. WADE Aye

J. JACKSON Aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
 PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 6/28/06