

ORDINANCE NO. 4036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING ARTICLE V ENTITLED "PER DIEM AND TRAVEL EXPENSES" OF CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Riviera Beach Code of Ordinance Chapter 2 entitled "Administration," Article V entitled "Per Diem and Travel Expenses" has not been amended since 1999 and has been determined to be outdated; and,

**WHEREAS**, the City Council has determined that it is in the best interest of its citizens and serves a valid public purpose to repeal ordinance and replace it with a Travel Policy that can be amended from time to time; and

**WHEREAS**, the City Council approved a new Travel Policy by resolution, in resolution number 129-13, which shall become effective upon adoption of this ordinance repealing the travel ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA** as follows:

**SECTION 1.** That Article V entitled "Per Diem and Travel Expenses" of Chapter 2, entitled "Administration" of the City's Code of Ordinances, is hereby REPEALED in its entirety.

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

**SECTION 3.** 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all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

**SECTION 4.** Specific authority is hereby ~~granted to codify~~ this Ordinance.

**SECTION 5.** This Ordinance shall become effective immediately upon its final passage.

**PASSED and APPROVED** on first reading this 16<sup>TH</sup> day of OCTOBER, 2013.

**PASSED and ADOPTED** on second and final reading this 6 day of November, 2013.

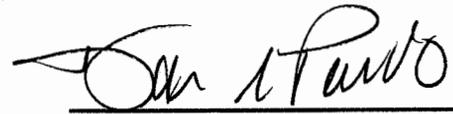
APPROVED:

  
\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

*Absent*  
\_\_\_\_\_  
CEDRICK A. THOMAS  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
DAWN S. PARDO  
CHAIR PRO TEM

  
\_\_\_\_\_  
BRUCE A. GUYTON  
COUNCILPERSON

  
\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_  
TERENCE D. DAVIS  
COUNCILPERSON

1<sup>ST</sup> READING

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

MOTIONED BY: J. DAVIS

MOTIONED BY: J. DAVIS

SECONDED BY: B. GUYTON

SECONDED BY: B. GUYTON

C. THOMAS AYE

C. THOMAS ABSENT

D. PARDO AYE

D. PARDO AYE

J. DAVIS AYE

J. DAVIS AYE

B. GUYTON AYE

B. GUYTON AYE

T. DAVIS AYE

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan  
PAMALA H. RYAN, B.C.S.  
CITY ATTORNEY

DATE: 11/6/13

ORDINANCE NO. 4037

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF AVENUE 'N', APPROXIMATELY ONE HUNDRED AND TWENTY (120) FEET IN LENGTH AND FIFTY (50) FEET IN WIDTH, TOTALING SIX THOUSAND (6,000) SQUARE FEET, AS SHOWN ON THE INLET CITY PLAT, PLAT BOOK 7 PAGES 27 & 28; LOCATED SOUTH OF SR710 (ALSO KNOWN AS DR. MARTIN LUTHER KING JR. BOULEVARD), AND NORTH OF WEST 7<sup>TH</sup> STREET IN ASSOCIATION WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION'S SR710 ROADWAY WIDENING PROJECT, IN ORDER TO ENABLE THE ESTABLISHMENT OF AN EIGHT (8) FOOT WALL ADJACENT TO PROPERTIES ALONG THE SR710 CORRIDOR PER THE REQUEST OF THE AREA RESIDENTS AND PROPERTY OWNERS; PROVIDING FOR CONFLICTS, SEVERABILITY AND RECORDING; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Department of Transportation (FDOT) is widening SR710 (A.K.A. Dr. Martin Luther King Junior Boulevard); and

**WHEREAS**, in order to widen this roadway corridor, FDOT acquired property within the City, including several residentially zoned parcels; and

**WHEREAS**, FDOT's acquisition of residential property has caused impacts to existing neighborhoods and residents, especially where backyards once abutted single family homes and are now adjacent to the expanded roadway, resulting in increased proximity to traffic noise and light pollution impacts from vehicle headlights; and

**WHEREAS**, FDOT desires to help mitigate these impacts by installing an eight (8) foot wall along the SR710 corridor from North Congress Avenue to Old Dixie Highway; and

**WHEREAS**, the residents and property owners on the south side of SR710, from Avenue 'O' to Australian Avenue, have requested that the City abandon a portion of Avenue 'N', described herein as "Exhibit A", in order to enable the construction of a continuous eight (8) foot wall throughout this section of the roadway corridor; and

**WHEREAS**, the Planning and Zoning Board recommended approval of the aforementioned abandonment to the City Council on October 24, 2013; and

**WHEREAS**, the City of Riviera Beach is in support of the abandonment of a portion of Avenue 'N', described herein as "Exhibit A", which is required to install an uninterrupted wall from Avenue 'O' to Australian Avenue.

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

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

**SECTION 2.** The portion of Avenue 'N', specifically described and shown within "Exhibit A", and described below, is hereby abandoned with the condition that a utility easement shall be created in favor of the City of Riviera Beach and the Riviera Beach Utility Special District and said easement shall exist in perpetuity dimensionally identical to the portion of right-of-way to be abandoned as described below.

**A PARCEL OF LAND IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF AVENUE "N" (HOUSTON STREET), PLAT OF INLET CITY, RECORDED IN PLAT BOOK 7, PAGE 27, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LOT 1, BLOCK 30 OF SAID PLAT; THENCE S88°00'11"E FOR 50.03 FEET TO THE NORTHWEST CORNER OF LOT 18, BLOCK 31, OF SAID PLAT; THENCE ALONG THE EAST RIGHT-OF-WAY OF SAID AVENUE "N" (HOUSTON STREET), S04°06'12"W FOR 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE N88°00'11"W FOR 50.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE WEST RIGHT-OF-WAY SAID AVENUE "N" (HOUSTON STREET), N04°06'12"E FOR 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,000 SQUARE FEET, MORE OR LESS.**

**SECTION 3.** The City finds that it is in the best interest of the health, safety and welfare of the public to abandon the property referenced herein.

**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.** 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 6.** The City Clerk of the City of Riviera Beach is hereby authorized and directed to file and record this Ordinance in the Public Records of Palm Beach County, Florida.

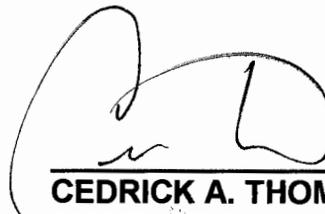
**SECTION 7.** That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

**PASSED AND APPROVED** on the first reading this 6<sup>th</sup> day of November, 2013.

**PASSED AND ADOPTED** on second and final reading this 20<sup>TH</sup> day of NOVEMBER, 2013.

**APPROVED:**

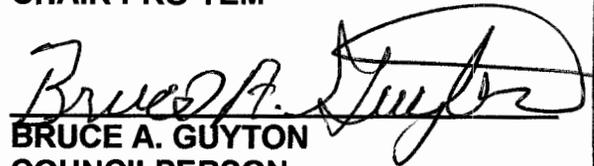
  
\_\_\_\_\_  
**THOMAS A. MASTERS**  
MAYOR

  
\_\_\_\_\_  
**CEDRICK A. THOMAS**  
CHAIRPERSON

**ATTEST:**

  
\_\_\_\_\_  
**CARRIE E. WARD**  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
**DAWN S. PARDO**  
CHAIR PRO TEM

  
\_\_\_\_\_  
**BRUCE A. GUYTON**  
COUNCILPERSON

\_\_\_\_\_  
**JUDY L. DAVIS**  
COUNCILPERSON

  
\_\_\_\_\_  
**TERENCE D. DAVIS**  
COUNCILPERSON

ORDINANCE NO. 4037  
PAGE 4 of 5

**1<sup>ST</sup> READING**

MOTIONED BY: J. Davis

SECONDED BY: B. Guyton

C. THOMAS      absent

D. PARDO        aye

B. GUYTON       aye

J. DAVIS         aye

T. DAVIS         aye

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

MOTIONED BY: D. PARDO

SECONDED BY: B. GUYTON

C. THOMAS      AYE

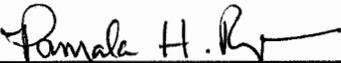
D. PARDO        AYE

B. GUYTON       AYE

J. DAVIS         ABSENT

T. DAVIS         AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
PAMALA HANNA RYAN, B.C.S.,  
CITY ATTORNEY

DATE: 11/20/13

ORDINANCE NO. 4038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REVISING THE CITY OF RIVIERA BEACH'S CODE OF ORDINANCES LAND DEVELOPMENT REGULATIONS FOR THE COMMUNITY REDEVELOPMENT AREA BY AMENDING CHAPTER 31, "ZONING", ARTICLE I, "IN GENERAL", SECTION 31-1, "DEFINITIONS" BY ADDING DEFINITIONS; AMENDING CHAPTER 31, "ZONING", ARTICLE IV, "NONCONFORMING USES" ADDING SECTION 31-80, "NONCONFORMITIES IN THE DOWNTOWN ZONING DISTRICTS"; AMENDING CHAPTER 31, "ZONING", ARTICLE V, "DISTRICT REGULATIONS", DIVISION 1, "GENERALLY", REVISING SECTION 31-96, "DESIGNATION OF DISTRICTS"; AMENDING CHAPTER 31, "ZONING", ARTICLE V, "DISTRICT REGULATIONS", DELETING DIVISION 24, "IHC INLET HARBOR CENTER OVERLAY ZONING DISTRICT" AND ADDING DIVISION 26, "DOWNTOWN ZONING DISTRICTS"; AMENDING CHAPTER 31, "ZONING", ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", REVISING SECTION 31-543, "CHURCHES"; AMENDING CHAPTER 29, "STREETS AND SIDEWALKS", ARTICLE II, "CONSTRUCTION", DIVISION 2, "STREETS", SECTION 29-65, "STREET DESIGN STANDARDS FOR THE COMMUNITY REDEVELOPMENT AREA" AND ADDING SECTION 29-66, "RELOCATION AND USE OF PUBLIC RIGHTS-OF-WAY"; AMENDING THE CITY'S ZONING MAP TO INCLUDE THE NEW DOWNTOWN ZONING DISTRICTS WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; SPECIFIC AUTHORITY IS HEREBY GIVEN TO CODIFY THIS ORDINANCE AND THE EXHIBITS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Riviera Beach Code of Ordinances controls and directs the development of land within the municipal limits of the City; and

**WHEREAS**, the City of Riviera Beach (City), the Riviera Beach Community Redevelopment Agency (CRA), and the Treasure Coast Regional Planning Council (TCRPC) entered into an Interlocal Agreement to develop new land development regulations for the Redevelopment area that specifically define how development should be planned, and how it should look, including: building placement, setbacks, height regulations and design controls; and

**WHEREAS**, TCRPC, has prepared the new land development regulations based on the previously approved Citizens Master Plan, the adopted Community Redevelopment Plan and City's Comprehensive Plan; and

**WHEREAS**, the new regulations and the changes to the City's zoning map were submitted to the City's Planning and Zoning Board which serves as the Local Planning Agency to determine if the new regulations and the changes to the City's zoning map were consistent with the adopted Riviera Beach Redevelopment Plan and the City's Comprehensive Plan; and

**WHEREAS**, on May 23, 2013 the Planning and Zoning Board found that the new regulations and zoning map changes are consistent with the Riviera Beach Redevelopment Plan and the City's Comprehensive Plan and voted to recommend approval; and

**WHEREAS**, on October 23, 2013 the CRA Board found that the new regulations and zoning map changes are consistent with Riviera Beach Redevelopment Plan and the City's Comprehensive Plan and voted to approve; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

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

**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 upon adoption hereof.

**SECTION 2.** That the City's Code of Ordinances Land Development Regulations, is amended by revising Chapter 31, "Zoning", Article I, "In General", Section 31-1, "Definitions" by adding definitions; amending Chapter 31, "Zoning", Article IV, "Nonconforming Uses" adding Section 31-80, "Nonconformities in the Downtown Zoning Districts"; amending chapter 31, "Zoning", Article V, "District Regulations", Division 1, "Generally", revising Section 31-96, "Designation of Districts"; amending Chapter 31, "Zoning", Article V, "District Regulations", deleting Division 24, "IHC Inlet Harbor Center Overlay Zoning District" and adding Division 26, "Downtown Zoning Districts"; amending Chapter 31, "Zoning", Article VI, "Supplemental District Regulations", revising Section 31-543, "Churches"; amending Chapter 29, "Streets and Sidewalks", Article II, "Construction", Division 2, "Streets", Section 29-65, "Street Design Standards for the Community Redevelopment Area" and adding Section 29-66, "Relocation and Use of Public Rights-Of-Way". Said revisions are set out in "Exhibit A".

**SECTION 3.** That the City's Zoning Map be amended to change zoning districts in the CRA to be consistent with the CRA's Redevelopment Plan and the City's Comprehensive Plan per "Exhibit B".

**SECTION 4.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**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 sections of this Ordinance may be renumbered to accomplish such intentions.

**SECTION 6.** 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 7.** Specific authority is hereby granted to codify this Ordinance and specifically "Exhibit A" and "Exhibit B".

**SECTION 8.** This ordinance shall be in full force and effect immediately upon its final passage and approval.

**PASSED AND APPROVED** on the first reading this 4th day of December 2013.

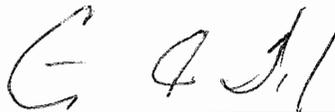
**PASSED AND ADOPTED** on second and final reading this 18TH day of DECEMBER 2013.

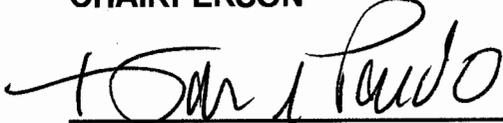
APPROVED:

  
\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

  
\_\_\_\_\_  
CEDRICK A. THOMAS  
CHAIRPERSON

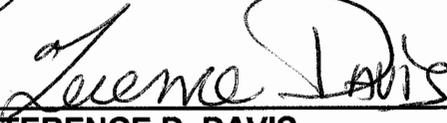
ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
DAWN S. PARDO  
CHAIR PRO TEM

  
\_\_\_\_\_  
BRUCE A. GUYTON  
COUNCILPERSON

  
\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_  
TERENCE D. DAVIS  
COUNCILPERSON

1ST READING  
MOTIONED BY: J. DAVIS  
SECONDED BY: T. DAVIS

2ND & FINAL READING  
MOTIONED BY: J. DAVIS  
SECONDED BY: T. DAVIS

B. GUYTON AYE  
J. DAVIS AYE  
C. THOMAS AYE  
D. PARDO AYE  
T. DAVIS AYE

B. GUYTON AYE  
J. DAVIS AYE  
C. THOMAS AYE  
D. PARDO AYE  
T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY  
  
\_\_\_\_\_  
PAMALA HANNA RYAN, B.C.S. CITY ATTORNEY  
DATE: 12/18/13

CERTIFICATION OF PUBLICATION

I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.



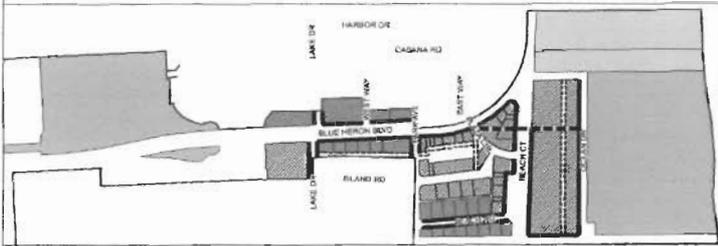
\_\_\_\_\_  
Carrie E. Ward  
Master Municipal Clerk  
City Clerk

December 18, 2013  
Date



City of Riviera Beach  
Community Redevelopment Agency  
(CRA)

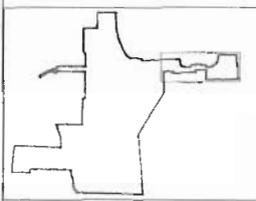
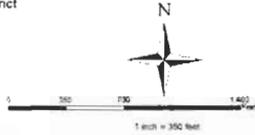
# Downtown Riviera Beach Regulating Plan



- Primary Street
- Future Primary Street
- Future Alley
- Manna Way
- Pre-Approved Redevelopment Design Area

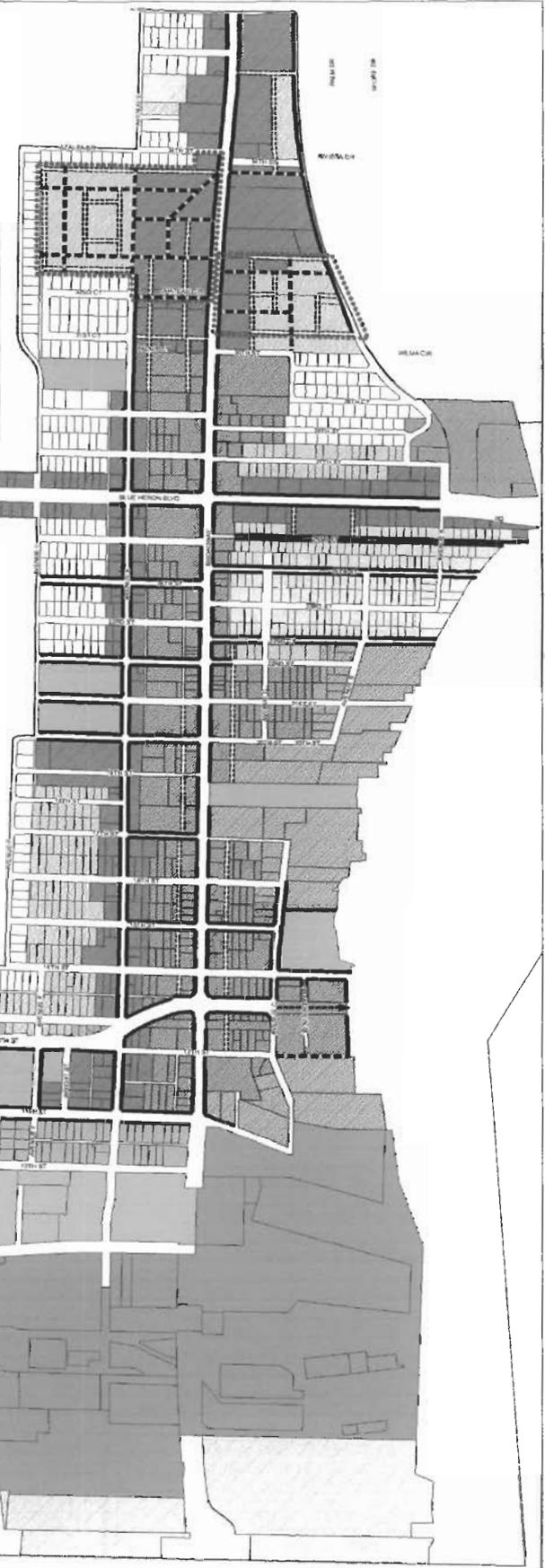
- Downtown Zoning Districts**
- DC: Downtown Core
  - DG: Downtown General
  - DR: Downtown Residential
  - DI: Downtown Industrial
  - DM: Downtown Marine

- Other Zoning Districts**
- RS-8: Single Family Dwelling District
  - RH: Resort Hotel
  - CG: General Commercial
  - IG: General Industrial District
  - CF: Community Facility District
  - IL: Limited Industrial District
  - IHC-PUD: Inlet Harbor Center
  - U: Utilities District



Map originally created: May 21, 2013  
This map is intended for reference  
and planning purposes only.

City of Riviera Beach  
Community Redevelopment Agency  
600 West Blue Heron Boulevard  
Riviera Beach, FL 33404



## Exhibit A

Amending the City's Code of Ordinances Land Development Regulations by revising Chapter 31, "Zoning", Article I, "In General", Section 31-1, "Definitions" by adding definitions; amending Chapter 31, "Zoning", Article IV, "Nonconforming Uses" adding Section 31-80, "Nonconformities in the Downtown Zoning Districts"; amending chapter 31, "Zoning", Article V, "District Regulations", Division 1, "Generally", revising Section 31-96, "Designation of Districts"; amending Chapter 31, "Zoning", Article V, "District Regulations", deleting Division 24, "IHC Inlet Harbor Center Overlay Zoning District" and adding Division 26, "Downtown Zoning Districts"; amending Chapter 31, "Zoning", Article VI, "Supplemental District Regulations", revising Section 31-543, "Churches"; amending Chapter 29, "Streets and Sidewalks", Article II, "Construction", Division 2, "Streets", Section 29-65, "Street Design Standards for the Community Redevelopment Area" and adding Section 29-66, "Relocation and Use of Public Rights-Of-Way"; by amending with additions, changes, and deletions

Revising Chapter 31, "Zoning", Article I, "In General", Section 31-1, "Definitions" by adding definitions:

*The following definitions shall be inserted alphabetically into Article I of Chapter 31 "Zoning"*

**Section 31-1. Definitions.**

**Building Façade** means an exterior building wall facing a street, path, or park.

**Building Frontage** means the percentage of the total width of a lot which is required to be building façade(s).

**Church** means an enclosed structure for public or semipublic religious worship, irrespective of denomination. For the purposes of this code, churches include synagogues, mosques, temples, etc.

**Community garden** means a defined area of land utilized collectively by a group of people to grow plant material including flowers or produce for profit or not-for-profit, including supplementary uses and structures associated with gardening and community gathering spaces.

**Expression Line** means a continuous line on a building façade expressed by a variation in material or by a cornice or molding.

**Floor Footprint** means the total indoor and outdoor footprint of a building at any given story. The 100% floor footprint is calculated by multiplying the maximum lot coverage by the overall size of the parcel. Some districts may limit the floor footprint by percentage at certain stories.

**Liner Building** means a building or part of a building constructed to shield parking, manufacturing, or industrial uses from the street that contains active uses with doors and windows opening onto the sidewalk to create an attractive, pedestrian-friendly, safe environment.

**Marina:** means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft.

**Mezzanine** means an open and unobstructed floor level (except for railings for low walls not more than 42 inches tall) within a story, not exceeding one-third of the floor area of space in which it is located.

**Professional Office** means a place used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, banks, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices, and exclude manufacturing activities.

**Retail Establishment** means a place of business providing the sale and display of goods and/or sale of services directly to customers, with goods available for immediate purchase and removal from the premises by the customer. Retail goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like. Retail services include, but are not limited to, barber shops, beauty salons, travel agencies, dry cleaning, health clubs, photo studios, funeral homes (no embalming on premises), pet care, repair establishments, and employment

offices. For the purposes of this definition, retail establishments exclude adult entertainment, weapons sales, and the sale and servicing of vehicles or watercraft with engines larger than 50 horsepower.

**Recess Line** means a continuous building setback occurring at a prescribed height.

**Streetwall** means a low wall or hedge used to screen surface parking lots from view.

**Storefront Church** means the temporary or permanent use of space in a multi-tenant commercial building for public or semipublic religious worship.

\* \* \* \* \*

Amending Chapter 31, "Zoning", Article IV, "Nonconforming Uses" adding Section 31-80, "Nonconformities in the Downtown Zoning Districts":

*Article IV "Nonconforming uses" of Chapter 31 "Zoning" is amended by adding Section 31-80, "Nonconformities in the Downtown Zoning Districts" in its entirety as follows:*

**Sec. 31-80. Nonconformities in the Downtown Zoning Districts.** To implement the 2010 Riviera Beach Community Redevelopment Plan and Citizens' Master Plan, the City of Riviera Beach established Downtown Zoning Districts and made other modifications to this code. As a result of these changes:

(a) Certain uses of buildings or land may no longer be permitted in their new zoning districts, and certain existing buildings may no longer comply with all physical standards. Such uses and/or buildings that lawfully existed prior to [date of ordinance] but which do not conform with the new provisions adopted on that date shall be deemed to be legally nonconforming and shall not be required to be altered or conform with the new regulations until redevelopment occurs. Nonconforming uses are governed by the relevant requirements of Sections 31-76 through 31-78 above. Nonconforming buildings can be repaired, altered, or enlarged, either laterally or vertically, so long as they remain otherwise lawful and the enlargement is in accordance with this code.

(b) Certain existing lots may no longer meet the minimum requirements in their new zoning districts and thus will be considered legally nonconforming lots. Legally nonconforming lots may be built upon as if they conformed to the minimum requirements. Abutting nonconforming lots may be combined to create larger dimension lots as long as such recombination includes all parts of all lots; under these conditions the new lots do not need to meet this code's minimal dimensional requirements for new lots.

\* \* \* \* \*

Amending chapter 31, "Zoning", Article V, "District Regulations", Division 1, "Generally", revising Section 31-96, "Designation of Districts":

*Article V "District Regulations" of Chapter 31 "Zoning" is amended as follows. Underlined language indicates proposed new language. Language ~~erossed-out~~ indicates language proposed to be deleted.*

## **Chapter 31 Zoning**

### **ARTICLE V. DISTRICT REGULATIONS**

#### **DIVISION 1. GENERALLY**

**Sec. 31-96. Designation of districts.** In order to classify, regulate and restrict the uses of the land and buildings; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; and to regulate the intensity of land use, the City is hereby divided into classes of districts to be known as follows:

- RS-5 single-family dwelling district
- RS-6 single-family dwelling district
- RS-8 single-family dwelling district
- RD-15 two-family dwelling district
- RML-12 low density multiple-family dwelling district
- RM-15 multifamily dwelling district
- RMH-15 multifamily/hotel district
- RM-20 high density multifamily dwelling district
- RMH-20 high density multifamily/hotel district
- OP office and professional district
- CN neighborhood commercial district
- CG general commercial district
- ~~CM marine commercial district~~
- TLI transitional limited industrial district
- ~~SLIO special light industrial office district~~
- IL limited industrial district
- IG general industrial district
- RO recreation/open space district
- CF community facility district
- U utilities district
- MH mobile home district
- PUD planned unit development district
- ~~IHC Inlet Harbor Center overlay zoning district~~
- DC downtown core district

DG downtown general district

DR downtown residential district

DI downtown industrial district

DM downtown marine district

\* \* \* \* \*

Amending Chapter 31, "Zoning", Article V, "District Regulations", deleting Division 24, "IHC Inlet Harbor Center Overlay Zoning District":

*Article V "District Regulations" of Chapter 31 "Zoning" is amended deleting Division 24 "IHC INLET HARBOR CENTER OVERLAY ZONING DISTRICT" in its entirety. Language ~~crossed-out~~ indicates language proposed to be deleted.*

**DIVISION 24. DELETED IHC INLET HARBOR CENTER OVERLAY ZONING DISTRICT**

~~Sec. 31-521. Purpose.~~

~~Sec. 31-522. Use regulations.~~

~~Sec. 31-523. Application of IHC regulations.~~

~~Sec. 31-524. Redevelopment objectives.~~

~~Sec. 31-525. Review authority and process.~~

**~~Sec. 31-521. Purpose.~~**

~~\_\_\_\_\_The purpose of the inlet harbor center overlay zoning district is to provide regulation through a process of overlay zoning which adds regulation to the existing zoning categories within the boundaries of the Inlet Harbor Center and to further control any change of land use and existing land uses and to regulate the extent and quality of change of existing land uses.~~

~~(Ord. No. 2314, § 3(l), 9-3-86)~~

**~~Sec. 31-522. Use regulations.~~**

- ~~(a) Underlying zoning district regulations. The zoning regulations for the underlying zoning districts shall apply within the Inlet Harbor Center overlay zoning district. In addition to the review procedures provided for in the underlying zoning districts, the expansion of any existing use and the redevelopment of any existing structure shall be subject to project plan review by the community redevelopment agency.~~
- ~~(b) Temporary uses allowed in underlying CG general commercial zoning districts.~~
- ~~(1) Permitted temporary uses. The temporary uses listed below may be permitted in an underlying CG general commercial zoning district within the Inlet Harbor Center overlay zoning district, subject to the conditions specified. These uses may be established for a fixed period of time, with the intent to discontinue such uses upon the expiration of the designated time period.~~
- ~~a. Amusement arcades, bingo.~~
  - ~~b. Auto or boat repair.~~
  - ~~c. Flea markets, outdoor.~~
  - ~~d. Fruit/farmers markets, outdoor.~~
  - ~~e. Kennels.~~
  - ~~f. Light manufacture, with retail component, such as awnings, upholstering, clothing, food products.~~
  - ~~g. Marine equipment repair.~~
  - ~~h. Plant nursery sales and greenhouses.~~
  - ~~i. Used auto dealerships.~~

- j. ~~Used boat sales.~~
  - k. ~~Wholesale, such as food, clothing, consumer electronics.~~
  - l. ~~Any other uses and services similar to the above, if determined jointly by the CDEC director and the community redevelopment agency director to be appropriate as temporary uses.~~
- (2) ~~Standards for approval. A temporary use may be permitted in an underlying CG general commercial zoning district upon a determination by CDEC director and CRA director that the use:~~
- a. ~~Shall not adversely affect redevelopment efforts;~~
  - b. ~~Shall serve a public purpose as it relates to stabilizing the downtown;~~
  - c. ~~Shall encourage economic activity and employment; and~~
  - d. ~~Shall result in improved appearance or use of applicable sites.~~
- (3) ~~Temporary uses in existing buildings. For temporary uses in existing buildings, the property owner shall make diligent efforts to meet current city standards of landscaping, parking and signage, as appropriate. A minimum requirement of painting, cleaning and repair of structures and site works will be determined by CDEC director.~~
- (4) ~~Temporary uses on vacant lots. For temporary uses on vacant lots, temporary structures such as trailers, market booths or canopies may be allowed. Requirements for setbacks, landscaping, parking and signage will be determined by the CDEC director.~~
- (5) ~~Temporary use permit. The property owner shall obtain a temporary use permit from the city which includes a commitment to the following:~~
- a. ~~A temporary use permit shall be valid for two years from approval, with an option for one or more one-year extensions granted jointly by the CDEC director and CRA director.~~
  - b. ~~On termination of a temporary use permit, as provided above, any future permanent uses shall comply with current zoning regulations and the development specifications of the CRA redevelopment plan.~~
  - c. ~~The CDEC director may require additional actions by the property owner to reinstate the appearance of the specific lot or building in a satisfactory manner, as appropriate.~~
- (6) ~~Temporary use review. Subsection (b) entitled temporary uses in underlying CG general commercial districts shall be reviewed after one year by the city council to determine if any adjustments or revisions are necessary.~~

(Ord. No. 2314, § 3(II), 9-3-86; Ord. No. 2623, § 1, 2-16-94)

**Sec. 31-523. Application of IHC regulations.**

- (a) ~~Existing structures and land uses. Any activity which is permitted under existing ordinances at the time of adoption of these regulations shall be allowed to make improvements within the existing structure or to make cosmetic improvements to the premises subject to project plan review by the community redevelopment agency for compliance with the Inlet Harbor Center redevelopment objectives and policies. Any property zoned single family or any improvements which are less than \$50,000.00 in value, as determined by the building official, are exempt from the requirement of project plan review, unless in the opinion of staff, such review should go to the community redevelopment agency.~~
- (b) ~~Expansion of existing land uses. No existing use shall be allowed to expand or extend its use to a new structure or on new or additional lands without project plan review and approval by the community redevelopment agency.~~
- (c) ~~Standards for change of use of existing structure or premises. If a building permit is required for the change of use of an existing structure or premises, such building permit shall not be issued prior to project plan approval by the community redevelopment agency in accordance with section 31-525(a).~~

- (d) ~~Standards for new development. All new construction shall be subject to project plan review by the community redevelopment agency and site plan or special exception review as required by the underlying zoning district.~~
- (e) ~~Hotel/motel conversions to adult congregate living facilities.~~
- (1) ~~Conversion of existing hotel/motel structures may be allowed by special exception, as a temporary use upon determination that such conversion shall not adversely affect redevelopment efforts; shall serve a public purpose as it relates to stabilizing the downtown; and shall result in improved appearance/use of such site.~~
  - (2) ~~The CO (certificate of occupancy) shall be valid for three years with an option for a two-year extension, which may be granted by the city council.~~
  - (3) ~~On termination of occupancy, as provided in subsection (2) of this section, the owner shall comply with the development specifications of the community redevelopment agency redevelopment plan for that property, for any future use.~~
  - (4) ~~The applicant shall provide for on-site management on a 24-hour basis, and be required to meet current city standards of landscaping, parking and signage, as appropriate.~~
  - (5) ~~This section is subject to approval by the state department of health and rehabilitative services.~~

(Ord. No. 2314, § 3(III), 9-3-86; Ord. No. 2561, § 2, 7-15-92)

**Sec. 31-524. Redevelopment objectives.**

—All proposed developments and redevelopments shall be found by the community redevelopment agency to substantially meet the objectives of the adopted redevelopment plan. The following objectives shall further guide the community redevelopment agency in making its decision to approve or disapprove project plans:

- (1) ~~To increase pedestrian amenities, including public amenities, in projects including public spaces, plazas, fountain areas and pedestrian-oriented street frontage.~~
- (2) ~~To expand daily hours of activities through the use in projects of restaurants, shops, residences, cultural facilities and other land uses with extended hours of service.~~
- (3) ~~To develop mixed land uses which are carefully integrated and designed.~~
- (4) ~~To encourage larger scale development utilizing land assembly with multi-storied structures when feasible, and to discourage continuing fragmentation of lot sizes.~~
- (5) ~~To expand the amount of multifamily and hotel/motel uses available.~~
- (6) ~~To provide improved public access, both physical and visual, to the waterfront area through physical and visual means, to improve the appearance of the redevelopment area.~~
- (7) ~~To contribute to uniform architectural theme by reducing the fragmented nature of existing development in the area.~~
- (8) ~~To contribute to a uniform landscape theme in addition to meeting the landscape code.~~
- (9) ~~To participate in shared parking concepts.~~
- (10) ~~To provide for all retail displays to be on the inside of the buildings for which the displays are presented and for all signs to be presented in a uniform design theme in addition to meeting the standards of the sign code.~~
- (11) ~~To provide art in public places.~~

(Ord. No. 2314, § 3(IV), 9-3-86)

**Sec. 31-525. Review authority and process.**

- (a) ~~Project plan review. All developments which require project plan approval as provided in this chapter shall be reviewed by the community redevelopment agency for general compliance with the redevelopment plan and the redevelopment objectives set forth in this chapter. The applicant shall submit preliminary project plans consisting of a site plan, floor plan, elevations where applicable, landscaping plan and parking plan. If the community redevelopment~~

agency denies project plan approval, the applicant may, within 60 days of the denial, file an appeal with the city council. The community redevelopment agency shall provide written comments to the city council ten days prior to its hearing on the appeal. The city council can reverse the community redevelopment agency's decision upon a three-fifths vote of its membership. The applicant may resubmit an application to the community redevelopment agency at any time without prejudice.

- (b) ~~Site plan and special exception review required by underlying zoning.~~
  - (1) ~~The applicant shall provide site plan packages as required by this chapter, which shall be submitted to the community redevelopment agency. The community redevelopment agency shall review the plans for general compliance with the redevelopment plan and the redevelopment objectives set forth in this chapter.~~
  - (2) ~~If the community redevelopment agency denies approval, the applicant can:~~
    - a. ~~Resubmit to community redevelopment agency at any time without prejudice.~~
    - b. ~~Appeal to city council within 60 days of the agency's denial.~~
  - (3) ~~The city council can reverse the community redevelopment agency's project plan decisions upon a three-fifths vote of its membership.~~
  - (4) ~~The community redevelopment agency shall provide written comments to the city council and the planning and zoning board ten days prior to their hearing on the applicant's petition or appeal.~~
- (c) ~~Zoning or comprehensive plan amendments. All proposed amendments to the zoning map, zoning code or comprehensive plan within the Inlet Harbor district shall be referred to the community redevelopment agency for its comments at least 30 days prior to the amendment's referral to the local planning agency. The community redevelopment agency shall provide written comments to the local planning agency ten days prior to its hearing on a matter referred to the community redevelopment agency.~~
- (d) ~~Variance reviews. The applications for variances within the IHC district shall be referred to the community redevelopment agency for comments at least 30 days prior to an application hearing before the zoning board of adjustment. The community redevelopment agency shall provide written comments to the zoning board of adjustment ten days prior to its hearing.~~

(Ord. No. 2314, § 3(V), 9-3-86)

\* \* \* \* \*

Amending Chapter 31, "Zoning", Article V, "District Regulations", adding Division 26, "Downtown Zoning Districts":

Article V "District Regulations" of Chapter 31 "Zoning" is amended by adding Division 26 "Downtown Zoning Districts" in its entirety as follows:

## **DIVISION 26. DOWNTOWN ZONING DISTRICTS**

### **Sec. 31-534. Downtown districts generally.**

- (a) *Purpose and intent.* The purpose and intent of the Downtown Districts is to guide the redevelopment of the Community Redevelopment Area of Riviera Beach and the surrounding properties into a vibrant downtown that:
- (1) Provides a variety of housing types to accommodate a diverse population;
  - (2) Establishes a "park once" environment by providing a mix of uses within a pedestrian-friendly environment;
  - (3) Maintains and enhances a continuous, inter-connected network of pedestrian- and bicycle-friendly streets that effectively links transit stations, bike paths, sidewalks, buildings, open spaces, and the waterfront;
  - (4) Provides public open space in the form of civic parks, plazas, and greens;
  - (5) Maintains and enhances public access to the waterfront; and
  - (6) Encourages investment by accommodating new development at a range of scales including individual infill buildings and large redevelopment projects.
  - (7) Maintains and improves real and perceived safety as a key component of walkability and sustainability.
- (b) *Downtown districts named.* To create the vibrant diverse character envisioned for the downtown area, five downtown zoning districts are hereby created and are being assigned to all land within the boundaries of the Community Redevelopment Area in the Downtown Mixed Use, Working Waterfront, General Industrial, High and Medium Density Multiple Family categories on the Comprehensive Plan's Future Land Use Map to carry out the 2010 Riviera Beach CRA Plan:
- (1) DC Downtown Core
  - (2) DG Downtown General
  - (3) DR Downtown Residential
  - (4) DI Downtown Industrial
  - (5) DM Downtown Marine
- (c) *Regulating plan for downtown districts.* The Downtown Riviera Beach Regulating Plan depicts the following information:
- (1) *District Boundaries.* The locations and boundaries of the downtown zoning districts shall be shown on both a map entitled "City of Riviera Beach Zoning Map" and a map entitled "Downtown Riviera Beach Regulating Plan." The Downtown Riviera Beach Regulating Plan depicts additional information necessary to apply the standards contained in this Division and is hereby officially adopted as an integral part of these regulations.
  - (2) *Primary and Secondary Streets.* Primary Streets are intended to develop overtime as superior pedestrian environments and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses. Streets not designated as Primary Streets are considered Secondary Streets,

which will accommodate service functions and vehicular-oriented development needs including parking, loading, and drive-through facilities.

- (3) *Marina Way*. Marina Way is intended to provide both visual and pedestrian connections to Lake Worth and may or may not include vehicular access. Development along Marina Way shall be held to the same standards as development on Primary Streets and is also subject to the regulations and approval process set forth in the Civic Building, Uses, and Open Space section (See 31-538).
  - (4) *Future Streets and Alleys*. Potential future streets and alleys are designated on the Regulating Plan. Future streets and alleys are desired new vehicular and/or pedestrian connections to, or extensions of, existing streets that will improve the overall transportation network. Future streets are intended to be Primary Streets; future alleys provide vehicular access to parking and other service functions located behind buildings. Future street and alley designations are not precise alignments or specific locations. The appropriateness of and final street designation, alignment and location of these intended links of the transportation network will be determined during the development review process by the Community Development Director. See § 29-65 for design standards for new streets and alleys.
  - (5) *Pre-Approved Redevelopment Design Areas*. The Regulating Plan indicates areas where this code provides pre-approved redevelopment options for mobile home/trailer park properties to create mixed-use, pedestrian-friendly environments. See § 31-540.
  - (6) *Other Zoning Districts*. For the purpose of informing appropriate transitions of scale and use, lands assigned zoning districts other than the downtown zoning districts are also shown on the Regulating Plan.
- (d) *General standards for all downtown districts*.
- (1) *Specific Standards*. Specific standards for each downtown zoning district are found in § 31-536.
  - (2) *General Standards*. General standards that apply to more than one downtown zoning district are found in § 31-535 and §§ 31-537 through 31-540.
  - (3) *Conflicts*. Where the requirements of these zoning districts conflict with other portions of this code, the requirements of these districts shall prevail; however, no development may be approved that conflicts with the Comprehensive Plan.
  - (4) *Planned Unit Developments*. New planned unit developments are not permitted within the CRA. Planned unit developments approved prior to [date of ordinance] shall be governed by their respective planned development approvals. Their boundaries may not be expanded. Any amendments to the planned development approvals must comply with the Comprehensive Plan and the relevant downtown zoning districts to the extent practicable.
- (e) *Review process for downtown districts*. The purpose of site plan review is to ascertain whether a proposed new development follows the pattern of development described in the Community Redevelopment Area (CRA) Plan and conforms to all provisions of the Riviera Beach Comprehensive Plan and this code. Except for single-family homes on existing lots, all applications for development approval within the CRA that are not otherwise permitted as nonconforming uses or structures shall comply with all requirements of this code.
- (1) *Administrative Process*. In order to facilitate redevelopment in the downtown area, certain applications may be processed administratively.

- a. Applications for changes in use, renovations to buildings, redevelopment of sites with buildings existing as of the date of this ordinance (*date*), and development in pre-approved redevelopment design areas may be processed administratively.
- b. The Community Development Director shall review plans, including the exhibits listed in § 31-534(e)(2), for completeness and compliance with the provisions of this code, including the Regulating Plan in § 31-534(c). The Community Development Director shall issue a final decision. Denials shall be in writing and shall specifically set forth the grounds for the denial. Any final decision of the Director may be appealed to the Zoning Board of Adjustment in accordance with the procedures established in this code for appeals of administrative decisions.

(2) Standard Review Process.

- a. Applications for new development on vacant or undeveloped sites, development which proposes a reduction from the minimum building frontage requirements, or any application deemed by the Community Development Director to have a significant impact to surrounding properties shall be reviewed by the Planning and Zoning Board and approved by the City Council.
  - b. Special Exceptions. Requests for Special Exceptions shall follow the review procedures and standards in §§ 31-61 and 31-62 and shall also consider any additional standards defined herein (Division 26).
  - c. Variances. Relief from certain requirements may be permitted pursuant to the process and variance standards in §§ 31-39 through 31-41 of this code.
- (3) All applications for site plan review shall be accompanied by exhibits prepared by qualified professionals, which shall include the following:
- a. A survey of existing conditions providing the following information:
    - 1. Gross land area (to the nearest one-hundredth (1/100) of an acre).
    - 2. Substantial, visual improvements (in addition to buildings) such as signs, parking structures, swimming pools, etc.
    - 3. Parking areas and number of parking spaces.
    - 4. Indication of access to a public way on land such as curb cuts and driveways, and to and from waters adjoining the surveyed tract, such as boat slips, launches, piers and docks.
  - b. In addition to any other application requirements, drawings of the proposed conditions shall be provided depicting the following:
    - 1. Vicinity map showing the property in reference to nearby streets and street intersections.
    - 2. Location of the property lines, location of existing and proposed rights-of-way, location and dimension of existing/proposed easements, water courses and other essential features.
    - 3. Indication of primary or secondary street designations for all rights-of-way and any future street or alley connections provided.
    - 4. Cross section and street design type for new and existing streets and alleys as described in § 29-65.
    - 5. Location of vehicular access to site including driveways and curbs cuts.

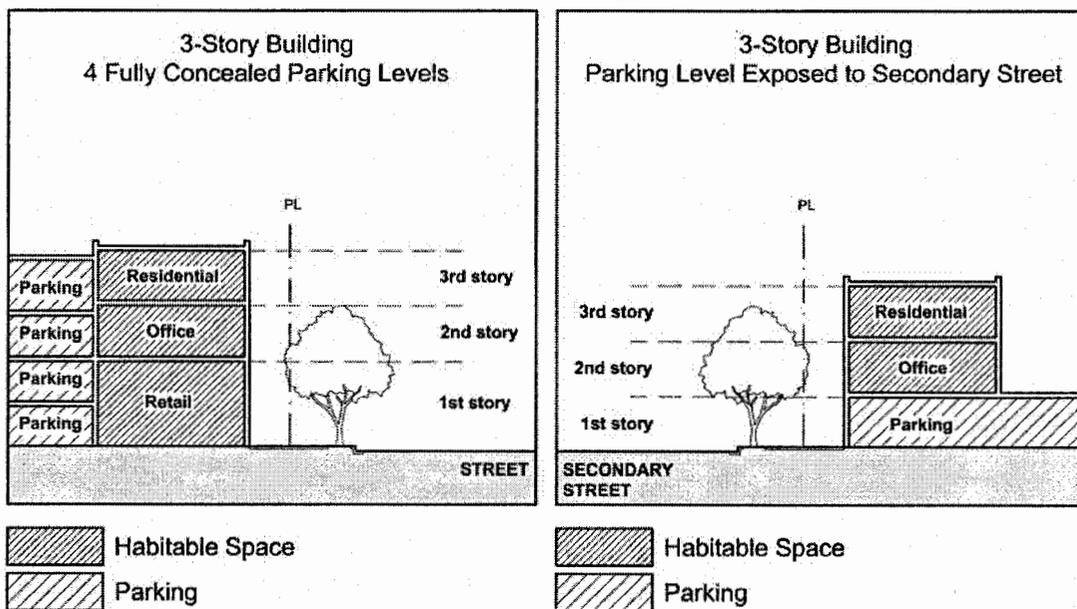
6. The outlines of all existing and proposed buildings showing setbacks, percentage of building frontage, dimensions, and points of pedestrian access.
  7. Identification and dimensions of frontage types for all primary pedestrian entrances.
  8. Building elevations and sections, showing overall building height and number of stories.
  9. Location and dimensions of all proposed signage
  10. Location and dimensions of all perimeter treatments (sidewalks, pedestrian walkways, street trees, fences, streetwalls, and/or landscaping).
  11. Location of all off-street parking, loading facilities, and waste collection areas.
  12. Schematic of drainage system.
  13. Location, type, and size (in square feet) of civic open spaces.
  14. Landscaping plans, including specifications of species, of plant material, location, and size. Lighting and landscaping plans shall be coordinated.
- c. A data table which indicates the following:
1. Future land use category and zoning district
  2. Total acres of the project
  3. Number of dwelling units
  4. Square feet of non-residential uses
  5. Parking computations as described in § 31-539
  6. Floor Area Ratio (FAR)
  7. Percentage of building frontage required and provided on Primary Streets as described in § 31-535(c).
  8. Public benefit height calculation, if applicable, as described in § 31-538(b)(7).
- d. Such other design data as may be needed to evaluate the project's compliance with the requirements of this code.

**Sec. 31-535. Building Standards for all Downtown Districts.**

- (a) *Building Height.* Unless otherwise specified herein, the height of buildings shall be measured in and regulated by the number of stories. Increasing the maximum number of stories allowed in a downtown district may not be approved as a variance. Stories are measured from the floor to the bottom of the lowest structural member that supports the story above. See Figure 31-535(2).
- (1) Stories located below grade are not counted for the purpose of measuring building height. In all districts, if this floor is elevated more than five feet above the adjacent sidewalk, the space below counts as the ground (first) story for the purposes of measuring building height.
  - (2) The ground story of commercial or mixed-use buildings shall be 10 feet to 18 feet tall.
  - (3) The ground story of residential buildings shall be from nine feet to 14 feet tall.

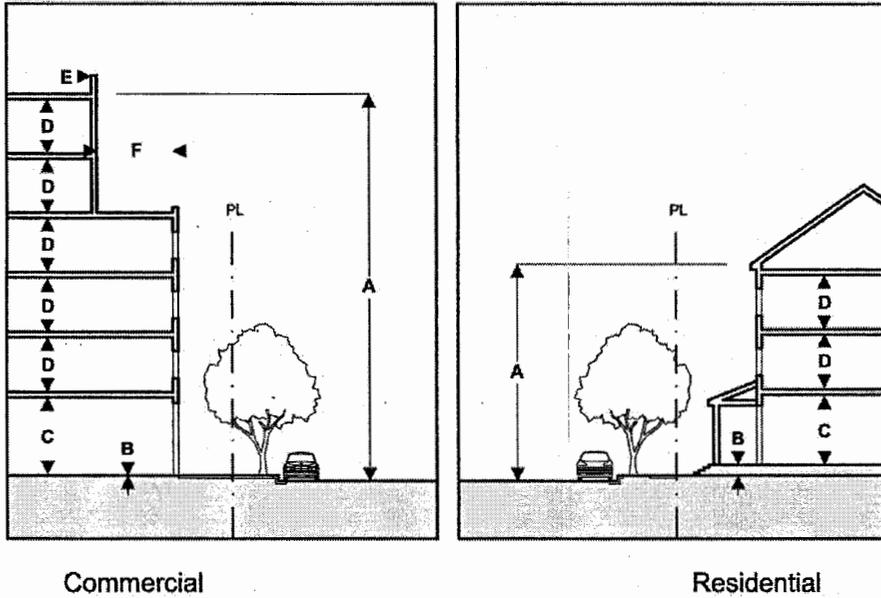
- (4) Each story above the ground story in all buildings must be from eight feet to 12 feet tall; any upper story taller than 12 feet will count as two stories for the purpose of measuring building height.
- (5) Mezzanines that exceed 15 percent of the floor area are counted as stories for the purpose of measuring height.
- (6) Each parking garage level exposed to a street or civic open space shall be counted as a story for the purposes of measuring height. Parking levels fully concealed from view by a habitable story and use are not counted as stories for the purpose of measuring height. See Figure 31-535(1).

**Figure 31-535(1)**  
**Counting Number of Stories**



- (6) Within the Downtown Core and Downtown General districts, residential units must have the floor of the first story elevated at least 18 inches above the adjacent sidewalk. Within the Downtown Residential district, residential units must have the floor of the first story elevated at least 12 inches above the adjacent sidewalk. Lobbies and common areas in multi-unit buildings may have a zero to six-inch (0" to 6") ground floor finish level.
- (7) Flat roofs shall be enclosed by parapets no less than 42 inches high, or as required to screen equipment.
- (8) Mechanical equipment necessary to the operation or maintenance of the building such as, but not limited to, elevator, stair, and mechanical penthouses, cooling towers, vent stacks and antennae shall be enclosed and screened in such a manner that the enclosure is an integral part of the overall building design and provides a balanced and graceful silhouette, and ameliorates the visual impact from adjacent buildings. Minor features not exceeding one foot in height shall be exempted from this regulation. The incorporation of green energy resources, such as photovoltaic cells, is encouraged; however, significant features, such as windmills, require approval by the Community Development Director.
- (9) Architectural features such as church spires, steeples, belfries, cupolas, or similar, non-habitable structures are not limited by story height.

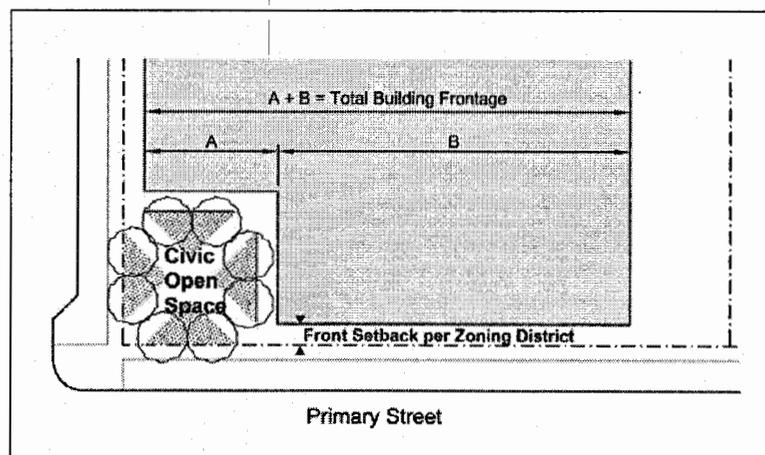
**Figure 31-535(2)**  
**Measuring Building Height**



<b>Table 31-535(a)</b> <b>Building Height</b>		
<b>A</b>	Maximum Number of Stories	Varies By District
<b>B</b>	Ground Floor Finish Level	
	Commercial Uses and Lobbies/Common Areas in multi-unit buildings in all zones	6" max.
	Residential Units	
	Downtown Core	18" min.
	Downtown General	18" min.
	Downtown Residential	12" min.
<b>C</b>	Ground Story Height	
	Commercial and Mixed-Use Buildings	10' min. / 18' max.
	Residential Buildings	9' min. / 14' max.
<b>D</b>	Upper Story Height	8' min. / 12' max.
<b>E</b>	Parapet Height	42" max.
<b>F</b>	Recess Line	Above the 4 <sup>th</sup> Story

- (b) **Building Placement.** Each district contains dimensional requirements that regulate the disposition of new buildings on lots.
- (1) Front setbacks shall be measured from the property lines coinciding with public rights-of-way, including streets, paths, and parks, or from a civic open space that meets the requirements in § 31-538(b). See Figure 31-535(3).
  - (2) In districts that allow development with no side or rear setback, the following limitations also apply:
    - a. Side and rear setbacks are required only when an abutting property has a building existing as of the effective date of this ordinance [date] with windows facing the adjoining lot line. Then, new development shall set back to provide at least 10 feet of separation between the existing and new buildings.
    - b. All light and air shafts, including those necessary per the percentage of openings on building façades, shall be provided within the lot.
    - c. In the DC Downtown Core district, buildings taller than four stories in height have additional setback requirements for the upper stories, as described in § 31-536(a).
- (c) **Building Frontage.** Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building. Each zoning districts provides minimum building frontages.
- (1) The primary façade shall be parallel to the right-of-way, located in accordance with the minimum and maximum front setback requirements of the zoning district.
  - (2) The location of the primary façade is not changed by architectural elements such as cornices, bay windows, awnings, porches, balconies, stoops, colonnades, arcades or forecourts.
  - (3) The primary façade may adjust around a Civic Open Space that meets the requirements in § 31-538(b) as shown in Figure 31-535(3).

**Figure 31-535(3)**  
**Building Frontage Requirement**



(d) *Density and Floor Area Ratio.*

(1) The maximum density of residential units shall be determined as follows:

(a) For parcels with maximum density, expressed as dwelling units per acre, set forth by the Future Land Use designation in the Riviera Beach Comprehensive Plan, the following calculation, with result rounded to the nearest whole number:

$$(\text{Parcel Size in square feet} / 43560) \times \text{Allowable Density} = \text{Maximum number of units}$$

In mixed use buildings, the maximum number of units is not reduced by floor space dedicated to other uses.

(b) For parcels with a Future Land Use designation in the Riviera Beach Comprehensive Plan that does not expressly limit density, the maximum number of residential units is limited by the overall floor area ratio allowed in the Riviera Beach Comprehensive plan and the regulations in this code that direct building form, story height, and the required number of parking spaces.

(c) Each dwelling unit must meet the minimum floor area in § 31-494(2)(d).

For downtown zoning districts, the total floor area is the sum of the areas of all floors of a structure, as measured by the exterior faces of the walls, including enclosed porches and the like. Garage space which is located below grade is not included in the computation of total floor area. Additional building square footage gained by using the Public Benefit Height Option in § Section 31-538(a)(7) is not included in the calculation of or limitation of maximum floor area ratio.

(e) *Frontage Standards.* The main entrance to every building shall be accessible directly from and face a public right-of-way or civic open space. The manner in which buildings are disposed along the street is a critical component of this code and is coordinated with the setback requirements for each district and the CRA Street Design Standards contained in § 29-65. Frontage Standards, contained in § 31-537, define architectural and design components for the entrance(s) to buildings and the area between primary façades and property lines.

(f) *Building Façade Standards.* In all downtown zoning districts, the following façade regulations apply:

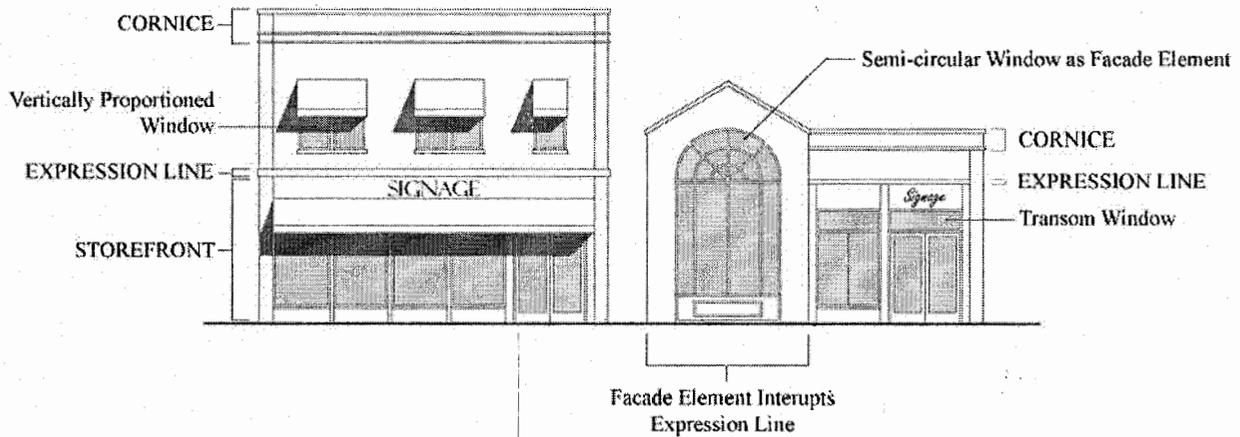
(1) Building façades facing streets or civic open spaces must have transparent windows covering between 20 percent and 75 percent of the wall area of each story as measured between finished floors. Transparent windows transmit at least 50 percent of visible daylight.

(2) Windows and doors shall be vertically proportioned. Horizontal fenestration openings can meet this requirement by using muntins to subdivide glazed areas into vertical or square areas, or by using a series of vertically proportioned windows within the opening. Transom windows may be horizontal, and circular, square, and semi-circular windows may be used as limited accent elements within the facade.

(3) All parapets shall have a cornice molding extending a minimum of two inches from the surface plane of the wall.

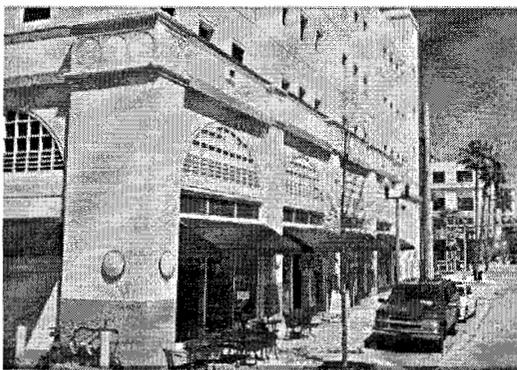
(4) When required by the district, expression lines shall be moldings extending a minimum of two inches from the surface plane of the building wall. Expression lines are intended to be continuous façade elements and may not be covered by awnings or signs. Significant architectural elements such as columns, pilasters, and towers may interrupt expression lines.

**Figure 31-535(4)**  
**Building Façade Requirements**

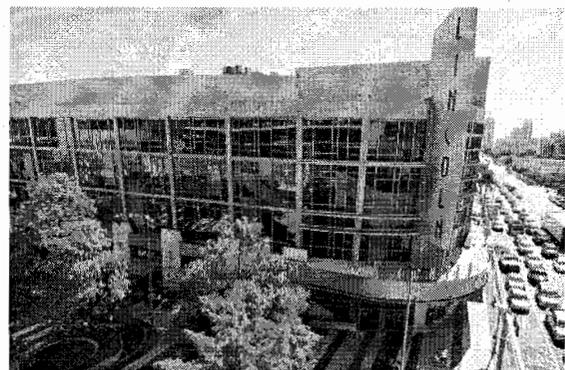


- (5) Building facades on primary streets shall be designed to visually screen uses permitted with limitations. Appropriate façade design incorporates the consistent use of materials and construction assemblies, fenestration patterns, architectural articulation, and features such as, but not limited to, the application of architectural screens, louvers, or glass, and the incorporation of vegetated surfaces and planters. Paint, faux treatments, scoring, construction joints, lighting, and material projections less than two inches are permitted, but do not fulfill the façade design requirements.

**Figure 31-535(5)**  
**Character Examples for Building Façade Screening**  
**Uses Permitted with Limitations on Primary Streets**



*The Clematis Street garage utilizes consistent building materials with fenestration patterns to establish an attractive façade screening the parking levels over the retail space.*



*The Lincoln Theater has the building circulation located along the streets, behind an architectural glass façade, screening the large expanses of blank walls within the movie theater.*

- (g) *Paint Colors.* Paint colors are regulated in the Downtown zoning districts to establish a coordinated color scheme for the downtown, to encourage a range of harmonious color options for visual variety, to encourage light colors for energy savings, and to favor colors appropriate for a tropical environment. These regulations also apply to awning colors.
- (1) The coloration of all buildings shall be with "earth tone" or pastel colors and shall be harmonious with the adjacent properties. Semi-transparent stains are recommended for application on natural wood.
  - (2) The following specific requirements also apply:
    - (a) Landowners may choose up to four colors for a single building (up to two body colors, up to two trim colors, and one accent color; these may be the same or different) and shall use at least two colors (one body color and one trim color).
    - (b) Architectural elements on the building facade, such as awnings and canopies, shall be in the same color(s) as the four chosen building colors.
    - (c) Body colors are intended for building walls, garden walls, and other primary building elements, and shall be used for no less than 70percent of the painted surface area of the building. If two shades of body color are used on a building, the transition should occur along a horizontal expression line with the lighter hue located above the darker one. Color combinations shall be complimentary to each other.
    - (d) Trim colors are intended for door frames, storefront elements, windows and window frames, railing, shutters, ornament, fences, and similar features. Trim colors shall be used for no more than 30 percent of the painted surface area of the building.
    - (e) The accent color is used to highlight special features such as doors, shutters, gates, ornament, or storefront elements. The accent color shall be used for no more than 20 percent of the painted surface of the building.
  - (3) New development shall submit colored elevations for review.

**Section 31-536. Regulations for Each Downtown Zoning District.**

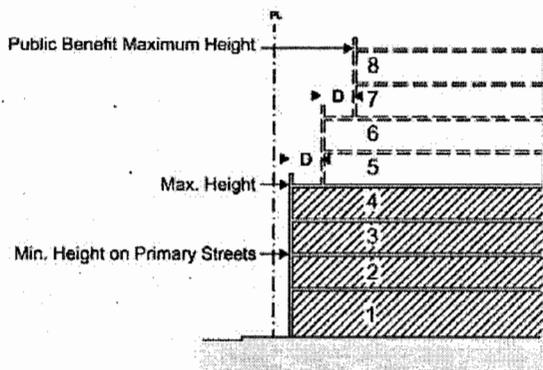
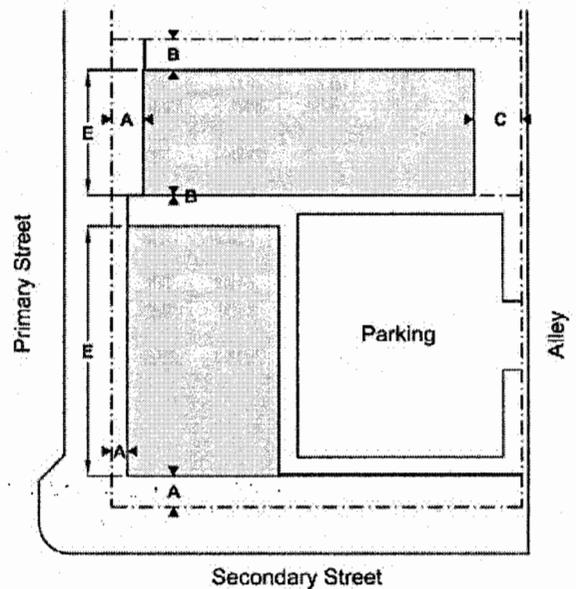
(a) *DC Downtown Core District.* The DC Downtown Core district promotes redevelopment of the commercial center of downtown Riviera Beach. The existing commercial corridor and marina area will become a vibrant, pedestrian-friendly, mixed-use district that accommodates shops, businesses, residences, marine-related, and entertainment uses.

(1) *Lot Size, Building Placement, Size, and Height.*

**Table 31-536(a)** provides the dimensional requirements regarding lot size and building placement, size, and height for the Downtown Core district. **Figure 31-536(1)** illustrates the dimensional requirements from the table.

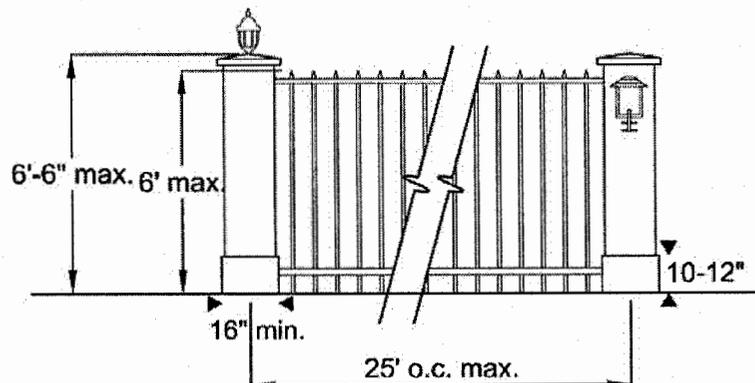
<b>Table 31-536(a)</b> <i>Downtown Core Dimensional Requirements</i>		
<b>Lot Size</b>		
Lot Width	20 feet min. / No max.	
Lot Area	2000 square feet min. / No max.	
Lot Coverage	85% max.	
<b>Building Placement</b>		
<b>A</b>	Front Setback <sup>1</sup>	
	Broadway & Blue Heron Blvd.	12 feet min.; 15 feet max.
	Primary Streets	10 feet min.; 15 feet max.
	Secondary Streets	10 feet min.
<b>B</b>	Side Setback	0 feet <sup>2</sup>
<b>C</b>	Rear Setback	10 feet min.
<b>D</b>	Recess Above 4 <sup>th</sup> & 6 <sup>th</sup> Stories	10 feet min. each
<b>E</b>	Building Frontage	75% min. on Primary Streets
<b>Building Size &amp; Height</b>		
Maximum Floor Area Ratio (FAR)	2.0	
Minimum Height	2 Stories on Primary Streets	
Maximum Height	4 Stories	
Maximum Public Benefit Height <sup>3</sup>	8 Stories	
Maximum Singer Island Height <sup>3</sup>	5-8 Stories, with Special exception	
<sup>1</sup> Side lot lines facing streets are regulated by front setback requirements. <sup>2</sup> All light and air shafts shall be provided within the lot <sup>3</sup> See § 31-535(b) <sup>3</sup> See § 31-538(a)(2)(c)		

**Figure 31-536(1)**  
*Downtown Core Building Placement & Height*



- a. Building frontage requirement. A minimum of 75 percent of the linear width of the lot along a Primary Street shall be occupied by the primary façade of a building, located in accordance with the minimum and maximum setbacks in Table 31-536(a). Secondary streets do not have a required minimum building frontage and buildings shall be located in accordance with the minimum setback in Table 31-536(a).
- b. Modification of building frontage requirement for marine uses. The minimum building frontage requirement on Primary Streets may be reduced for boat dealerships and mega-yacht facilities subject to these standards:
  1. Boat dealerships may display boats for sale, arranged in a uniformed and orderly fashion. Service and repair activities must be located within or behind a building or shall be located at least 30 feet from a Primary Street.
  2. In the absence of a building façade, a fence comprised of metal pickets with masonry piers spaced no less than 25 feet on center shall be installed along both Primary and Secondary Streets. See Figure 31-536(2). The fence shall be three feet to six feet in height, located in line with the front setback and shall have the following design features:
    - i. Fences shall be metal picket with masonry piers.
    - ii. Piers shall be masonry with smooth stucco finish, at least 16 inches wide by 14 inches deep, and may be up to six feet six inches (6'-6") in height. Piers shall have a precast, architectural grade concrete cap, sloped to shed water.
    - iii. Light fixtures shall be installed on the top of the cap or mounted to the side of the piers. Lighting fixtures shall be decorative, scaled proportionally to the pier.

**Figure 31-536(2)**  
*Fence with Masonry Piers*



3. Install on-street parking, if applicable.

**(2) Building Height and Massing Standards**

- a. On Primary Streets, the minimum building height is two stories, except for fueling stations, which may be one story in height (see § 31-536(3)).
- b. Maximum building height is four stories.

c. Public Benefit Height Option.

1. Maximum building height is six stories for projects that opt to provide additional civic open space using the Public Benefit Height Option in § 31-538(b).
2. Maximum building height is increased to eight stories for projects that opt to provide additional civic open space using the Public Benefit Height Option in § 31-538(b) and are also located in one of the following sites which, due to the prominent setting and/or proximity to large open areas, are appropriate for taller buildings:
  - (i) the east side of the intersection of Broadway and 13<sup>th</sup> Street for the purpose of creating a signature gateway entry to the marina area.
  - (ii) on the west side of Avenue C, between 12<sup>th</sup> Street and 16<sup>th</sup> Street, overlooking Bicentennial Park.
  - (iii) overlooking a new, single civic open space of at least 10,000 square feet in size, limited to the project providing the civic open space.
3. The use of the Public Benefit Height Option on properties on Singer Island requires approval of a Special Exception. In addition to the standards in §§ 31-61 and 31-62, development shall meet the following standards:
  - (i) Ocean Mall is limited to five stories in height;
  - (ii) The project shall be designed to allow views to the horizon and provide an attractive skyline;
  - (iii) The project shall harmoniously transition in mass and height to adjoining development.

e. Buildings over four stories are subject to additional requirements in order to ensure architectural articulation in the overall building massing.

1. At the top of the fourth and sixth stories, a recess line of at least 10 feet is required along at least 50 percent of building façades facing streets. Buildings built with no side or rear setbacks shall also provide recess lines of 10 feet at the top of the fourth and sixth stories along 50 percent of the building elevation facing side or rear lot lines.
2. Massing for buildings over four stories in height is regulated using a percentage of the maximum size of the floor footprint of the building per story of height. The 100 percent floor footprint is calculated by multiplying the maximum lot coverage by the overall size of the parcel. **Table 31-536(b)** depicts the maximum percentage of footprint allowed per story of height within the DC Downtown Core district:

<b>Table 31-536(b)</b>			
<i>Percentage of Floor Footprint Allowed per Story</i>			
	Story Level		
	1-4	5-6	7-8
Maximum Floor Footprint	100%	65%	35%

The arrangement of building mass is intentionally flexible to allow free design expression. However, the following massing characteristics must be evident in the building design:

- (i) The main volume of the building shall be oriented toward Primary Streets, away from side or rear lot lines to reduce impact on adjacent properties.
- (ii) Tower elements shall be located to appropriately respond to the urban condition of the specific site. Desirable tower locations emphasize street corners, main building entrances, gateways, or the visual axis of another street or civic open space.
- (iii) Massing articulation shall not wholly occur within the center of the block and must be evident on the street façade(s) using architectural variations such as changes in the number of stories, articulations in the eave or roofline, and/or adjusting the location of the front façade to accommodate a civic open space.

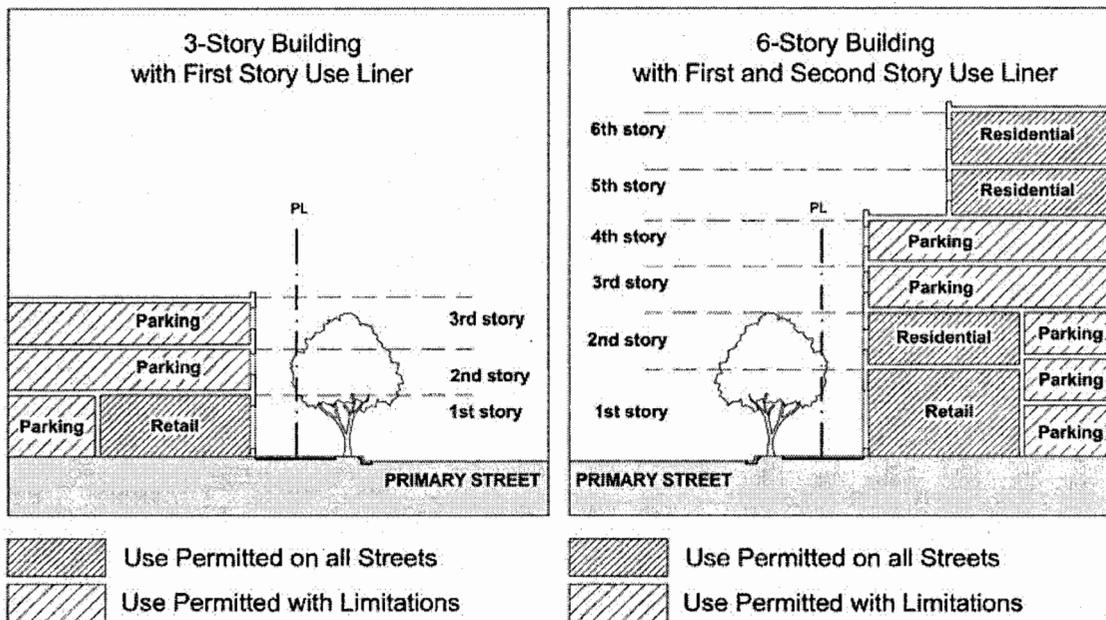
**(3) Building Use**

- a. *Uses Permitted on all Streets.* The following uses are permitted in the DC downtown core district on both Primary and Secondary Streets:
  - 1. Multifamily dwelling units.
  - 2. Professional office.
    - (i) Drive throughs serving banks shall meet the configuration criteria in § 31-536(a)(3)(c)(4) but are not required to obtain a special exception.
  - 3. Retail establishments.
    - (i) Drive throughs serving restaurants require special exception and shall meet the configuration criteria in § 31-536(a)(3)(c)(4).
  - 4. Hospitals.
  - 5. Marine-related businesses as follows:
    - (i) Retail, office, or commercial uses pertaining to marine industries, which does not involve manufacturing.
    - (ii) Show rooms and office uses for marine sales, repair, or manufacturing.
  - 6. Daycare (See § 31-544).
  - 7. Hotels/Motels.
  - 8. Nursing or convalescent homes and adult living facilities (ALF).
  - 9. Churches and their educational buildings; Storefront churches.
  - 10. Civic open space (See § 31-538).
  - 11. Community Gardens.
- b. *Uses Permitted on Secondary Streets and Permitted with Limitations on Primary Streets.*
  - 1. The following uses are permitted in the DC district on Secondary Streets. On Primary Streets, these uses are also permitted, provided they are separated from the street for at least 20 feet with a use permitted on Primary Streets within the first story of a building up to three stories tall. On Primary Streets, these uses are also permitted provided they are separated from the street for at least 20 feet with a use permitted on Primary Streets within the first two stories of a building four stories tall

or taller. Additional Building façade design requirements apply on Primary Streets (see § 31-535(f)):

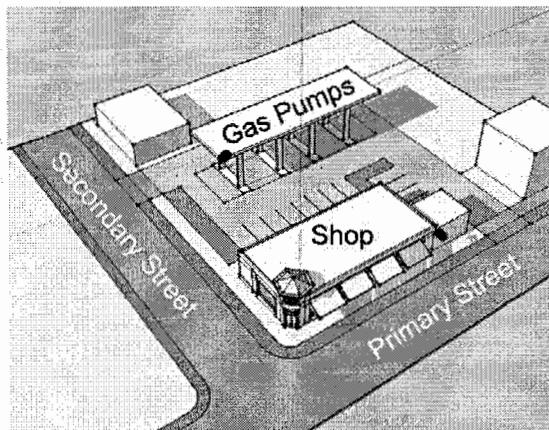
- i. Parking garages and lots (whether principle or accessory use).
  - ii. Theaters and motion picture houses.
  - iii. Boat Dealerships.
  - iv. Drive In restaurants.
  - v. Repairing and servicing facilities for marine equipment, boats, or vehicles.
2. Temporary surface parking lots in phased development projects, as approved by the Community Development Director.
  3. Boat dealerships and mega-yacht facilities are permitted on Primary Streets with reduced building frontage requirements, subject to additional standards. See § 31-536(a)(1)(b).

**Figure 31-536 (3)**  
*Primary Street Use Limitations*



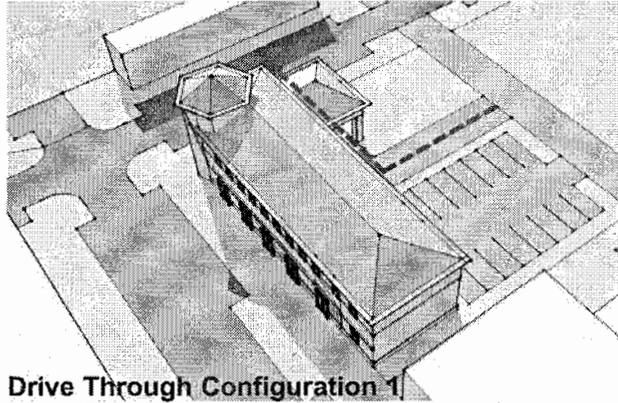
- c. *Special Exceptions*. The following uses may be permitted by special exception in the DC district:
1. Private clubs, bars, saloons, taverns, cocktail lounges, or nightclubs.
  2. Car washes.
  3. Fueling Stations. Fueling stations require approval of a Special Exception. In addition to the standards in §§ 31-61 and 31-62, development shall meet the following criteria: (i) A ground-story shop must be located along the street, with the gas pumps to the rear of the lot as illustrated in **Figure 31-536(4)**. The shop shall have the primary entrance facing and directly accessible from the street; an additional entrance facing the parking lot is permitted. Fueling Stations may be one story in height.

**Figure 31-536(4)**  
*Downtown Fueling Station*

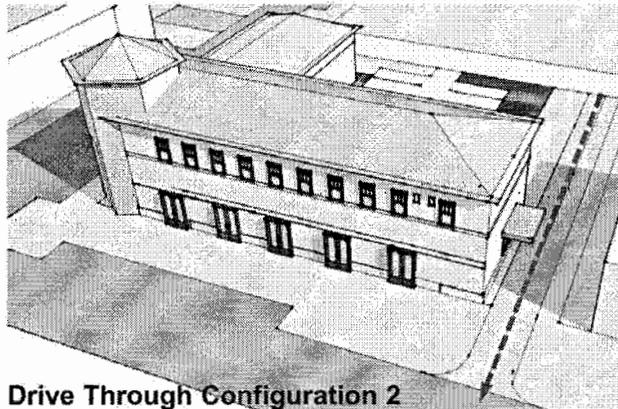


4. Drive throughs. Drive throughs require approval of a Special Exception. In addition to the standards in §§ 31-61 and 31-62, development shall meet the following criteria:
  - (i) The stacking area is accommodated along the side and/or in the rear of the lot.
  - (ii) The drive-through window shall be located either in the rear or to the side of the building, close to the frontage street. **Figure 31-536(5)** illustrates methods of incorporating drive through uses.

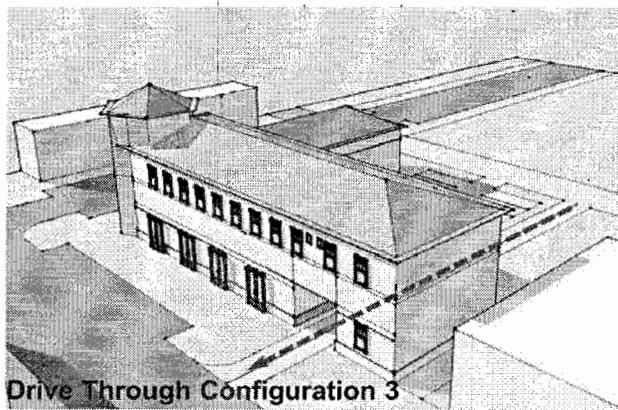
**Figure 31-536(5)**  
**Drive Through Configuration Options**



**Drive Through Configuration 1**  
*Drive through stacking occurs in the rear of the lot. Circulation is from the alley, exiting to a secondary street.*



**Drive Through Configuration 2**  
*Circulation and stacking occurs along the side of the building. Cars enter from the alley and exiting on to the Primary Street.*



**Drive Through Configuration 3**  
*Circulation and stacking travel through the building. Cars enter from the rear of the lot and exit to the Primary Street.*

**(4) Frontage Standards**

- a. The front setback and side setbacks facing streets shall be hardscaped. The hardscape design shall have the following characteristics:
  1. Street trees shall be installed as set forth in § 31-537(c), consistent with the appropriate street design in § 29-65.
  2. A pedestrian walkway shall be accommodated as set forth in § 31-537(b).
  3. Any setback area not needed to accommodate a pedestrian walkway may be landscaped using potted plants in removable planters or ground planting that does not obstruct views into storefront windows, and may also be used to accommodate merchandise displays or outdoor dining areas.
- b. The main entrance(s) to ground story commercial space(s) shall be directly from and face a public right-of-way or civic open space. Doors allowing public access shall occur at intervals no greater than 75 feet.
- c. Building entrances shall use at least one of the following frontage types detailed in § 31-537(a):
  1. Stoop
  2. Forecourt
  3. Bracketed Balcony
  4. Storefront
  5. Arcade/ Colonnade
- d. Buildings with more than 250 feet of street frontage shall provide a pedestrian accessway at least 10 feet wide connecting the rear parking to the sidewalk area or establishing a cross-block connection.

**(5) Architectural Standards**

- a. An expression line shall be provided at the top of the first story.
  - b. Buildings taller than four stories shall design and compose building elevations facing side property line(s) as building façades. Prominent side building elevations are most likely to occur on large properties, capable of accommodating taller buildings with structured parking solutions. In order to ensure compatibility with adjacent smaller-scaled structures, the building elevation of the stories of the fifth story and higher shall provide a minimum façade transparency of 15 percent.
  - c. In the absence of a building façade, a streetwall is required along both Primary and Secondary Streets. Streetwalls shall be three feet to three feet six inches (3'-6") in height, located in line with the building façade or the front setback. Streetwalls shall be composed of either an opaque wall using the same material and color as the building or of a continuous, maintained hedge. See § 31-536(a)(1)(b) for fence standards for marine uses. In addition, one shade tree per 20 lineal feet, uniformly spaced, shall be installed along the length the streetwall.
  - d. An opaque, masonry wall six feet in height shall be built on the property line along all side and rear lot lines that abut single-family houses existing as of the date of this ordinance (*date*) or lots in a residential zoning district. In addition one tree shall be planted every 20 feet along the wall.
- (6) Other applicable Standards.** See § 31-535 and §§ 31-537 through 31-540 for general standards that also apply to the DC district.

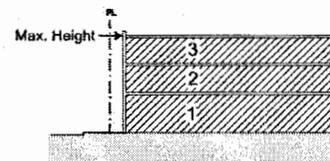
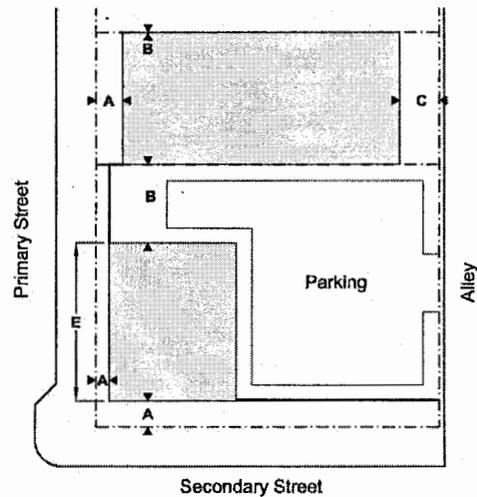
(b) *DG Downtown General*. The DG downtown general district promotes the redevelopment of the Avenue E corridor and adjacent areas into a mixed-use, pedestrian-friendly environment. Diverse housing options as well as commercial establishments serving the downtown population are permitted of a scale and intensity compatible with the adjacent residential neighborhoods.

(1) *Lot Size, Building Placement, Size, and Height*.

a. **Table 31-536(c)** provides the dimensional requirements regarding lot size, building placement, size, and height for the DG district. **Figure 31-536(3)** illustrates the dimensional requirements from the table.

<b>Table 31-536(c)</b> <i>Downtown General</i> <i>Dimensional Requirements</i>		
<b>Lot Size</b>		
Lot Width	20 feet min. / No max.	
Lot Area	2000 square feet min. / No max.	
Lot Coverage	80% max.	
<b>Building Placement</b>		
<b>A</b>	Front Setback <sup>1</sup>	
	Primary Street	10 feet min.; 15 feet max.
	Secondary Street	10 feet min.
<b>B</b>	Side Setback	0 feet <sup>2</sup>
<b>C</b>	Rear Setback	10 feet min.
<b>D</b>	Building Frontage	65% min. on Primary Streets
<b>Building Size &amp; Height</b>		
Maximum Floor Area Ratio (FAR)	2.0	
Maximum Height	3 Stories	
<sup>1</sup> Side lot lines facing streets are regulated by the front setback requirements		
<sup>2</sup> All light and air shafts shall be provided within the lot. See § 31-535(b).		

**Figure 31-536(3)**  
*Downtown General*  
*Building Placement & Height*



b. The building types defined in the Downtown Residential district (DR) (See § 31-536(c)) may be used alternatively to regulate lot size, building placement, size, and height for residential development.

(2) *Use regulations.*

- a. Uses permitted. The following uses are permitted by right in the DG district, except that on Primary Streets, parking (whether principle or accessory use) shall be separated from the street for at least 20 feet:
  1. Residential
  2. Professional office, except drive throughs are not permitted.
  3. Retail establishments, except drive throughs are not permitted.
  4. Daycare (See § 31-544).
  5. Nursing or convalescent homes and adult living facilities (ALF).
  6. Churches and their educational buildings; Storefront churches.
  7. Civic open spaces (See § 31-538).
  8. Community Gardens.

(3) *Frontage Standards.*

- a. The front setback and side setbacks facing streets shall be hardscaped. The hardscape design shall have the following characteristics:
  1. Street trees shall be installed as set forth in § 31-537(c), consistent with the appropriate street design in § 29-65.
  2. A pedestrian walkway shall be accommodated as set forth in § 31-537(b).
  3. Any setback area not used to accommodate a pedestrian walkway, may be landscaped adjacent to the building using potted plants in removable planters or ground planting that does not obstruct views into storefront windows, and may also be used to accommodate merchandise displays or outdoor dining areas.
- b. The main entrance(s) to ground story commercial space(s) shall be directly from and face a public right-of-way or civic open space. Doors allowing public access shall occur at intervals no greater than 75 feet.
- c. Building entrances shall use at least one of the following frontage types detailed in § 31-537(a):
  1. Stoop
  2. Forecourt
  3. Bracketed Balcony
  4. Storefront
  5. Arcade/ Colonnade
- d. Buildings with more than 250 feet of street frontage shall provide a pedestrian accessway at least 10 feet wide connecting the rear parking to the sidewalk area or establishing a cross-block connection.

(4) *Architectural Standards*

- a. An expression line shall be provided at the top of the first story.
- b. In the absence of a building façade, a streetwall is required along both Primary and Secondary Streets. Streetwalls shall be three feet to three feet six inches in height, located in line with the building façade or the front setback. Streetwalls shall be composed of either an opaque wall using the same material and color as the building or

of a continuous, maintained hedge. In addition, one shade tree per 20 lineal feet, uniformly spaced, shall be installed along the length the streetwall.

- c. An opaque, masonry wall six feet in height shall be built on the property line along all side and rear lot lines that abut single-family houses existing as of the date of this ordinance (date) or lots in residential zoning district. In addition, one shade tree per 20 lineal feet, uniformly spaced, shall be installed along the length the wall.

(5) *Other applicable Standards.* See §31-535 and §§ 31-537 through 31-540 for general standards that also apply to the DG district.

(c) *DR Downtown Residential District.* The DR downtown residential district promotes infill and redevelopment of existing downtown residential neighborhoods. New residential uses will enhance and respect the existing neighborhood fabric and accommodate diverse housing options including apartments and townhouses in a manner that is compatible with single-family houses.

(1) *Building Types.* This district anticipates a mix of single and multi-family buildings. In order to ensure compatibility, new development shall be in form of one of the following building types:

- a. *House.* A single-family detached building with front, side and rear yards.
- b. *Townhouse.* A single-family attached building, attached on at least one side with a private rear yard.
- c. *Apartment House.* A detached building resembling a large house, but containing multiple dwellings above and/or beside each other.
- d. *Courtyard Building.* A building designed to accommodate multiple dwellings above and beside each other, arranged around a central garden or patio that is partially or wholly open to the street.

(2) *Lot Size, Building Placement and Height.*

- a. **Table 31-536(d)** provides the dimensional requirements for lot size, building placement, frontage, and height for each of the allowable building types in the DR district.

<b>Table 31-536(d)</b> <i>Downtown Residential District - Dimensional Requirements for Lot Size &amp; Building Placement</i>								
Building Type	Lot Size			Building Placement (feet)				Building Height in Stories (min/max)
	Lot Width <sup>1</sup> (min / max in feet)	Lot Area <sup>1</sup> (min / max in sf.)	Lot Coverage (max)	A	B	C	D	
				Front Setback <sup>2</sup> (min/max)	Side Setback (min)	Rear Setback (min)	Building Frontage Percentage (min / max)	
House	40 / 70	4,000 / 8,400	60%	12 / 25	5	20	40% - 70%	1 / 3
Townhouse	20 / 36	1800 / 4000	70%	12 / 25	0 <sup>1,3</sup>	20	80% - 100%	2 / 3
Apartment House	50 / 120	4,800 / 15,000	70%	12 / 25	5	20	70% - 80%	2 / 3
Courtyard Building <sup>4</sup>	120 / 320	12,500 / No max.	70%	12 / 25	5	20	50% - 90%	1 / 3

<sup>1</sup> These sizes reflect a fee-simple arrangement. In a condominium development, the lot sizes should be illustrated on the site plan, though not necessarily platted.

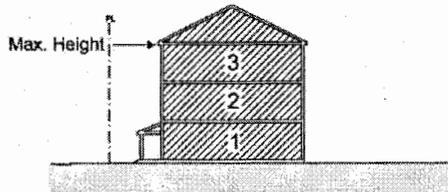
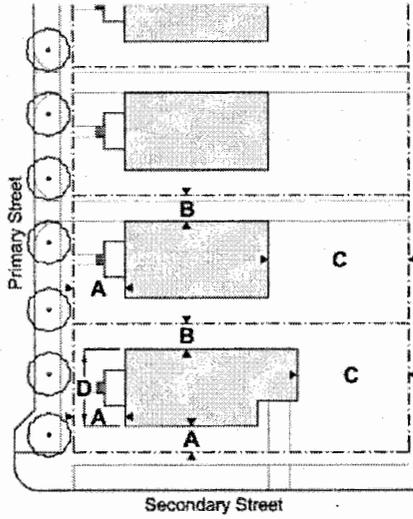
<sup>2</sup> Corner lots must meet front setbacks on both streets. Front setbacks on infill lots shall either match the front setback of one of the adjacent buildings or shall be located between the setbacks.

<sup>3</sup> See § 31-535(b).

<sup>4</sup> See §31-536(c)(2)(c) for dimensional criteria for the courtyard

Figure 31-536(4)

*House*



*House Character Examples*

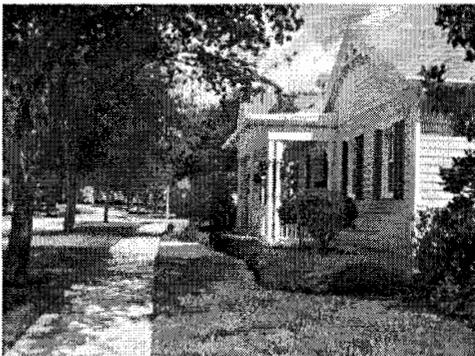
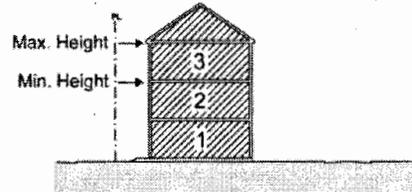
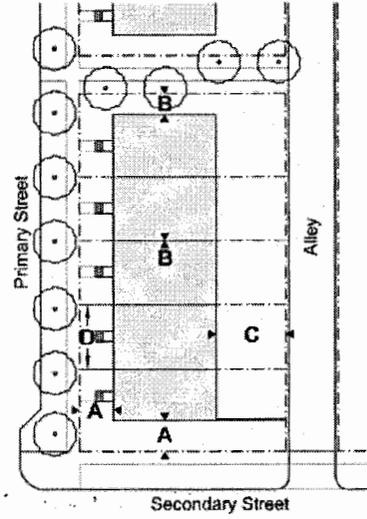


Figure 31-536(5)

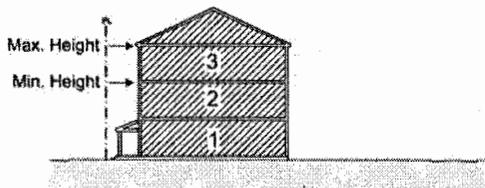
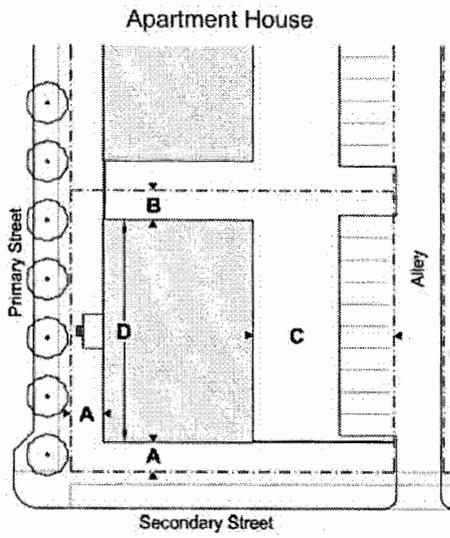
*Townhouse*



*Townhouse Character Examples*



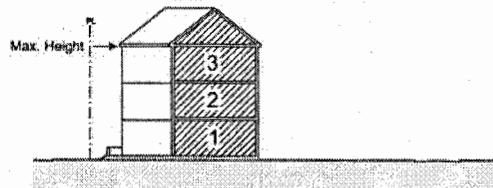
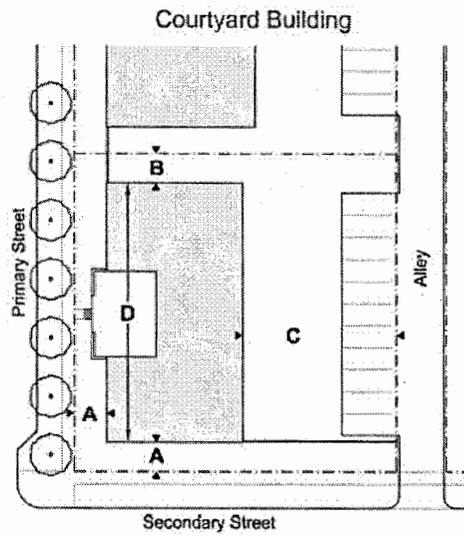
**Figure 31-536(6)**



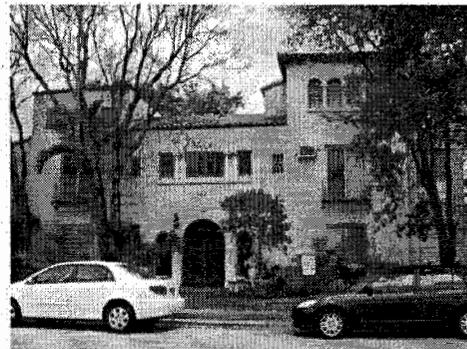
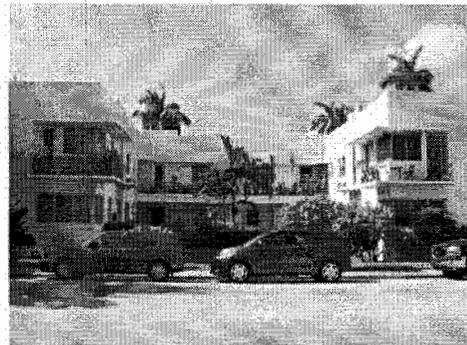
**Apartment House Character Examples**



**Figure 31-536(7)**



**Courtyard Building Character Examples**



- b. Where the property to be developed abuts an existing building or buildings, the proposed building shall be located to match or provide a transition to the adjacent front setback. The Community Development Director will administratively determine the appropriate front setback.
- c. Courtyard Buildings have the following additional criteria:
  - 1. A courtyard, open to the sky, of at least 12 percent of the lot area shall be provided.
  - 2. The longer dimension of the courtyard shall be at least 30 feet if oriented east-west and at least 40 feet if oriented north-south.
  - 3. The main entrance to ground story dwellings shall be directly from the street or the common courtyard.
  - 4. In courtyards at least 35 feet wide, open-air porches, stoops, and balconies may encroach from two sides. In courtyards less than 35 feet wide, encroachment is permitted from one side.
  - 5. An open-air covered pedestrian passageway, at least 10 feet wide, may connect the courtyard, through the building to the street. The passageway may be gated.
- d. Townhouses have the following additional criteria:
  - 1. Townhouses must have or install a rear alley to accommodate vehicular access and parking.
  - 2. Townhouses shall occur in an array of at least three, side by side.
  - 3. No more than eight contiguous townhouses shall occur without a pedestrian accessway of at least 10 feet.

(3) *Use regulations.*

- a. *Uses permitted.* The following uses are permitted in the DR district:
  - 1. Single-family dwellings.
  - 2. Multiple family dwellings, provided the dwelling is provided in the form of a townhouse, apartment house, or courtyard building, as described in § 34-536(c)(1).
  - 3. Home occupations.
  - 4. Community Gardens.
  - 5. Civic open spaces (See § 31-538).
- b. *Special exception.* The following uses may be permitted by special exception in the DR downtown residential district:
  - 1. Churches and their educational buildings.
  - 2. Daycare (See § 31-544).
  - 3. Nursing or convalescent homes and adult living facilities (ALF), or group home.

(4) *Frontage Standards.*

- a. The front setback and side setbacks facing streets shall be landscaped and shall have the following characteristics:
  - 1. Street trees shall be installed as set forth in § 31-537(c), consistent with the appropriate street design in § 29-65.
  - 2. A pedestrian walkway shall be accommodated as set forth in § 31-537(b).

3. Any remaining setback area not used to accommodate a pedestrian walkway, shall be landscaped.
- b. Building entrances shall use at least one of the following frontage types detailed in § 31-537(a):
  1. Porch.
  2. Stoop.
  3. Bracketed Balcony.

*(5) Parking for Residential Building Types.*

- a. House Type. Parking shall be located to the side or rear of the house. Attached garages shall be recessed at least 10 feet from the front façade of the house.
- b. Townhouse Type.
  1. Townhouses must have or install a rear alley to accommodate vehicular access, garage access, and parking.
  2. Garage doors shall not face the street.
  3. Parking is not permitted in front setbacks or side setbacks facing streets.
- c. See § 31-539 for additional parking standards.

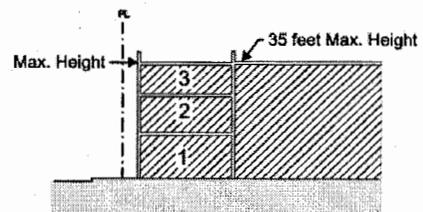
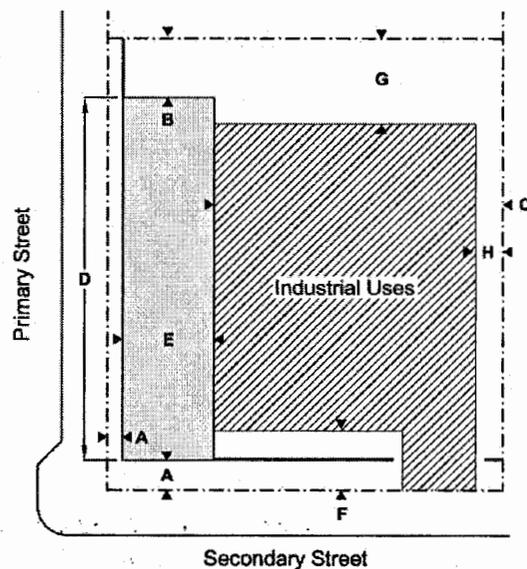
*(6) Other applicable Standards.* See § 31-535 and §§ 31-537 through 31-540 for general standards that also apply to the DR district.

(d) *DI Downtown Industrial District.* The downtown industrial district is intended to accommodate industrial uses, while achieving a high standard of appearance along streets in the downtown.

(1) *Lot Size, Building Placement and Height.* **Table 31-536(e)** provides the dimensional requirements regarding lot size, building placement, frontage and height for the downtown industrial district. **Figure 31-536(8)** illustrates the dimensional requirements from the table. A Liner Building is required on Primary Streets to shield industrial uses from the street.

<b>Table 31-536(e)</b> <i>Downtown Industrial Dimensional Requirements</i>		
<b>Minimum Lot Width</b>	200 feet	
<b>Minimum Lot Size</b>	35,000 square feet	
<b>Maximum Lot Coverage</b>	85%	
<b>Liner Building Placement</b>		
<b>A</b>	Front Setback <sup>1</sup>	10 feet min. / 15 feet max.
<b>B</b>	Side Setback	0 feet <sup>2</sup>
<b>C</b>	Rear Setback	20 feet min.
<b>D</b>	Building Frontage	65% min. on Primary Streets
<b>E</b>	Building Depth	30 feet min.
<b>Industrial Placement</b>		
<b>F</b>	Front Setback	20 feet min.
<b>G</b>	Side Setback Abutting Residential	6 feet min. 20 feet min.
<b>H</b>	Rear Setback	20 feet min.
<b>Building Size &amp; Height</b>		
<b>Maximum Floor Area Ratio (FAR)</b>	1.15	
<b>Liner Building</b>	3 Stories max.	
<b>Industrial</b>	35 feet max.	
<sup>1</sup> On Liner Buildings, side lot lines facing streets are regulated by the front setback requirements		
<sup>2</sup> See § 31-535(b).		

**Figure 31-536(8)**  
*Downtown Industrial  
Building Placement & Height*



(2) *Use regulations.*

a. *Uses permitted by right on Primary Streets.* The following uses are permitted by right on Primary Streets in the DI district:

1. Retail establishments.
2. Professional office.
3. Residential uses are permitted only in the upper stories of Liner Buildings.
4. Retail, show rooms, and office functions of industrial and manufacturing uses. The industrial/ manufacturing aspect of the use shall be located in accordance with § 31-536(d)(2)(b).
5. Adult training centers
6. Civic Open Space (See § 31-538)
7. Community Gardens

b. *Uses Permitted on Secondary Streets and Permitted with Limitations on Primary Streets.* The following uses are permitted in the DI district on Secondary Streets. On Primary Streets, these uses are also permitted provided they are separated from the street for at least 20 feet with a use permitted on Primary Streets on the first story.

1. The uses permitted by right in the IL limited industrial district
2. Auto services, including transmission and oil change establishments
3. Beverage manufacturing and bottling works.
4. Laboratory industrial research
5. Truck rental and leasing.

6. *Warehouses and storage uses(3) Frontage Standards*

a. The front setback and side setbacks facing streets shall be hardscaped. The hardscape design shall have the following characteristics:

1. Street trees shall be installed as set forth in § 31-537(c), consistent with the appropriate street design in § 29-65.
2. A pedestrian walkway shall be accommodated as set forth in § 31-537(b).
3. Any setback area not used for the pedestrian walkway may be landscaped adjacent to the building using potted plants in removable planters or ground planting that does not obstruct views into or out of front windows.

b. The main entrance(s) to ground story Liner Buildings shall be directly from and face a public right-of-way or civic open space. Doors allowing public access shall occur at intervals no greater than every 75 feet.

c. Building entrances shall use at least one of the following frontage types detailed in § 31-537(a):

1. Forecourt
2. Bracketed Balcony
3. Storefront
4. Arcade/ Colonnade

**(4) Architectural Standards**

- a. An expression line shall be provided at the top of the first story.
- b. Overhead doors or other loading facilities shall not face Primary Streets and may not be counted toward fulfilling the minimum façade transparency requirements.
- c. In the absence of a building façade, a streetwall or fence is required along both Primary and Secondary Streets. Streetwalls and fences shall be no higher than six feet and shall be located in line with the building façade or the front setback. Streetwalls shall be composed of an opaque wall using the same material and color as the building. Fences shall have a continuous, maintained hedge installed on the street side. In addition, one shade tree per 20 lineal feet, uniformly spaced, shall be installed along the length of the streetwall or fence on the street side.
- d. An opaque, masonry wall six feet in height shall be built on the property line along all side and rear lot lines that abut single-family houses existing as of the date of this ordinance (date) or lots in residential zoning district. In addition, one tree shall be planted every 20 feet along the wall.

**(5) Other applicable Standards.** See § 31-535 and §§ 31-537 through 31-540 for general standards that also apply to the DI district.

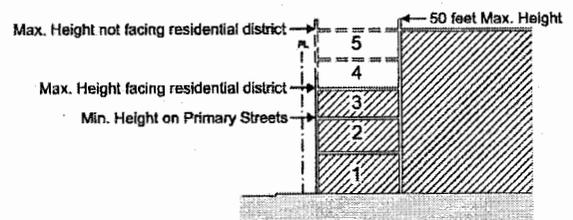
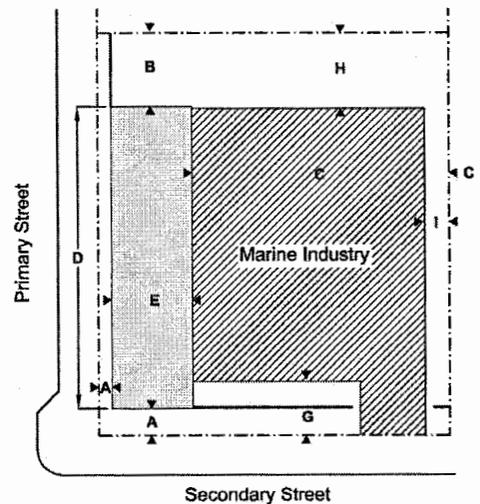
(e) *DM Downtown Marine District*. The DM downtown marine district promotes the use of marine industry, marine-related businesses and services, and boating activities within the downtown area, while recognizing the waterfront area is comprised of and surrounded by a diverse mix of uses. In order to ensure appropriate transitions between marine industry and other uses, including existing single-family houses, this district controls building form and the location of certain uses to establish a successful, vibrant downtown area, and to enhance access to the waterfront area.

(1) *Lot Size, Building Placement and Height*.

- a. **Table 31-536(f)** provides the dimensional requirements regarding lot size, building placement, frontage, and height for the downtown marine district. **Figure 31-536(9)** illustrates the dimensional requirements from the table. A Liner Building is required on Primary Streets to shield certain marine uses from the street.

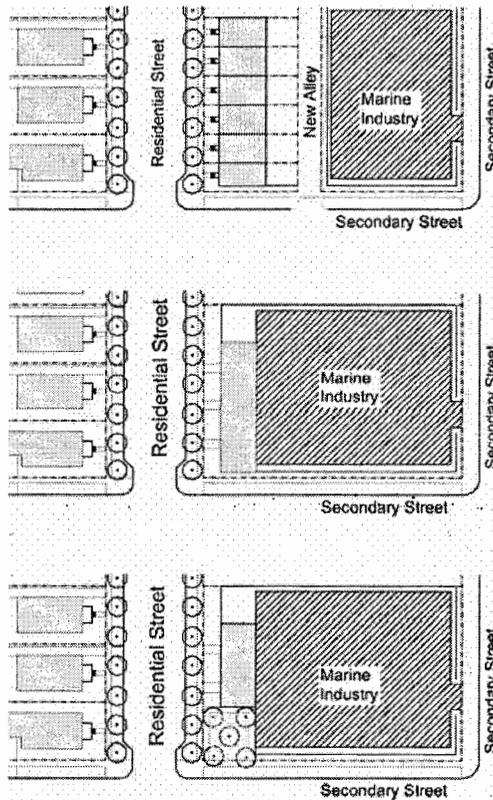
<b>Table 31-536(f)</b> <i>Downtown Marine Dimensional Requirements</i>		
<b>Maximum Lot Coverage</b>	85%	
<b>Liner Building Placement</b>		
<b>A</b>	Front Setback <sup>1</sup>	
	Primary Street	10 feet min.; 15 feet max.
<b>B</b>	Side Setback	0 feet <sup>2</sup>
<b>C</b>	Rear Setback	20 feet min.
<b>D</b>	Building Frontage	65% min. on Primary Streets
<b>E</b>	Building Depth	30 feet min.
<b>Marine Industry Placement</b>		
<b>G</b>	Front Setback	20 feet min.
<b>H</b>	Side Setback	6 feet min.
	Side Setback Abutting Residential	20 feet min.
<b>I</b>	Rear Setback	20 feet min.
<b>Building Size &amp; Height</b>		
<b>Maximum Floor Area Ratio (FAR)</b>	1.15	
<b>Liner Building Maximum Height</b>		
Facing a Residential District	3 Stories max.	
Not facing a Residential District	5 Stories max.	
<b>Marine Industry Maximum Height</b>	50 feet max.	
<sup>1</sup> On liner buildings, side lot lines facing streets are regulated by the front setback requirements.		
<sup>2</sup> See § 31-535(b).		

**Figure 31-536(9)**  
*Downtown Marine Building Placement & Height*



- b. Appropriate Transitions between Existing Residential Uses and Marine Industry.
1. Along Primary Streets, parking and marine industry uses such as, but not limited to, refueling stations, boat storage buildings, exterior boat storage, and repairing, manufacturing, or servicing facilities shall be shielded from view of the street by a Liner Building. A Liner Building is allowed, but not required on Secondary Streets.
  2. For parcels in the DM district facing the fronts of existing single-family houses or lots located within a residential zoning district, one or more of the following options shall be used to provide an appropriate transition:
    - i. In lieu of a Liner Building, one or more of the building types permitted in the DR Downtown residential district, separated from the marine industry uses by a rear alley, shall line the street;
    - ii. A Liner Building in accordance with regulations in **Table 31-536(f)** shall be installed; however, the front setback shall match or provide a transition to the front setback of the surrounding houses. The Community Development Director will administratively determine the appropriate front setback.
    - iii. In combination with either (i) or (ii) above, up to 60% of the property line facing a street may be a Civic Open Space.

**Figure 31-536(10)**  
*Downtown Marine*  
*Residential Transitions*



(2) *Use regulations.*

a. *Uses permitted by right on Primary Streets.* The following uses are permitted by right on Primary Streets in the DM district:

1. Retail establishments.
2. Residential and extended stay lodging uses are permitted only in the upper stories of Liner Buildings.
3. Professional office.
4. Retail, office, or commercial uses pertaining to marine industries, which do not involve manufacturing.
5. The show rooms and office uses for marine industries that involve manufacturing. The manufacturing aspect of the industry shall be located in accordance with § 31-536(e)(2)(b).
6. Marinas.
7. Marine-related adult training centers.
8. Civic open space (See § 31-538(b)).
9. Community Gardens.

b. *Uses Permitted on Secondary Streets and Permitted with Limitations on Primary Streets.* The following uses are permitted in the DM district on Secondary Streets. On Primary Streets, these uses are also permitted provided they are separated from the street for at least 20 feet with a use permitted on Primary Streets on the first story.

1. Parking garages and lots (whether principle or accessory use)
2. Refueling stations for marine use only;
3. Repairing, manufacturing, and servicing facilities for marine equipment;
4. Boat storage buildings and exterior boat storage;
5. Marine ways and lifts;
7. Facilities for research, manufacturing, and assembly of equipment used in oceanography, marine biology, and related fields;
8. Customary accessory uses to all of the above

c. *Additional Uses permitted by right near the Port of Palm Beach.* Storage and manufacturing of construction materials and related equipment, which rely upon marine transport as a component of the operations, are added to the permitted uses under §31-536(e)(2)(b) above, for properties located in the following area:

1. East of Broadway; and
2. Directly adjacent to the Port of Palm Beach or on the north side of 11<sup>th</sup> Street, across from the Port of Palm Beach. Lots with frontage on 12<sup>th</sup> Street are not eligible for the additional uses.

(3) *Frontage Standards.*

a. The front setback and side setbacks facing streets shall be hardscaped. The hardscape design shall have the following characteristics:

1. Street trees shall be installed as set forth in § 31-537(c), consistent with the appropriate street design in § 29-65.

2. A pedestrian walkway shall be accommodated as set forth in § 31-537(b).
3. Any remaining setback area not used for the pedestrian walkway, may be landscaped adjacent to the building using potted plants in removable planters or ground planting that does not obstruct views into or out of front windows.
- b. The main entrance(s) to ground story Liner Buildings shall be directly from and face a public right-of-way or civic open space. Doors allowing public access shall occur at intervals no greater than every 75 feet.
- c. Building entrances shall use at least one of the following frontage types detailed in § 31-537(a):
  1. Forecourt
  2. Bracketed Balcony
  3. Storefront
  4. Arcade/ Colonnade

*(4) Architectural Standards*

- a. Overhead doors or other loading facilities shall not face Primary Streets and may not be counted toward fulfilling the minimum façade transparency requirements.
- b. In the absence of a building façade, a streetwall or fence is required along both Primary and Secondary Streets. Streetwalls and fences shall be no higher than six feet and shall be located in line with the building façade or the front setback. Streetwalls shall be composed of an opaque wall using the same material and color as the building. Fences shall have a continuous, maintained hedge installed on the street side. In addition, one shade tree per 20 lineal feet, uniformly spaced, shall be installed along the length of the streetwall or fence on the street side.
- c. An opaque, masonry wall six feet in height shall be built on the property line along all side and rear lot lines that abut single-family houses existing as of the date of this ordinance (date) or lots in residential zoning district. In addition, one tree shall be planted every 20 feet along the wall.

*(5) Other Applicable Standards.* See § 31-535 and §§ 31-537 through 31-540 for general standards that also apply to the DM district.

**Section 31-537. Frontage Standards.** The downtown zoning districts establish a predictable spatial framework to create a pedestrian-friendly environment supportive of infill redevelopment and multi-modal transportation options. Frontage standards ensure a superior pedestrian environment develops overtime that improves the overall visual appearance and use of downtown streets. These standards define architecture and design components for the entrance(s) to buildings and the area between building facades and streets.

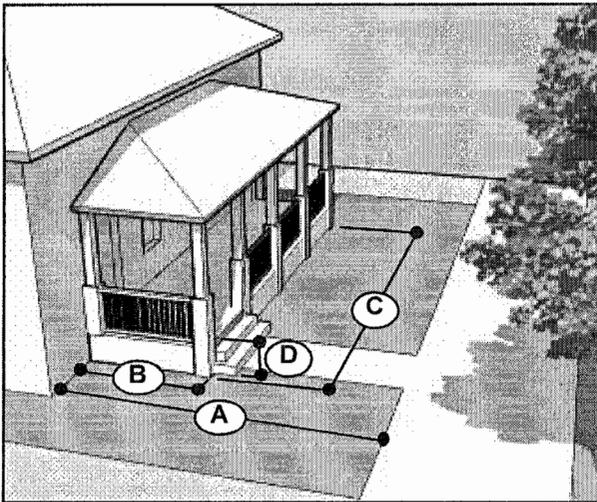
(a) *Frontage Types.* The entrance(s) of every building shall be directly accessible from and face a public right-of-way or civic open space. Frontage Types define architectural characteristics for the detailing of these building entrances. Six distinct frontage types have been identified, which are appropriate for different types of buildings and uses. **Table 31-537(a)** identifies the frontage types appropriate for each zoning district by an "X". Using one or more of frontage types identified is required.

<b>Table 31-537(a)</b> <i>Frontage Types per Zoning District</i>						
<b>Zoning District</b>	<b>Frontage Types</b>					
	<b>Porch</b>	<b>Stoop</b>	<b>Bracketed Balcony</b>	<b>Forecourt</b>	<b>Storefront</b>	<b>Arcade/ Colonnade</b>
<b>Downtown Core</b>		X	X	X	X	X
<b>Downtown General</b>		X	X	X	X	X
<b>Downtown Residential</b>						
<b>House</b>	X	X				
<b>Apartment House</b>	X	X				
<b>Courtyard Building</b>	X	X		X		
<b>Townhouse</b>	X	X				
<b>Downtown Industrial</b>			X	X	X	X
<b>Downtown Marine</b>			X	X	X	X

(1) *Porch*. A porch is an open-air structure attached to a building forming a covered entrance large enough for comfortable use as an outdoor room. Porches are generally appropriate for single-family attached or detached houses. The main building façade is typically setback from the property line, creating a private front yard. **Table 31-537(b)** provides the dimensional requirements and the maximum allowable encroachment permitted by the zoning district. **Figure 31-537(1)** illustrates the dimensional requirements from **Table 31-537(b)**.

<b>Table 31-537(b)</b> <i>Dimensional Requirements for Porches</i>			
		<b>Minimum</b>	<b>Maximum</b>
<b>A</b>	Building Setback	varies by zoning district	
<b>B</b>	Porch Depth	8 feet	12 feet
<b>C</b>	Porch Width	40% Facade	100% Facade
<b>D</b>	Porch Floor Elevation	1.5 feet	3 feet
<b>Maximum Allowable Encroachment per District</b>			
Downtown Residential		50% of Setback	

**Figure 31-537(1)**  
*Porch Frontage Type*



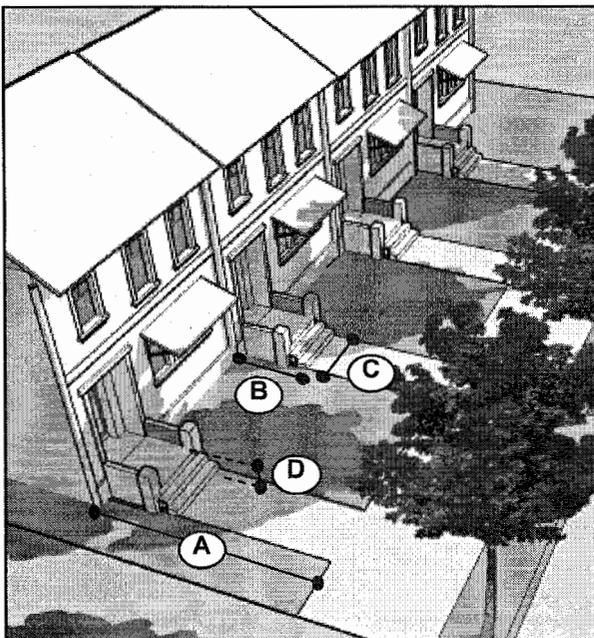
**Figure 31-537(2)**  
*Porch Character Example*



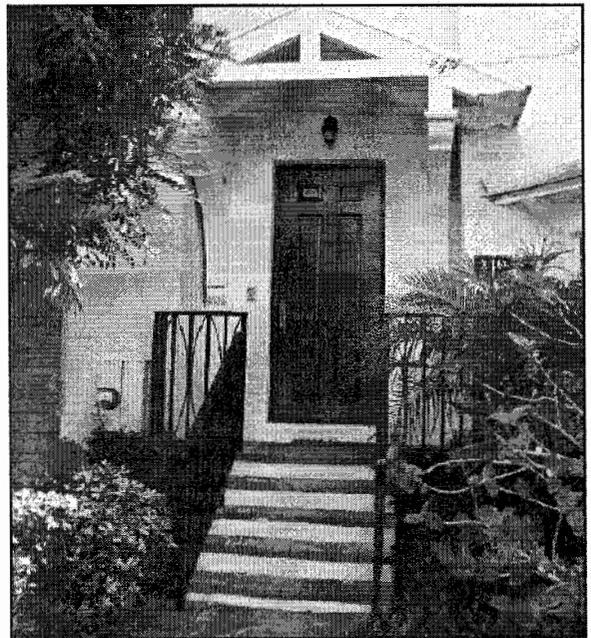
(2) *Stoop*. A stoop is a small staircase leading to the entrance of a building that may be covered. The elevation of the stoop is necessary to ensure privacy for residential uses in the ground story of buildings. Stoops should provide sufficient space for a person to comfortably pause before entering or after exiting the building. Stoops are frontage types typically associated with townhouses and other residential building types. **Table 31-537(c)** provides the dimensional requirements and the maximum allowable encroachment permitted by the zoning district. **Figure 31-537(3)** illustrates the dimensional requirements from **Table 31-537(c)**.

<b>Table 31-537(c)</b> <i>Dimensional Requirements for Stoops</i>			
		<b>Minimum</b>	<b>Maximum</b>
<b>A</b>	Building Setback	varies by zoning district	
<b>B</b>	Stoop Depth	5 feet	8 feet
<b>C</b>	Stoop Width	4 feet	No Max.
<b>D</b>	Stoop Floor Elevation	1.5 feet	4 feet
<b>Maximum Allowable Encroachment per District</b>			
Downtown Residential			5 feet
Downtown General			5 feet
Downtown Core			5 feet

**Figure 31-537(3)**  
*Stoop Frontage Type*



**Figure 31-537(4)**  
*Stoop Character Example*



(3) *Bracketed Balcony*. A bracketed balcony is second-story platform projecting from the building wall, enclosed by a railing or balustrade, supported by brackets. The bracketed balcony is located over the main building entry, which provides cover for a person entering or exiting the building, emphasizes the entryway, and creates a semi-public space overlooking the street. Bracketed balconies are typically associated with buildings with commercial uses in the ground story; however, bracketed balconies can be used on residential building types when combined with a stoop.

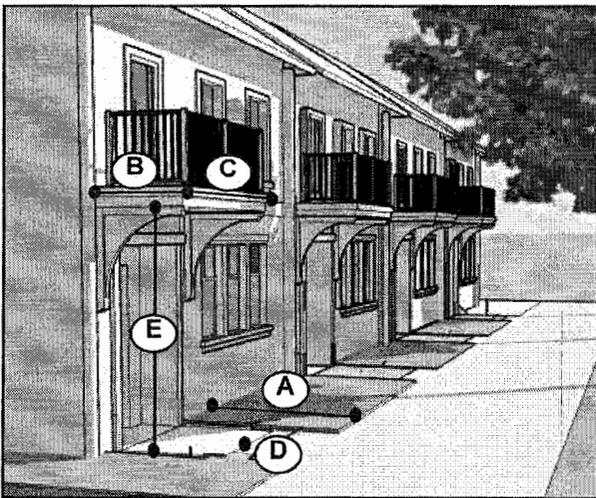
a. **Table 31-537(d)** provides the dimensional requirements and the maximum allowable encroachment permitted by the zoning district. **Figure 31-537(5)** illustrates the dimensional requirements from **Table 31-537(d)**.

<b>Table 31-537(d)</b> <i>Dimensional Requirements for Bracketed Balcony</i>		
	<b>Minimum</b>	<b>Maximum</b>
<b>A</b> Building Setback	varies by zoning district	
<b>B</b> Depth	-	5 feet
<b>C</b> Width	4 feet	No Max.
<b>D</b> Floor Elevation	0	-
<b>Maximum Allowable Encroachment per District</b>		
Downtown General	3 feet	
Downtown Core	3 feet	
Downtown Industrial	3 feet	
Downtown Marine	3 feet	

b. *Bracketed Balcony Elements*

1. Brackets shall be made of wood, pre-cast concrete or steel.
2. Brackets shall be designed to reflect their intended structural role and to define the entryway.

**Figure 31-537(5)**  
*Bracketed Balcony Frontage Type*



**Figure 31-537(6)**  
*Bracketed Balcony Character Example*



(4) *Forecourt*. A forecourt is an open area in front of the main building entrance(s) designed as a small garden or hardscaped plaza. The forecourt may afford access to one or more first floor units and may incorporate storefronts for retail uses. The forecourt is suitable for outdoor seating for residents or restaurants. Forecourts are typically associated with multifamily, mixed-use, and commercial building types.

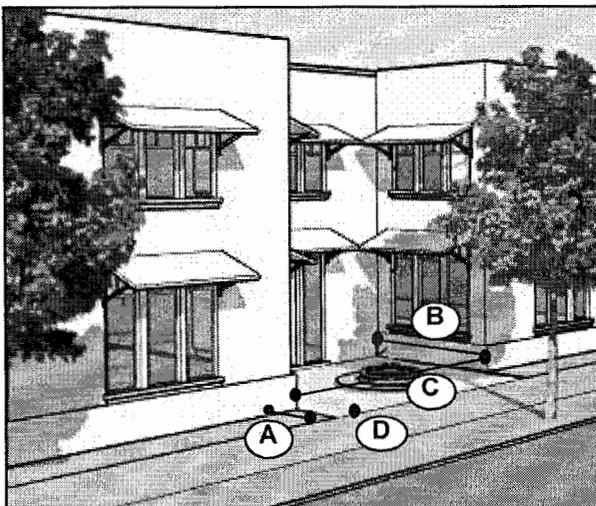
- a. **Table 31-537(e)** provides the dimensional requirements and the maximum allowable encroachment permitted by the zoning district. **Figure 31-537(7)** illustrates the dimensional requirements from **Table 31-537(e)**.

<b>Table 31-537(e)</b> <i>Dimensional Requirements for Forecourt</i>			
		<b>Minimum</b>	<b>Maximum</b>
<b>A</b>	Building Setback	varies by zoning district	
<b>B</b>	Forecourt Depth	10 feet	20 feet
<b>C</b>	Forecourt Width	20 feet	50% of facade
<b>D</b>	Forecourt Floor Elevation	0	3 feet
<b>Maximum Allowable Encroachment per District</b>			
Not Applicable			

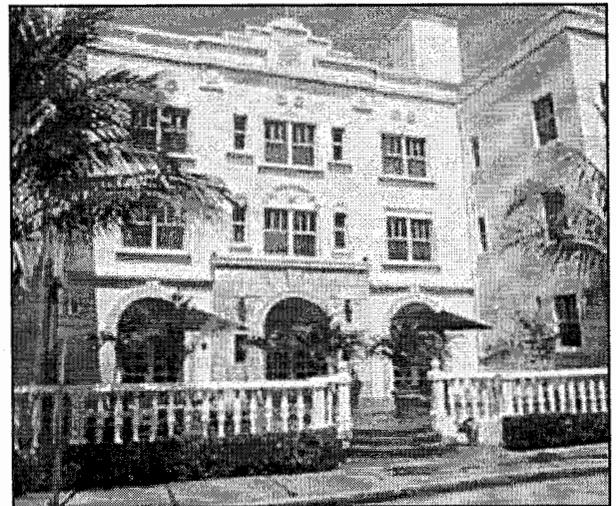
b. *Forecourt Elements*

1. Low walls or balustrades may extend into the front setback and shall be at least two feet six inches tall and shall not exceed three feet six inches in height.
2. Low walls shall be constructed of similar material as the principal building, or be composed of a continuous, maintained hedge.
3. Forecourts may be combined with the storefront frontage type.
4. Awnings, if proposed, shall project at least four feet and no more than two feet from the edge of curb.
5. Awnings shall be consistent with the architecture of the building. Internally illuminated or vinyl awnings are prohibited.

**Figure 31-537(7)**  
*Forecourt Frontage Type*



**Figure 31-537(8)**  
*Forecourt Character Example*



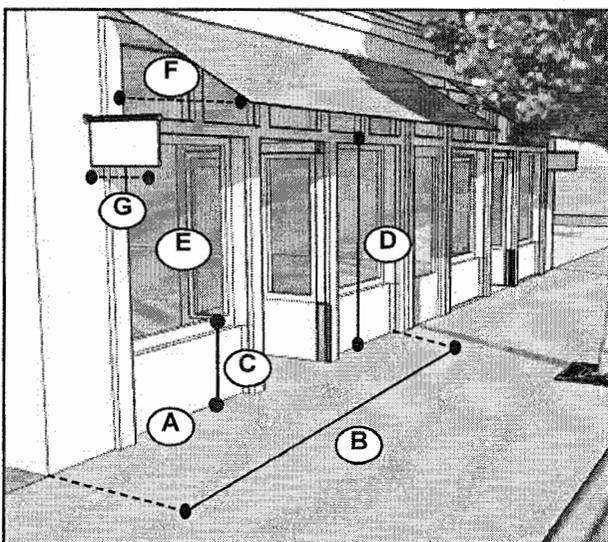
(5) *Storefront*. The storefront is a frontage type placed along the property line, and is typically associated with retail and mixed-use buildings. The storefront must be designed in a way that promotes an attractive, convenient shopping experience. Storefronts are typically at sidewalk grade and are usually shaded by awnings or arcades.

a. *Storefront Dimensions*. **Table 31-537(f)** provides the dimensional requirements and the maximum allowable encroachment permitted by the zoning district. **Figure 31-537(9)** illustrates the dimensional requirements from **Table 31-537(f)**.

1. Storefronts shall extend across at least 70% of the commercial/retail space.
2. Storefronts shall be directly accessible from sidewalks; storefront doors may be recessed up to 10 feet.

<b>Table 31-537(f)</b> <i>Dimensional Requirements for Storefronts</i>			
		<b>Minimum</b>	<b>Maximum</b>
<b>A</b>	Building Setback	varies by zoning district	
<b>B</b>	Storefront Width	70%	100%
<b>C</b>	Storefront Base	1.5 feet	3 feet
<b>D</b>	Glazing Height	8 feet	No Max.
<b>E</b>	Glazing Area	70%	100%
<b>Maximum Allowable Encroachment of Elements in All Districts</b>			
<b>F</b>	Awning Projection	4 feet	2 feet from curb
<b>G</b>	Pedestrian Blade Sign Projection	N/A	4 feet

**Figure 31-537(9)**  
*Storefront Frontage Type*



**Figure 31-537(10)**  
*Storefront Character Example*



3. Storefronts shall have transparent glazing of at least 70% of the facade area, comprised of storefront windows and doors. Storefront windows shall have a base one foot six inches to three feet high with transparent glazed areas extending from the base to at least eight feet in height as measured from sidewalk grade. Transparent glazing transmits at least 50% of visible daylight.

b. *Storefront Elements*

1. Awnings shall project a minimum of four feet from the building facade and no more than to within two feet from the face of curb.
2. Awnings shall be sympathetic to the buildings' architecture and designed as an integral component of the overall signage package. All awnings shall be sloped 30 degrees from the horizontal plane and have both ends open. All awnings on street level shall have an eight inch vertical valance with concealed weight to prevent excessive movement in high winds. Internally illuminated or vinyl awnings are prohibited.
3. Each ground story business may have one wall sign per street front. The wall sign shall be no greater than three feet in height by 60% of the width of the tenant space along the street front. The wall sign shall be located over the first story, below the second story. A name or logo printed on the awnings shall be considered as square footage against the overall dimensions of the sign band.
4. Each ground story business may have one pedestrian blade sign per street front. Pedestrian blade signs may extend up to four feet from the building facade and shall not exceed three feet in vertical dimension, including all mounting brackets and hardware. Pedestrian Blade Signs shall be set back at least two feet from the end of the building or storefront. Pedestrian blade signs may not be internally illuminated.
5. Window signs advertising special sales, events or services, store hours, and store name may be affixed to the inside of a window provided that their total area does not exceed 20% of the window area.
6. Storefronts may be combined with forecourts or arcade/colonnades.

**Figure 31-537(11)**

*Storefront Composition and Signage Examples*



(6) *Arcade/Colonnade*. An arcade/colonnade is a covered, unglazed, linear hallway attached to the front of a building, supported by columns or pillars. The arcade/colonnade extends into the public right-of-way, over the sidewalk, creating a shaded environment ideal for pedestrians and conducive to retail. In arcades, upper stories of the building extend over the passageway. This frontage type is typically associated with retail and mixed-use buildings.

a. *Arcade/Colonnade Dimensions*. Table 31-537(g) provides the dimensional requirements and the maximum allowable encroachment permitted by the zoning district. Figure 31-537(12) illustrates the dimensional requirements from Table 31-537(g).

1. Arcades/ colonnades shall extend over the sidewalk. A sidewalk should not run parallel to an arcade or colonnade, which allows pedestrians to bypass retail or commercial windows. Use of the arcade/colonnade requires entering into a right-of-way agreement between the property owner and the City. This agreement shall establish liability and insurance responsibilities in a form acceptable to the City attorney.
2. Arcades/ colonnades shall have a clear depth between the interior face of the columns and the building facade of at least 10 feet and no more than 20 feet. If the distance between the property line and the face of curb is not sufficient to accommodate the

Table 31-537(g)			
<i>Dimensional Requirements for Arcade/Colonnades</i>			
		Minimum	Maximum
A	Building Setback	varies by zoning district	
B	Arcade/Colonnade Depth	10 feet	20 feet
C	Arcade/Colonnade Height	12 feet	N/A
D	Column/Pillar to Face of Curb	2 feet	4 feet
Maximum Allowable Encroachment of Elements in All Districts			
E	Arcade/Colonnade	varies by street	
F	Pedestrian Blade Sign Projection	N/A	4 feet

Figure 31-537(12)  
*Arcade/Colonnade*

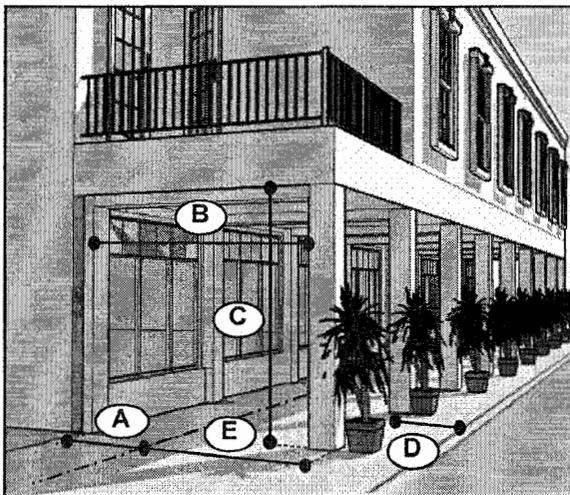
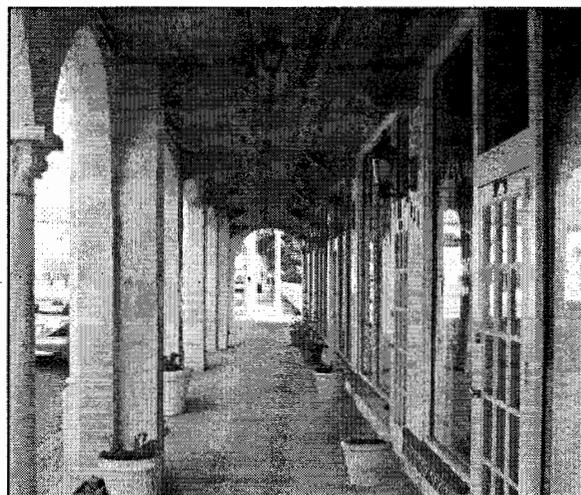


Figure 31-537(13)  
*Arcade/ Colonnade Character Example*



minimum depth required for an arcade/colonnade, the building shall set back accordingly. If the distance between the property line and the face of curb is wide enough that using the minimum building setback results in an arcade with a clear depth greater than 12 feet, the minimum front setback may be administratively reduced by the Community Development Director, taking into consideration the ultimate location of the face of curb based on the street design standards for the community redevelopment area set forth in § 29-65.

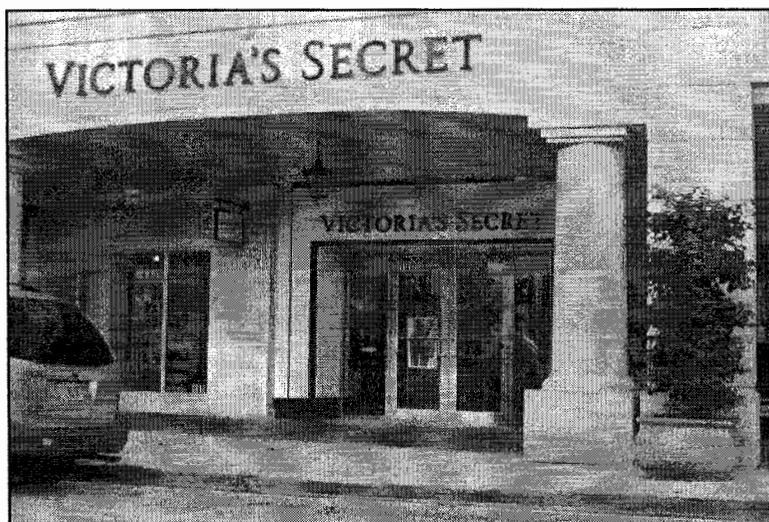
3. Arcades/ colonnades shall have a clear height above the sidewalk of at least 12 feet.
4. Support columns or pillars shall be placed no farther apart than they are tall, and shall be placed two to four feet from the face of the curb.
5. Open-air terraces and habitable stories may extend over the arcade, up to the fourth story.
6. Arcade/ colonnade ceilings shall be designed with coffers or exposed beams extruding at least six inches, aligned with columns or pillars.

*b. Arcade/Colonnade Elements*

1. Arcade/Colonnades shall be combined with storefronts.
2. The height and proportions of the arcade/ colonnade shall be consistent with the style and proportions of the building to which it is attached.
3. Each ground story business may have one wall sign not exceeding three feet in height by 60% of the storefront width on the first story facade of the arcade/colonnade.
4. Each ground story business may have one wall sign under the covered area, not exceeding two feet in height by 60% of the storefront width.
5. Each ground story business may have one pedestrian blade sign under the covered area. Pedestrian blade signs may extend up to four feet from the building facade and shall not exceed three feet in vertical dimension, including all mounting brackets and hardware. Pedestrian Blade Signs shall be set back at least two feet from the end of the building or storefront. Pedestrian blade signs may not be internally illuminated.
6. Potted landscaping or ground planting shall be provided between the face of the columns or pillars and the face of curb.

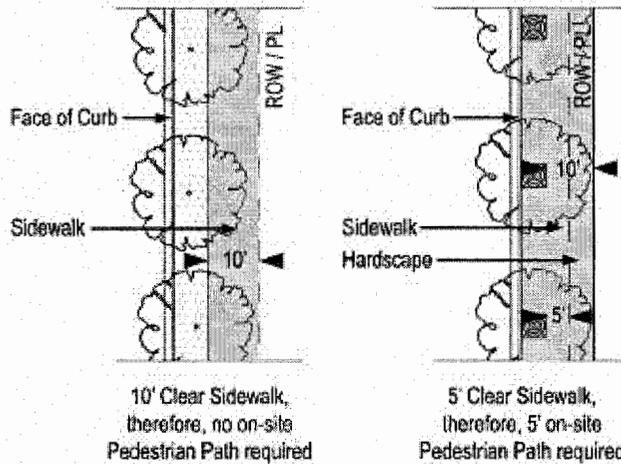
**Figure 31-537(14)**

*Example of Arcade/ Colonnade Signage Examples*



(b) *Pedestrian Walkway*. In order to ensure a superior pedestrian realm develops overtime, a pedestrian walkway may be required on-site to augment public sidewalk widths, especially along narrow rights-of-way. A pedestrian walkway is an area that forms a continuous route for pedestrians, which is unobstructed by trees, landscaping, street lights or utility poles. Pedestrian walkways may be composed of public sidewalks, hardscape on private property, or a combination of the two.

**Figure 31-537(14)**  
*Clear Width of Pedestrian Walkway*



Zoning District	Minimum Clear Width (feet)
Downtown Core	10 feet
Downtown General	8 feet
Downtown Residential	5 feet
Downtown Marine	6 feet
Downtown Industrial	6 feet

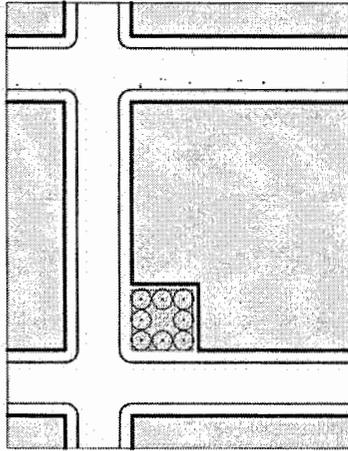
- (1) *Width of Pedestrian Walkway*. The minimum width of pedestrian walkways shall be provided as depicted in **Table 31-537(g)**. The proposed pedestrian walkway shall be demonstrated on site plans. In order to accommodate the required width of the pedestrian walkway, increasing the front setback beyond the minimum amount allowed by the zoning district may be necessary and buildings shall set back further than the maximum allowed per zoning district, if necessary. In the event the maximum front setback does not provide adequate space, the pedestrian walkway may be accommodated within the arcade/colonnade frontage type to meet the intent of the code.
- (2) Where an existing public sidewalk adjoins the property line, the paved area of the public sidewalk and the pedestrian walkway shall connect, thereby expanding the perceived width of the public sidewalk. An existing, adjoining public sidewalk may be counted toward fulfilling the minimum clear width of a pedestrian walkway.

- (3) All paving materials for the pedestrian walkway shall be compliant with ADA accessibility standards, and shall be constructed of concrete consistent with the adjacent sidewalk and acceptable to the Community Development and Engineering Departments.
  - (4) Where a sidewalk or a pedestrian walkway crosses vehicular ingress/egress points, the pedestrian crossing shall be paved with material consistent with the paving material of the sidewalk or walkway, and shall be different from the vehicular surface.
- (c) *Street Trees* Street trees are intended to provide a shaded environment for the pedestrian, provide a physical separation between pedestrians and vehicles, and improve the overall visual appearance of the street.
- (1) All new construction, relocation of a building, or addition equal to or greater than 20% of the gross floor area of an existing building shall install street trees at the time of development. Street trees shall be a canopy species, planted in the public right-of-way directly in front of the property line(s), uniformly spaced no greater than 25 feet on center. Spacing of trees may only exceed 25 feet in order to accommodate curb cuts, fire hydrants, utilities, existing trees, and other infrastructure elements. Palm varieties may be used at corners, crosswalks, or to accent building entrances and may be permitted in lieu of shade trees when physical conditions may prevent the proper growth of shade trees, as determined by the Community Development Director. Consistency in street tree species shall be established on both sides of the street along a block face. The first to develop shall establish the species.
  - (2) Street trees shall be planted in planting strips, landscaped planters or tree grates consistent with the street design standards contained in §29-65. Street trees shall be located along the curb side, in order to separate pedestrians from vehicular lanes.
  - (3) All trees shall satisfy the following standards at the time of planting:
    - (i) Canopy species: Minimum 14 feet in height with a clear trunk space of six feet and a spread of no less than eight feet.
    - (ii) Palm trees: Minimum 18 feet in height, with a clear trunk space of eight feet.
  - (4) In the event that site constraints such as utility easements prevent the installation of required street trees, removable planters of small palms and small shrubs, vines or seasonal flowers shall be installed. In addition, the building shall provide devices such as awnings or roof overhangs to establish a shaded pedestrian environment.

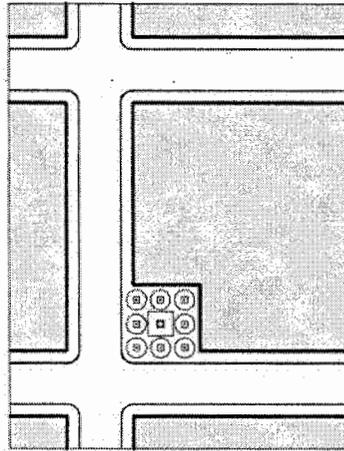
### Section 31-538 Civic Open Spaces.

- (a) **Civic Open Spaces.** Civic open spaces are maintained outdoor spaces which are accessible by the general public, improve the pedestrian environment, are aesthetically pleasing, and serve as an amenity for the city as a whole as well as for occupants of the building which the open space serves. Civic open spaces are generally constructed by landowners when they build on adjoining property.
- (1) **Amount.** On sites one acre or more in size, new buildings or additions of gross floor area equal to 20 percent or more to existing buildings, shall provide at least five percent of the size of the site as a civic open space. Dedicated rights-of-way and building setbacks may not count toward fulfilling the required amount.
  - (2) **Location.** Civic open space may be provided either on site or off site, provided the civic open space is located within 660 feet of the building site, within the same zoning district, and within the CRA boundary.
  - (3) **Types of Civic Open Spaces.** Civic open space shall be designed as one of the following types:
    - a. **Green.** A green is at least 2,000 square feet in size and adjoins streets on at least two sides. Greens are designed primarily for passive uses, consisting primarily of lawn with either formally or informally arranged landscaping.
    - b. **Plaza.** A plaza is at least 2,000 square feet in size and adjoins a street on at least 2 sides. Plazas are mostly hardscaped with formal landscaping and a water feature.
    - c. **Playground.** A playground shall be at least 2,500 square feet in size. Playgrounds shall provide children's play equipment and shaded seating. Playgrounds adjoin a street on at least one side and the proposed configuration should ensure easy surveillance of the area from the adjacent buildings and streets
    - d. **Square.** A square is at least 10,000 square feet and adjoins streets on at least 3 sides. Squares may be up to 50 percent hardscaped, with formal landscaping. Squares accommodate both passive uses and community gatherings.
    - e. **Attached Green.** The attached green is generally 3,000 to 6,000 square feet and spans the entire length of a block. Attached greens shall be at least 30 feet wide and are appropriate on the short end of a block. Attached greens are formally landscaped, with trees arranged in an alley or staggered alley configuration.

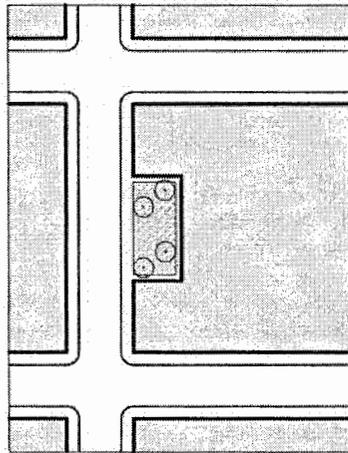
**Figure 31-538(1)**  
*Civic Open Spaces*



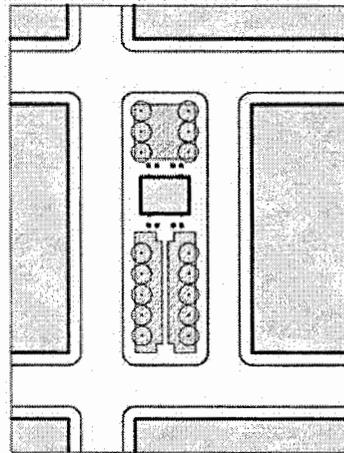
Green



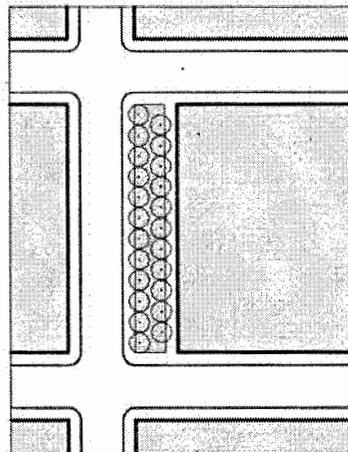
Plaza



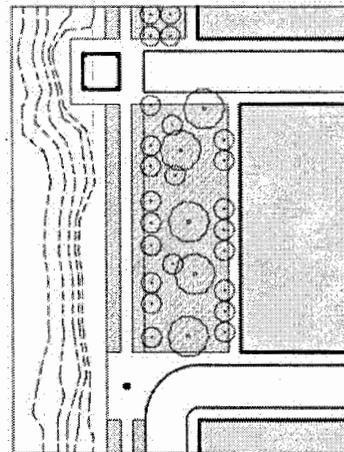
Playground



Square



Attached Green



Waterfront Green

**(4) Configuration.** Civic open spaces shall be configured as follows:

- a. The civic open space shall adjoin a street front property line for no less than 30 linear feet.
- b. Except for attached greens, civic spaces shall have a proportion so that the depth is no more than 2.5 times the frontage width, and the width is no more than 5 times the depth;
- c. Civic open spaces shall be lined by building facades or streets on all sides. In order to provide oversight of the space, buildings facing civic open spaces shall contain habitable uses; parking lots, parking garages, and storage areas are not considered habitable uses.

**(5) Additional Standards.** Civic open spaces shall meet the following minimum standards:

- a. Civic open spaces must be accessible to the public during all daylight hours;
- b. Civic open spaces must be situated to allow easy ingress and egress by pedestrians. Except for playgrounds, which may be fenced, no streetwalls, gates, fences or other impediments to pedestrian accessibility shall be permitted along the frontage line;
- c. Civic open spaces must be located at the sidewalk level;
- d. Civic open spaces must be open to the sky; however, open-air garden structures such as gazebos or band shells are permitted within civic open spaces;
- e. Landscaping shall be arranged in a manner reflective of description of the type of civic open space. One shade tree per 20 feet of perimeter of the space is required. Trees may be arranged in regular spacing or in informal clusters, depending on the type of open space. Trees shall be installed to provide shade along walkways and for benches. Substituting shade trees for multiple palm species is not permitted; however, adding palms to the landscape design is permitted.
- f. Each civic open space shall provide the following street furniture elements, specifications subject to approval by the City of Riviera Beach:
  1. 1 bench per 350 square feet of area;
  2. 1 drinking fountain;
  3. 1 bicycle rack with no less than four spaces;
  4. 1 trash receptacle;
  5. 1 pet clean up station.
- g. Fences are permitted only to enclose playgrounds. Fences may be composed of wood or metal pickets and shall not exceed four feet in height.
- h. Vehicular traffic shall not be permitted within a civic open space.
- i. Civic open spaces shall be designed to enhance user safety and security using Crime Prevention Through Environmental Design (CEPTED) principles by
  1. being well lighted;
  2. having one or more focal points within the open space visible from all perimeter streets;
  3. having a clear landscape zone between three feet and eight feet in height providing sightlines unobstructed by berms or bushes.

- (6) **Availability.** Civic open space shall be developed and open for use prior to issuance of a certificate of occupancy for the building(s) for which the open space is required.
- (7) **Public Benefit Height Option.** In order to encourage projects to provide civic open space in the downtown, increased building height is offered in the Downtown Core district.
- a. Civic spaces provided in order to receive the Public Benefit Height Option shall meet the following criteria:
    1. Comply with §§ 31-538(b)(2) through (6).
    2. In order to use the Public Benefit Height Option, civic open spaces must be at least 2,000 square feet in size. Dedicated rights-of-way, minimum building setbacks, and civic open space provided to meet the requirement in § 31-538(b)(1) may not count toward fulfilling this amount.
  - b. The quantity of the additional building square footage permitted within the extra stories of height is directly related to the size, location, and accessibility by the general public of the proposed civic open space. Waterfront locations are considered the most desirable sites and therefore receive the highest factor.

<b>Table Figure 31-538(a)</b> <i>Public Benefit Factor</i>	
<b>Civic Open Space Configuration</b>	<b>Public Benefit Factor</b>
Adjoining one public right-of-way	<b>Not permitted</b>
Adjoining two or more public rights-of-way	<b>2.0</b>
Waterfront location*	<b>3.0</b>
* Waterfront locations shall have at least one side adjoining the Intercoastal waterway and at least three sides bounded by public rights-of-way, one of which shall be along the water's edge.	

- c. Computing the Benefit. The following formula computes the amount of building square footage allowed above the fourth story:
  - 1) Multiply the square footage of the proposed civic open space by the maximum number of stories allowed in the district without using the public benefit height.
  - 2) Multiply the result by the public benefit factor from **Table Figure 31-538(a)** that best describes the configuration of the proposed civic open space.
  - 3) The result is the total additional building square footage that can be placed within in the extra stories allowed by the district as the maximum Public Benefit Height (subject to floorplate limitations in the massing regulations).

For example, within the Downtown Core district, a project that proposes a civic open space of 2,000 square feet in size adjoining two streets and not located on the waterfront would compute the benefit as follows:

$$(2000 \text{ sf.} \times 4 \text{ stories} \times 2) = 16,000 \text{ square feet.}$$

Therefore, 16,000 square feet could be arranged within the fifth through eighth stories (subject to floorplate limitations).

- 4) The additional building square footage garnered by using the Public Benefit Height Option is not included in the calculation of or limitation of maximum floor area ratio.

**Section 31-539. Downtown Parking and Access**

- (a) **Purpose and Intent.** This subsection provides modified parking regulations for off-street parking within the Downtown Zoning Districts. These regulations recognize that the downtown is a compact, interconnected area with multimodal transportation options, and that improper placement of parking and mandatory duplication of the downtown parking supply on each building site separates the various land uses from each other. This separation reduces the viability of the mixed-use districts and harms the walkability of the streets in the downtown area. These regulations reflect the needs of the urban, mixed use downtown.
- (b) **Minimum Number of Off-street Parking Spaces.** The minimum number of parking spaces required in § 31-577 Off-street Parking Ratios are modified by this section for use in the Downtown Zoning Districts; the following regulations shall apply to determine the minimum number of off-street parking spaces required:

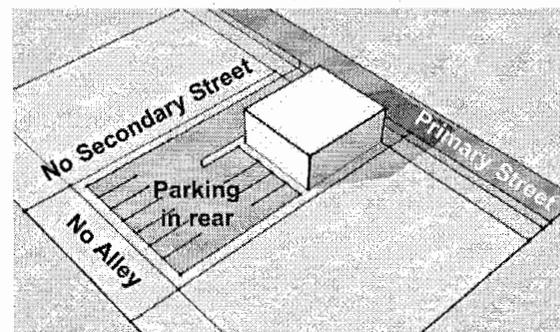
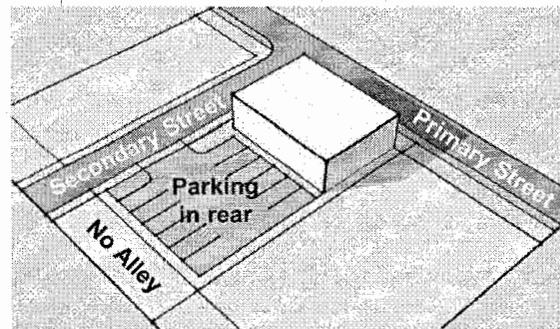
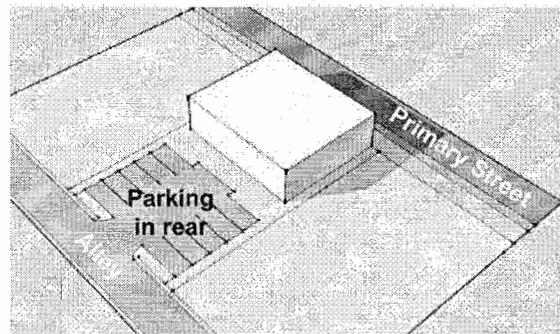
<b>Table 31-539(a)</b> <i>Downtown Zoning District Parking Ratios</i>	
<b>Land Use</b>	<b>Number of Spaces</b>
Single Family House Single Family Townhouse	2 spaces/unit 2 spaces/unit
Residential Multi Family	2 spaces/unit
Hotels, Motels	1 space/first 40 guest rooms 1 additional space/every 2 guest rooms or suites, thereafter
Hospitals	1/500 sf
Medical and Dental Clinics	1/500 sf
Places of Assembly	1/350 sf
Auditoriums, Stadiums, Arenas, Recreational Facilities, etc.	For stadiums, arenas, auditoriums etc: 1 space/ 7 bleacher seats, when provided, or 20 spaces/athletic field, whichever is greater. For outdoor attractions and other recreation areas: 1 space/300 sf of total floor area of covered space plus 3 spaces for each acre of outdoor attraction area. For motorcycles:14 spaces/acre.
Restaurants	1/500 sf
Retail Establishments	1/500 sf
Office Buildings	1/500 sf
Wholesale/warehousing	1 space/1000 sf or 1 space/2 separate mini-warehousing units
Industrial uses	1 space/500 sf
Marina facilities	Wet slips: 1 space / 2 wet slips for private vessels Dry storage: 1 space /4 dry storage spaces Sight seeing; charter; commercial: a) 3 spaces/ passenger-carrying vessel carrying up to six passengers for hire; b) 1 space/ two passenger-carrying vessels carrying more than six passengers for hire, as ascertained by U.S. Coast Guard Certificate of Inspection.
Daycare	1/ employee (min. 3) plus adequate provision for drop-off children

- (1) Within the Downtown Core and Downtown General districts, lots 100 feet in width or less are not required to provide off-street parking.
  - (2) On-street parking located directly in front of the property line(s) may be counted toward fulfilling the total parking requirement in all Downtown Zoning Districts.
  - (3) Director of Community Development may administratively waive the minimum number of parking spaces if criteria such as market demand, parking availability, or unique circumstances of the project within the area justify a reduction.
- (c) **Location and Access.** Parking and service areas shall be accessed and located at the rear or side of the building(s).

- (1) Parking is not permitted in front setbacks or in side setbacks facing streets, parks or civic open spaces. Parking lots may be located on the side of buildings provided the minimum building frontage requirement by the zoning district is met and the parking lots are screened from view of the street by a streetwall (See § 31-539(e)).
- (2) On Primary Streets, parking garages shall be lined by a use permitted by right for Primary Streets by the zoning district for at least 20 feet of depth on all stories. On secondary streets, parking garages not lined by such a use shall be screened by a façade design consistent with the main building design and/or shall employ landscaping planters with irrigation as an integral part of the façade design.
- (3) Alleys, when present, shall be the primary source of vehicular access to off-street parking. Alleys shall be a minimum width of 20 feet, and may be incorporated into parking lots and garages as standard drive aisles. Access to all properties adjacent to the alley shall be maintained.
- (4) When alleys are not present, primary vehicular access to off-street parking shall be from secondary streets. Access drives shall not exceed 24 feet in width.
- (5) When neither alleys nor secondary streets are present, primary vehicular access may be from a Primary Street. Access drives from Primary Streets shall not exceed 24 feet in width. In

the instance that site constraints necessitate access from a Primary

**Figure 31-539(1)**  
*Vehicular Access*



Street, and the provision of an access drive precludes meeting the minimum building frontage percentage required by the zoning district, the Community Development Director may administratively allow a reduction from the minimum building frontage in order to allow vehicular access to the site.

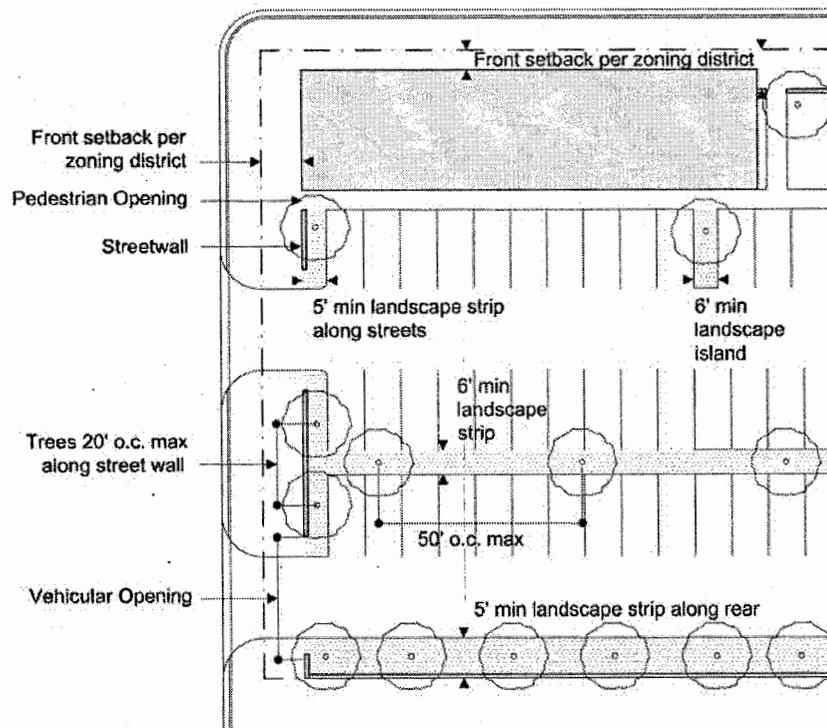
- (6) Within the Downtown Core and Downtown General districts, when an alley is not present, vehicular access between adjacent parcels across property lines is required, and shall be accommodated within the site layout. The first property owner to develop shall be required to make an irrevocable offer of cross-access to the adjacent parcels prior to issuance of a development order. When adjacent property develops, a reciprocal cross-access agreement is required, and the physical connection shall be completed.
  - (7) Parking lots and structures shall provide pedestrian access directly from a street. In addition, pedestrian access may also be provided directly from a building.
  - (8) Buildings with more than 250 feet of street frontage on a block face shall provide a pedestrian accessway at least 10 feet wide connecting the rear parking to the sidewalk area.
  - (9) Public sidewalks may not be interrupted or deviated to accommodate drop-off or valet parking.
  - (10) Within the CRA, offsite parking arrangements may be provided in lieu of on-site parking, as long as sufficient documentation of the location and the number of spaces is provided to the review authority.
- (d) **Parking Dimensions.** The following minimum dimensions for parking bays and access aisle widths apply in lieu of the specific requirements in the Design Standards in § 31-576:

<b>Angle of Parking (degrees)</b>	<b>Aisle Width (feet)</b>		<b>Parking Bay (feet)</b>	
	<b>Two Way</b>	<b>One Way</b>	<b>Width</b>	<b>Length</b>
<b>90°</b>	<b>24</b>	<b>22</b>	<b>9</b>	<b>18</b>
<b>75°</b>	<b>22</b>	<b>18</b>	<b>9</b>	<b>18</b>
<b>60°</b>	<b>20</b>	<b>16</b>	<b>9</b>	<b>18</b>
<b>45°</b>	<b>20</b>	<b>14</b>	<b>9</b>	<b>18</b>
<b>30°</b>	<b>20</b>	<b>14</b>	<b>9</b>	<b>18</b>
<b>0° (parallel)</b>	<b>18</b>	<b>14</b>	<b>9</b>	<b>20</b>

**(e) Parking Lot Landscaping Requirements**

- (1) Streetwalls are required on both Primary and Secondary streets. Streetwalls shall be located in line with the building façade or in accordance with the front setback requirements. Streetwalls shall be three feet to three feet six inches in height, composed of either an opaque wall of the same material and color as the building or of a continuous, maintained hedge. One shade tree per 20 lineal feet, uniformly spaced, shall be installed along the length the streetwall within a planting area at least five feet wide. Streetwalls may have openings to accommodate automobile and pedestrian access.
- (2) Along side and rear lot lines, a landscape strip five feet in width shall be installed with trees planted at least 50 feet on center. When an alley is not present, openings shall be made to accommodate current or future vehicular connections between adjacent properties. Lots which interconnect their parking to adjacent lots may be administratively relieved of side/rear landscape strips in order to maximize the parking supply between the properties.
- (3) Parking lots shall provide either landscape islands or landscape trips as set forth below:
  - a. One landscape island at least six feet in width, extending the entire depth of the parking bay and containing at least one shade tree shall be provided for every 10 parking stalls; or,
  - b. A landscape strip at least six feet in width containing at least one shade tree for every 50 linear feet shall be provided between parking rows.

**Figure 31-539(2)**  
*Parking Lot Landscaping*



(f) **Bicycle Parking Requirements.**

- (1) The minimum number of bicycle parking spaces required is set forth in **Table 31-539(b)**.

<b>Table 31-539(b)</b> <i>Downtown Zoning District Bicycle Parking Ratios</i>	
<b>Land Use</b>	<b>Number of Spaces</b>
Residential Multi Family	1 space/3 units
Office	1 space/ 7,500 sf., and 1 visitor space/ every 20,000 sf
Retail	For the first 50,000 sf: 1 employee space/ 7,500 sf 1 visitor spaces/ 10,000 sf  Thereafter: 1 additional employee space/ 25,000sf. 1 additional visitor space/12,500 sf

- (2) Employee and resident bicycle parking facilities shall be highly visible to the intended users and protected from rain within a structure shown on the site plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians. The facilities for employee, resident, and visitor bicycle parking must be highly visible from a building entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance to ensure good natural surveillance. The Planning Director shall review the location, design, and details of the bicycle spaces as part of the site plan review. Residential condominium covenants shall not prohibit the storage of bicycles inside individual condominium units.
- (3) Offices greater than 50,000 square feet shall provide one shower per gender, up to a maximum of three showers per gender. Also, a minimum of one clothes storage locker per gender shall be installed for every required employee bicycle parking space. The lockers shall be installed adjacent to showers in a safe and secured area.

**Section 31-540. Redevelopment Design Areas.** Conceptual redevelopment plans have been designed for certain areas which are likely to redevelop due to ownership consolidation, parcel size, or use. The boundary of each area with a redevelopment design is indicated on the Regulating Plan as "Pre-Approved Redevelopment Design Area." The purpose of redevelopment design areas is to guide the transformation of these parcels into a traditional neighborhood pattern, consistent with the conceptual plans contained in the Comprehensive Plan and with the vision of the Community Redevelopment Area Plan.

(a) **General Concepts.**

- (1) **Zoning Districts.** The Regulating Plan designates appropriate downtown zoning districts within each redevelopment design area (RDA). In order to properly transition between scale and uses, more than one zoning district may be applied within a RDA. In this event, the site plan shall be consistent with the requirements of the designated district in that area of the parcel.
- (2) **Future Streets and Alleys.** The Regulating Plan designates the location of future streets and alleys within each RDA.

- a. Within a RDA, the locations of future streets and alleys reflect a site specific solution and provide the framework to establish a site plan with the following characteristics:
    1. Consistent with the scale and uses permitted by the zoning district;
    2. Responds to the geometry of the specific parcels within the RDA;
    3. Establishes important links to expand the existing street network;
    4. Ensures parking is located in the rear of buildings.
  - b. Minor adjustments in the alignment and location of future streets and alleys may be administratively approved. Major changes such as eliminating a street or alley, or shifting a street so that connections to existing streets are not completed require City Commission approval.
  - c. The site plan design shall utilize one or more of the street and alley cross-sections in the street design standards for the community redevelopment area contained in § 29-65.
- (3) **Implementation.** Redevelopment plans may be wholly or partially implemented. Individual properties can proceed with site plan review and development without the participation of other parcels and owners within the RDA. If the adjacent parcel has an approved site plan, the applicant shall complete links to any street or alley connections identified in the approved plan, and shall ensure buildings are compatibly oriented.
- (b) **Specific Redevelopment Design Areas.** The City of Riviera Beach Beach Comprehensive Plan contains conceptual redevelopment plans for two areas designated on the Regulating Plan:
- (1) **Western RDA.** The City's preferred redevelopment plan for the RDA located on the west side of Broadway, north of Chateau Circle, has the following characteristics:
    - a. Avenue E is reconnected through the properties;
    - b. A system of new streets, alleys, and pedestrian paths connect the adjacent parcels to each other and to Broadway Avenue;
    - c. Mixed-use buildings are located along Broadway Avenue;
    - d. Townhouses and low-rise multi-family buildings provide a transition between the single-family houses located to the west and the mixed-use buildings facing Broadway Avenue;
    - e. The fronts of buildings face the fronts of buildings, the backs of buildings face the backs of buildings;
    - f. Civic open spaces are provided in the form of public parks, plazas, or greens, lined by streets and the fronts of buildings; and
    - g. Off-street parking is accommodated in the rear of buildings.
  - (2) **Eastern RDA** The City's preferred redevelopment plan for the the RDA located on the east side of Broadway, north of 30<sup>th</sup> Street has the following characteristics:
    - a. A system of new streets and alleys connect the parcels to each other, and between Broadway Avenue and Avenue A;
    - b. Mixed-use buildings are located along Broadway Avenue;

- c. Multi-family buildings such as low-rise apartments and townhouses provide a transition between residential uses along Avenue A and the more intense uses along Broadway Avenue.
- d. The fronts of buildings face the fronts of buildings, the backs of buildings face the backs of buildings; and
- e. Off-street parking is accommodated in the rear of buildings.

(3) Approval Process

- (a) Follow the process in § 31-534(e).

\* \* \* \* \*

Amending Chapter 31, "Zoning", Article VI, "Supplemental District Regulations" revising Section 31-543, "Churches":

*[Article VI "Supplemental District Regulations" of Chapter 31 "Zoning" is amended as follows. Underlined language indicates proposed new language. Language ~~crossed-out~~ indicates language proposed to be deleted.]*

**Sec. 31-543. - Churches.**

A church building is defined as an enclosed structure for public or semipublic religious worship and, when permitted, must meet the following requirements:

- (1) The minimum size plot of land shall be not less than 20,000 square feet in area and 100 feet in width.
- (2) Side yards shall be not less than 20 feet in residential districts and front and rear yards shall be not less than specified for the zoning district. No parking areas or driveways shall be permitted within five feet of a property line abutting residential zoned property.
- (3) Accessory buildings and uses may include offices of the church, church school or kindergarten, library, meeting rooms, residential structures for resident employees of the church, and others which are incidental to the operation of the church. Accessory buildings and uses shall be located on the same plot of land consisting of parcels contiguous to or across an alley, unless otherwise permitted in the zoning district.
- (4) Parking lots to serve the church may be permitted on noncontiguous plots of land located within 400 feet of the church plot.
- (5) a. There shall be a minimum of 500 feet between a proposed church and existing churches.  
b. There shall be a minimum of 500 feet between a proposed church and existing bars or package stores.

These distances shall be measured along the route of ordinary pedestrian travel from the main front entrance of the proposed church to the main front entrance of an existing church, bar or package store.

- (6) Each application for a new church shall include written justification of the need for the proposed church at the requested location. This justification shall include at least the following information:
  - a. The number of members in the church.
  - b. A geographic breakdown of the church membership by zip code.
  - c. The types of services to be offered by the church.
  - d. Any other reasonable requirements made by the planning and zoning board or city council.
- (7) A proposed church that abuts residentially-zoned property shall construct a six-foot-high, finished masonry wall along the property line that abuts the residential property. This wall shall not be required in front-yard setback areas.
- (8) The city council reserves the right to limit the hours of operation for any new church that is located in a residential zoning district.

(9) Storefront churches as defined in section 31-1 are not required to comply with the regulations in § 31-543(1) or (2). Church offices and meeting rooms are permitted in storefront churches, but the other accessory uses listed in § 31-543(3) are not permitted.

\* \* \* \* \*

Amending Chapter 29, "Streets and Sidewalks", Article II, "Construction" revising Section 29-65, "Street design standards for the community redevelopment area":

Section 29-65 "Street design standards for the community redevelopment area", Article II "Construction" of Chapter 29 "Streets and Sidewalks" is amended as follows. Underlined language indicates proposed new language. Language ~~crossed out~~ indicates language proposed to be deleted.

**Section 29-65. Street design standards for the community redevelopment area.**

(a) **General Street Design Standards.** All new streets and reconstructed streets within the community redevelopment area shall be designed to promote all forms of travel including non-vehicular modes. In order to encourage walking, cycling, and the use of mass transit options, downtown streets shall be designed to maintain a steady, calm flow of vehicular traffic, while establishing a pleasant walking and cycling environment. ~~Required sidewalks shall be designed with a minimum width dimension of five feet, unless it is deemed unfeasible by the city engineer due to existing development. New and reconstructed streets shall also be designed to integrate bicycling including the provision of a four foot minimum width on-street bicycle lane separate from the travel lane for automobiles for streets within the CRA that are identified in the City of Riviera Beach Community Transportation Plan.~~ All New streets and reconstructed streets shall incorporate the following characteristics:

- 1) Sidewalks shall be installed on both sides of the street; ~~pedestrian-oriented trees, lighting, and benches.~~
- 2) On-street parking shall be installed whenever possible within the Downtown Core and Neighborhood Mixed Use districts to support businesses, calm vehicular traffic, and to protect pedestrians;
- 3) Street trees and pedestrian-scaled lighting shall be installed to provide a safe, pleasant, and aesthetically pleasing environment;
- 4) A dedicated bicycle route shall be installed on Avenue E, from 12th Avenue to 24th Avenue, and on Avenue F between 24th Avenue to the City limits.

~~Exhibit A Street Design Standards [Exhibit A "Street Design Standards" graphics deleted]  
Residential Street (40'), Residential Street (50'), Residential Street (60'), Avenue (60'), Avenue (70')]~~

(b) **Street Types Map.** As redevelopment occurs within the CRA, new streets and alleys will be installed and existing infrastructure will be improved. To guide the appropriate design of cross-section of new streets and alleys, detailed street designs have been developed for specific streets and for general rights-of-way. Since the downtown is a diverse area, a large palette of street designs has been developed, and more than one design may appropriate for certain locations. The Street Types Map assigns a Street Type to each thoroughfare in the downtown area. Each Street Type is comprised of one or more specific street design, based on the size of the right-of-way, anticipated building uses, and location in the downtown. Table 29-65(a) identifies the specific street designs appropriate for each Street Type.

**Table 29-65(a)**  
*Street Types Table*

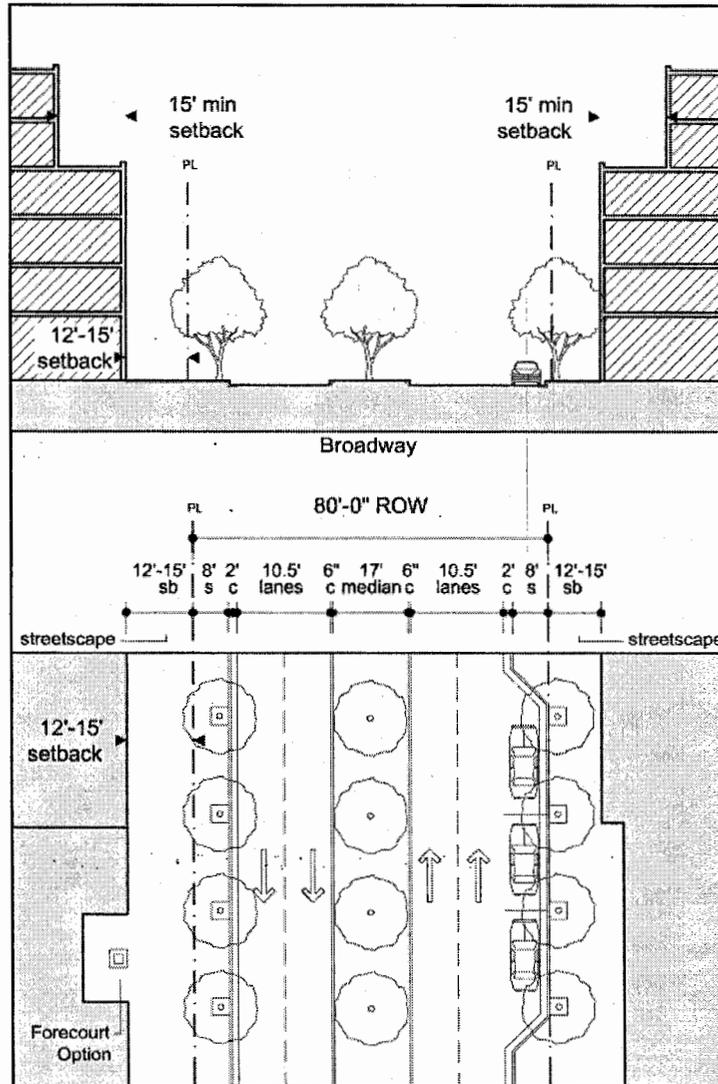
<b>Street Type</b>	<b>Appropriate Street Design</b>
<b>Broadway</b>	Broadway-1
<b>Avenue E</b>	Avenue E-1, Avenue E-2, Avenue E-3, Avenue E-4, Avenue E-5
<b>13th Street</b>	13th Street (East of Broadway)
<b>11th Street</b>	11th Street
<b>Downtown Mixed Use</b>	Downtown Street 50-1, Downtown Street 50-2
<b>Downtown Residential</b>	Downtown Residential Street 50-1, Downtown Residential Street 50-2, Downtown Residential Street 40, Downtown Residential Street 58
<b>Alley</b>	Alley-22, Alley-24
<b>State Roadway</b>	Not Applicable

(c) The street designs are coordinated with the development standards for private development in this code, including building setbacks, frontage types, and building height to establish a cohesive, superior public realm. The street design for new and reconstructed streets in the community redevelopment area shall be consistent with the following typical sections, multi-way boulevards, avenues, streets, and residential streets. (See the following illustrations). In the event that site features including the location of existing buildings or utilities, limited right-of-way width or transitions to existing streets, restrict the full implementation of the downtown street designs, the Community Development Director, in consultation with the City Engineer and adjoining property owners, may administratively adjust the street designs. The following acronyms are used on each illustration:

- |                                |                          |
|--------------------------------|--------------------------|
| <u>bl: bicycle lane</u>        | <u>pl: property line</u> |
| <u>c: curb and gutter</u>      | <u>pvmnt: pavement</u>   |
| <u>g: grass planting strip</u> | <u>row: right-of-way</u> |
| <u>med: median</u>             | <u>s: sidewalk</u>       |
| <u>min: minimum</u>            | <u>sb: setback</u>       |
| <u>p: parking</u>              |                          |

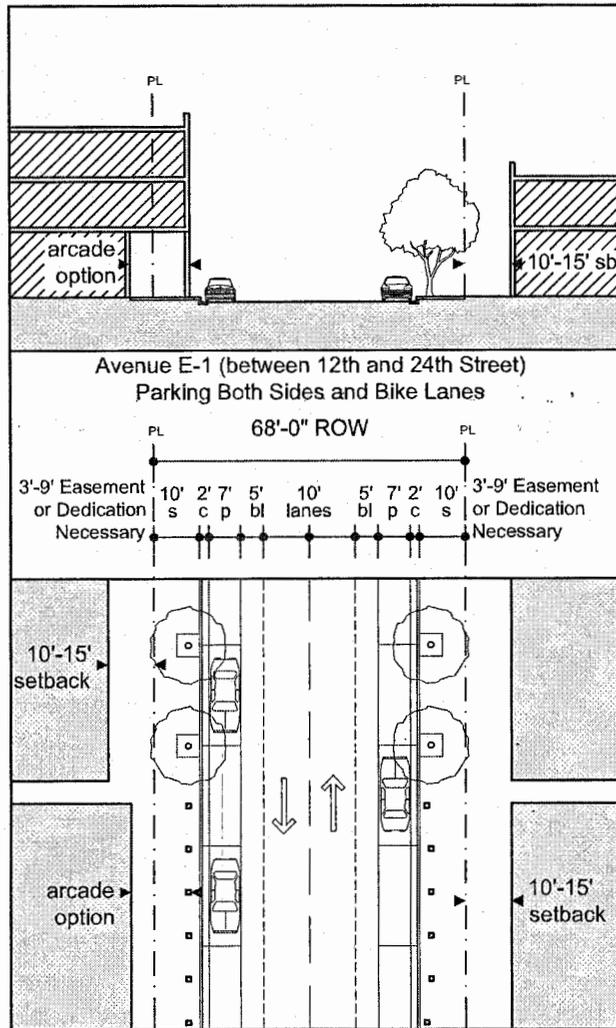
*[The following street type descriptions and illustrations are added in their entirety to Section 29-65(c) "Street design standards for the community redevelopment area", Article II "Construction" of Chapter 29 "Streets and Sidewalks"]*

## Broadway -1



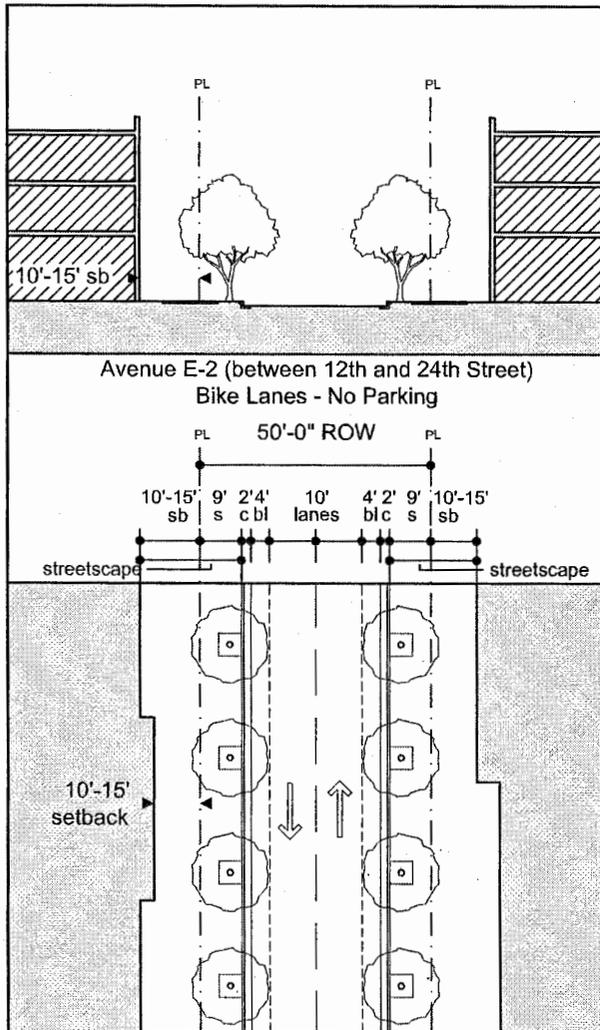
Broadway-1 is a street design for Broadway. This avenue is the downtown main street and the street design of this thoroughfare is critical to the overall revitalization of the downtown area. The first phase of improvement of this corridor entails installing a central median with regularly spaced trees as well as new street trees in grates on either side. As redevelopment occurs, the building setbacks will allow the face of curb to be moved back to provide an on-street parking lane, as shown on the right side of the diagram. On-street parking calms traffic, provides easy access to local businesses, and shields the pedestrian area from moving traffic. Shade trees are installed in grates and the adjacent building setbacks augment the sidewalk area to establish a superior pedestrian environment. At the time parking is installed, the trees will also be moved or planted within the setback area. To implement this design, the right-of-way, which is generally 80 feet wide, will expand to at least 100 feet, requiring a dedication or easement of at least 10 feet on each side.

## Avenue E-1



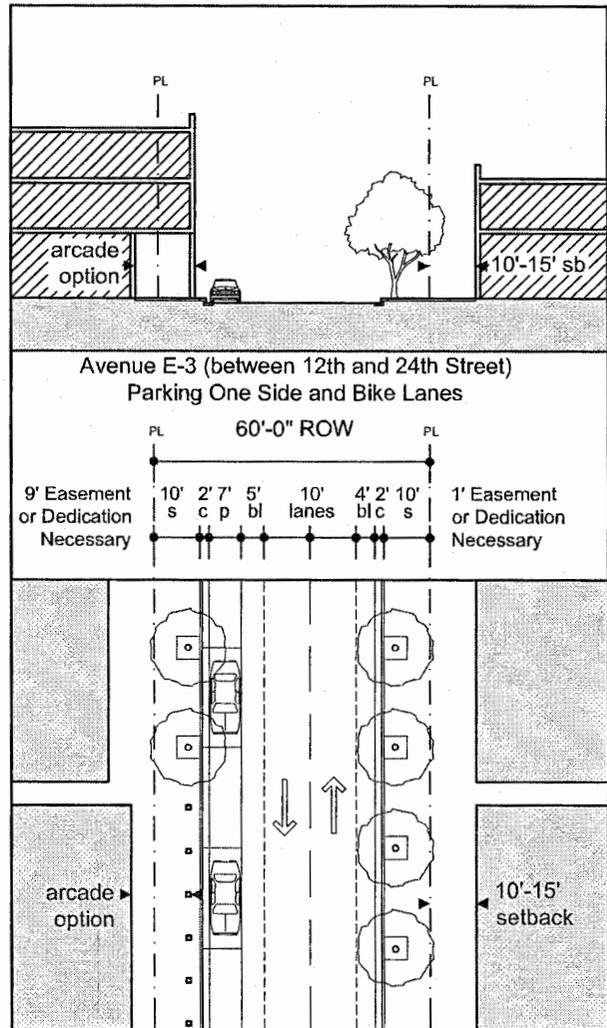
Avenue E-1 is the preferred street design for Avenue E between 12th Street and 24th Street. Currently, a mix of uses occur along the street including local businesses and residences. The ultimate vision for the street is a neighborhood main street. In this area, Avenue E is also a link in the downtown bicycle route. In order to best meet the needs of these various conditions, the street design has dedicated bicycle lanes, on-street parking, and wide sidewalks shaded by street trees planted in grates. To implement this design, the right-of-way, which is generally 50 feet or 60 feet wide, will expand to 66 feet, requiring a dedication or easement of three to nine feet on each side, which may be accommodated using the building setback area.

### Avenue E-2



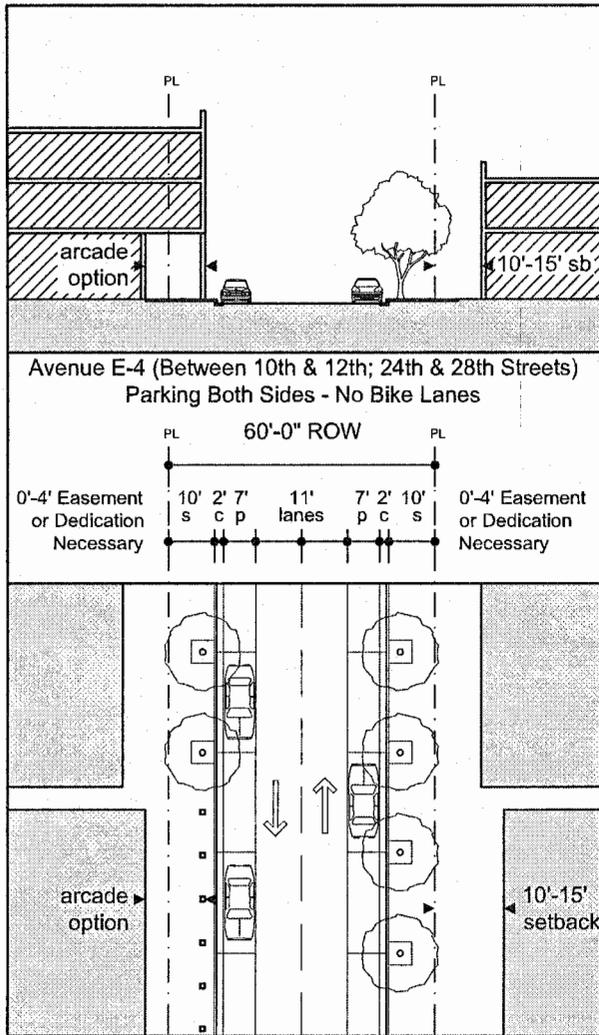
Avenue E-2 depicts a street design for Avenue E between 12th Street and 24th Street for use when the acquisition of additional right-of-way is impractical due to constraints such as the location of existing buildings, parking, or utilities. Though not ideal for commercial uses by not incorporating the on-street parking lanes in Avenue E-1, Avenue E-2 accommodates the bicycle route and wide, shaded sidewalks within the existing right-of-way. This section is also appropriate along lots with existing single-family homes.

### Avenue E-3



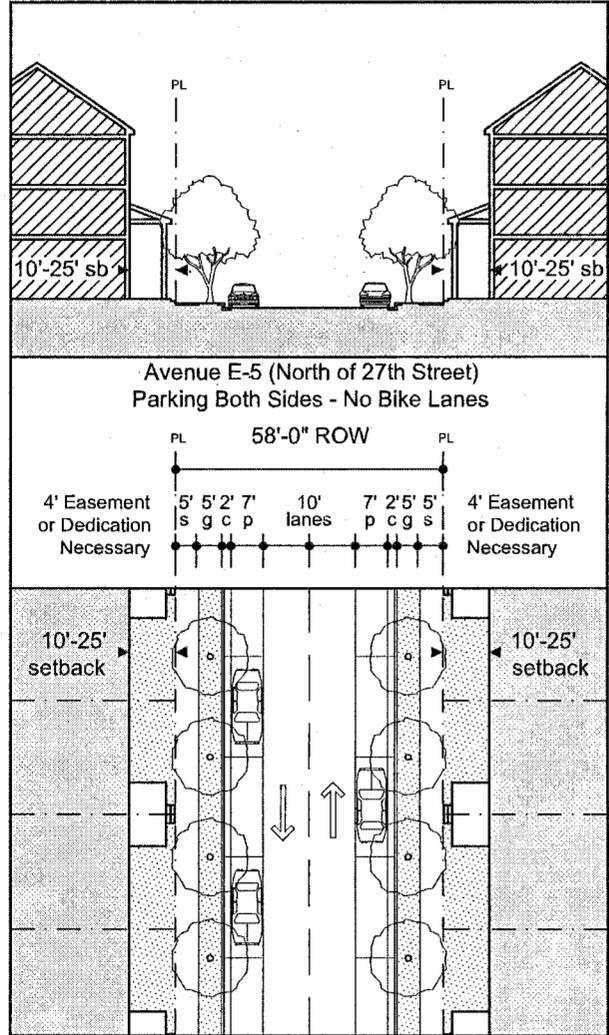
Avenue E-3 depicts a condition that may result if the preferred design (Avenue E-1) and the Avenue E-2 design are combined. This may occur when one side of the street redevelops and can easily accommodate the expanded right-of-way needs, while the other side has constraints. In this case, on-street parking can be implemented on one side, with bicycle lanes, street trees and wide sidewalks on both sides. In order to achieve this, nine feet may need to be dedicated on one side while as little as one foot may be needed on the other side.

### Avenue E-4



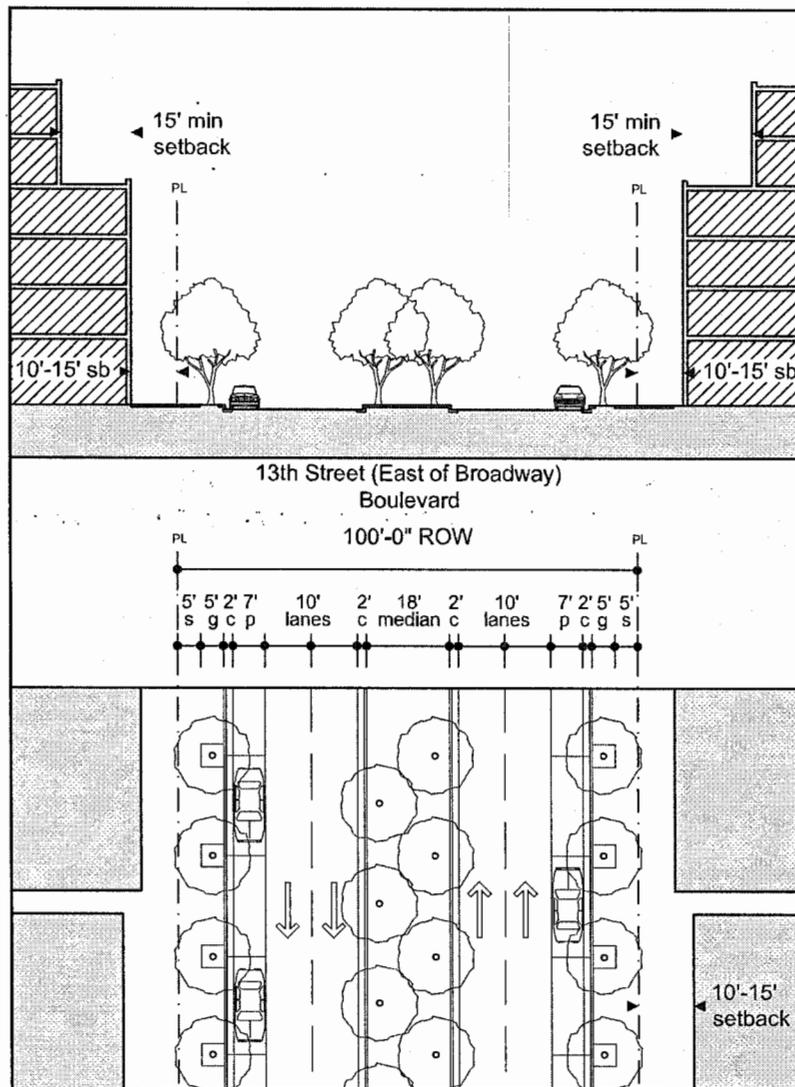
Avenue E-4 depicts a street design for Avenue E between 10th Street and 12th Street and between 24th Street and 28th Street. The design reflects a neighborhood main street design. The bike lanes are not included as the route has transferred over to Avenue F. This street design accommodates dedicated on-street parking on both sides of the street. In order to implement this design, an ultimate right-of-way width of 58 feet is necessary, requiring in some locations approximately four feet of dedication or easement on each side. In areas with 60 feet of existing right-of-way, no easements are needed and the sidewalk area could be slightly wider.

### Avenue E-5



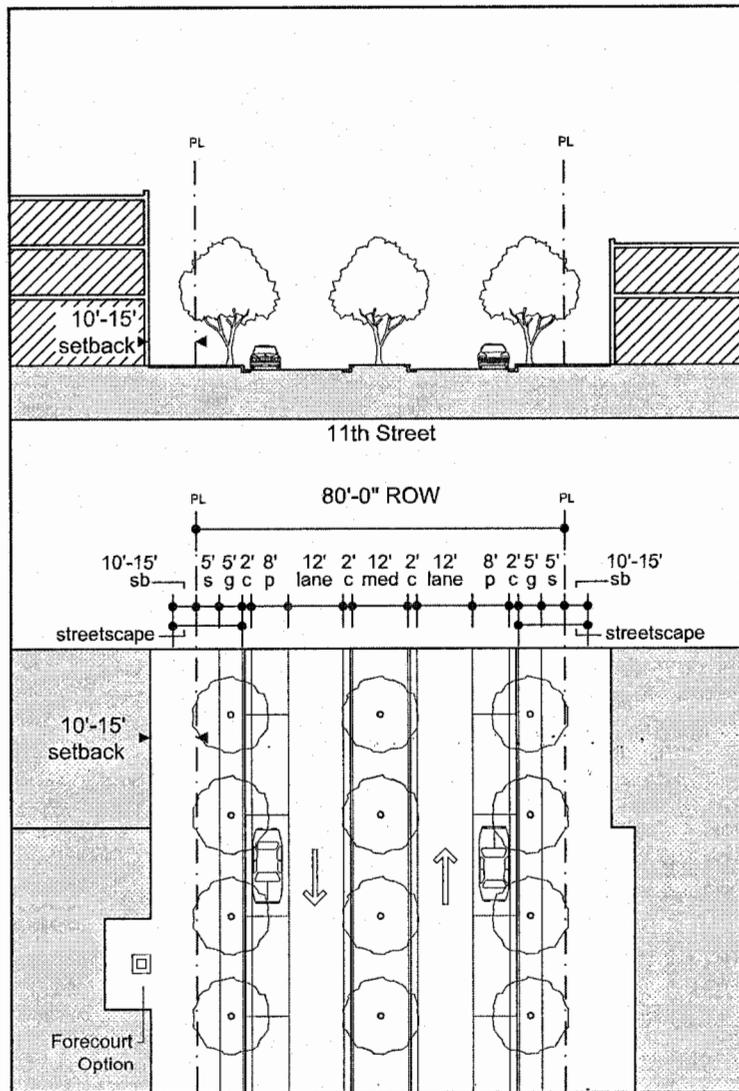
Avenue E-5 depicts a street design for Avenue E north of 28th Street. In this location, the surrounding area transitions from a mixed-use to a multi-family residential area. On-street parking lanes are accommodated on both sides of the street and regularly spaced street trees are installed in planting strips. In order to implement this design, an ultimate right-of-way width of 58 feet is necessary, requiring approximately four feet of dedication or easement on each side. In the event that there are existing single family homes, the on-street parking could be removed and the swale expanded.

### 13th Street (East of Broadway)



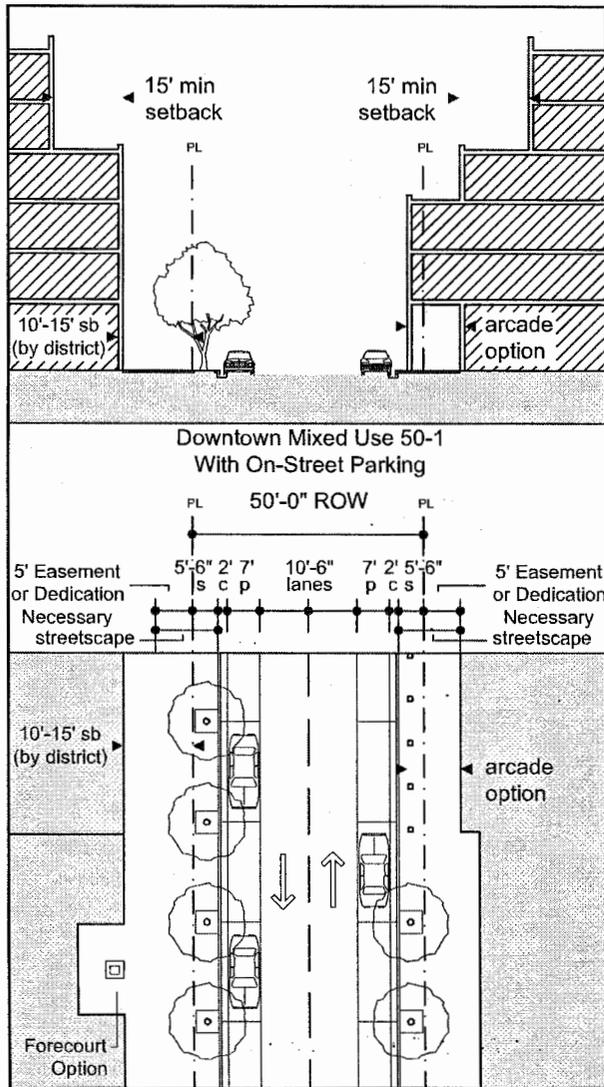
The street section above depicts a street design for 13th Street east of Broadway. Traffic will be calmed by providing a wide median with regularly spaced street trees. On-street parking provides an easy option to stop and visit businesses and shields the highly active pedestrian area from through traffic. Street trees are installed every 25 feet and the adjacent building setbacks augment the sidewalk area to establish a superior pedestrian environment.

## 11th Street

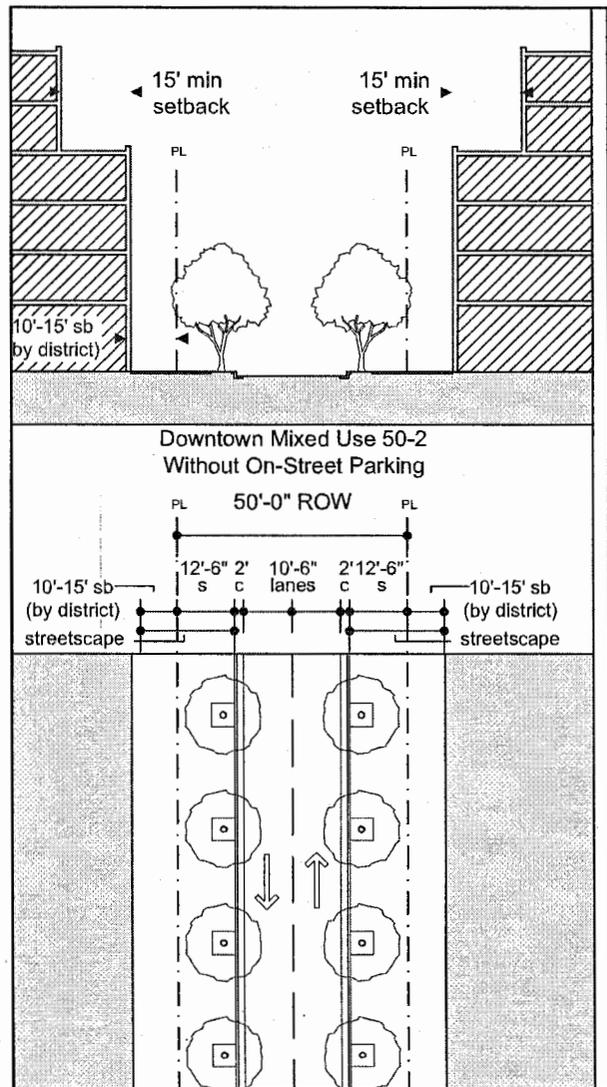


This street design is appropriate for 11th Street in the downtown area. This street is flanked on one side by industrial uses and on the other side by a mix of neighborhood commercial and residential uses. The travel lanes are wide here to easily accommodate larger vehicles. The addition of on-street parking is vital to support the surrounding businesses. In order to provide a transition between the two sides and to visually enclose the street, a median is proposed with regularly spaced trees. Street trees are installed in a planting strip adjacent to a continuous sidewalk. The sidewalk is augmented by the adjacent building setbacks to establish a wider pedestrian pathway and environment.

### Downtown Street-50-1



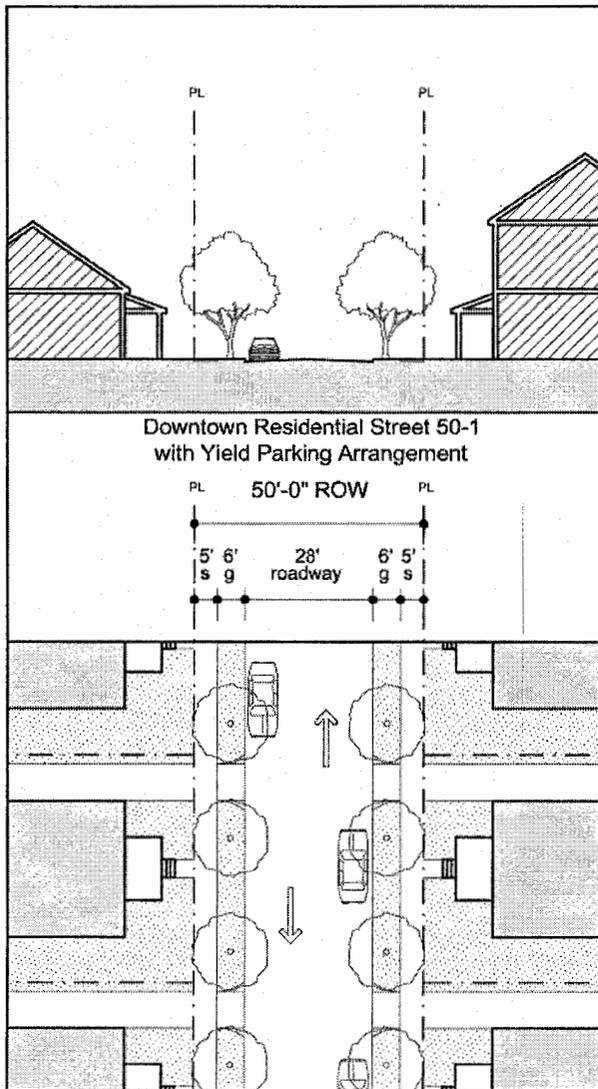
### Downtown Street-50-2



Downtown Street 50-1 depicts a street design for streets within mixed-use districts in the downtown. On-street parking is provided on both sides of the street. The setback requirements for the Downtown Core and Downtown General Neighborhood districts ensure the area between the building facades and the curb can easily accommodate pedestrian pathways and street trees. Existing 50 feet wide rights-of-way require the dedication or easement of five feet on each side of the street. Street trees are uniformly spaced and installed within tree grates.

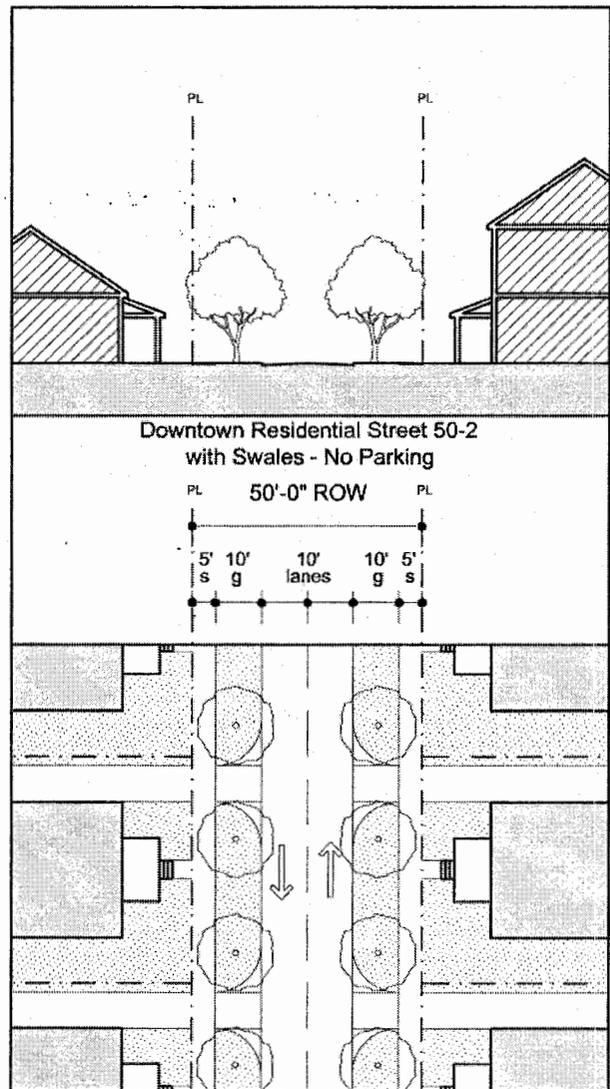
Downtown Street 50-2 depicts a street design without on-street parking. This design is appropriate when constraints such as the location of existing buildings, parking lots, utilities, or diverse ownership patterns require the accommodation of the full pedestrian pathway and street trees within the right-of-way without the benefit of using the setback area of adjacent buildings. This design may be used in conjunction with Downtown-50-1 to complete a street improvement when a redevelopment project does not comprise an entire block length or both sides of a street.

### Downtown Residential Street-50-1



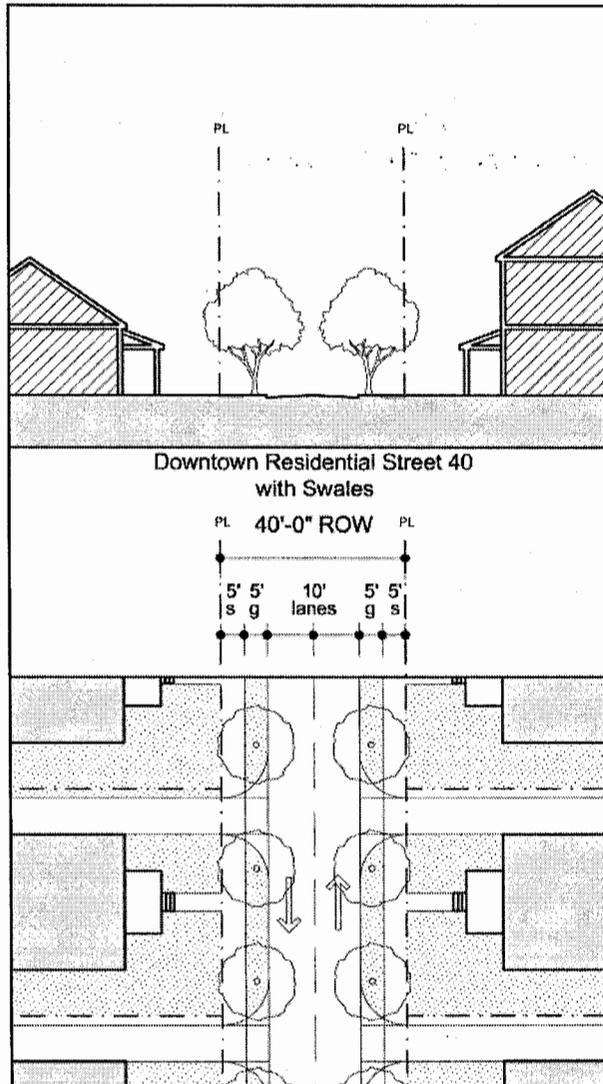
Downtown Residential Street-50-1 is a street design appropriate for the residential neighborhoods in the downtown area. Vehicular travel is the slowest in these areas, with parking occurring sporadically in front of single-family houses, without a formal parking lane. On-coming cars may have to yield, which naturally calms traffic. This design is not recommended for areas accommodating townhouses or multi-family housing. Shade trees are regularly spaced in planting strips next to standard sidewalks.

### Downtown Residential Street-50-2



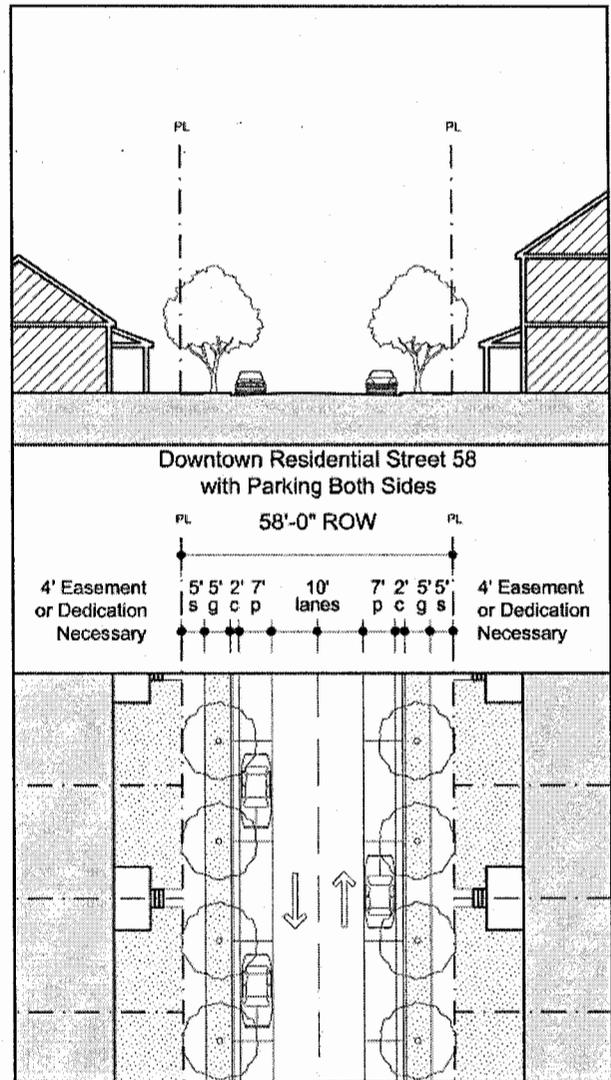
Downtown Residential 50-2 is a street design appropriate for the residential districts in the downtown area, where on-street parking is not a high priority. Shade trees are regularly spaced in planting strips next to standard sidewalks.

### Downtown Residential Street-40



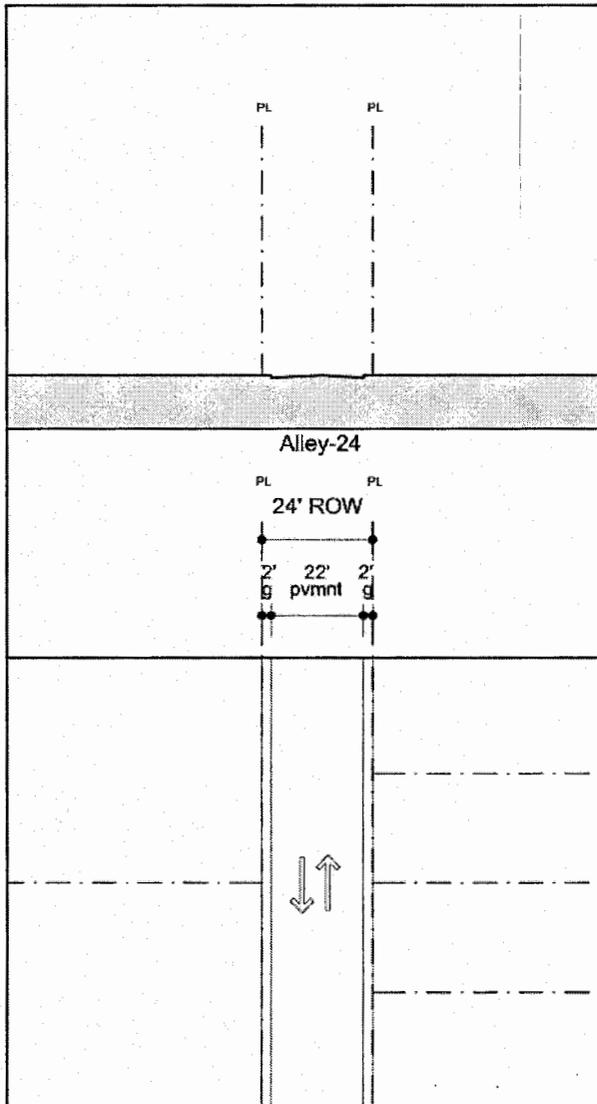
Downtown Residential Street-40 is a street design appropriate for thoroughfares that are 40 feet wide within residential districts in the downtown area. Shade trees are regularly spaced in planting strips between sidewalks and travel lanes.

### Downtown Residential Street-58



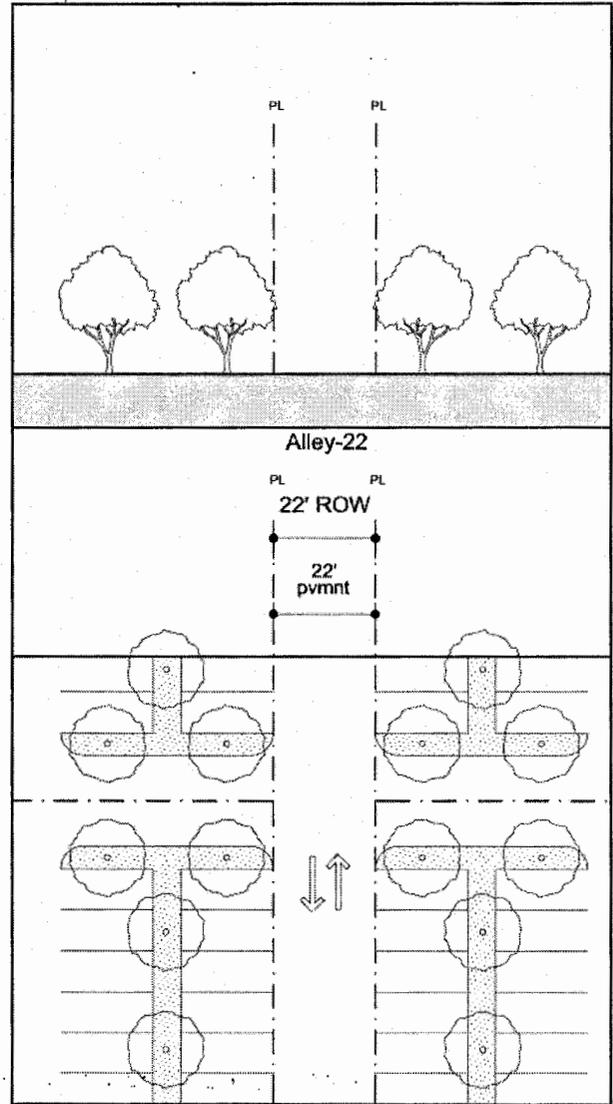
Downtown-58 is a street design appropriate for the residential districts in the downtown area and in redevelopment design areas, where new streets are anticipated. This street design is preferred for projects proposing new townhouses or multi-family buildings. This street design requires 58 feet of right-of-way; existing rights-of-way that are 50 feet wide will require expansion through the dedication or easement of four feet on each side of the street. Shade trees are regularly spaced in planting strips between sidewalks and parking lanes.

### Alley-24



Alley 24 is a street design for existing alleys or for Future Alley connections designated on the Regulating Plan. The alley runs through a block, providing vehicular access to multiple lots. Alleys provide vehicular access to the rear of lots, which optimizes the pedestrian quality of the street in the front of the building.

### Alley-22



Alley 22 is a street design for existing alleys or for Future Alley connections designated on the Regulating Plan. This design incorporates the alley into parking lots as a standard drive aisle, which allows for efficient parking lot design, rear access to multiple lots, and allows for vehicular connectivity between the parking lots of adjacent parcels.

Amending Chapter 29, "Streets and Sidewalks", Article II, "Construction", Division 2, "Streets", adding Section 29-66.

*Chapter 29 "Streets and Sidewalks" is amended to add Section 29-66 "Relocation and Use of Public Rights-of-Way" in its entirety as follows:*

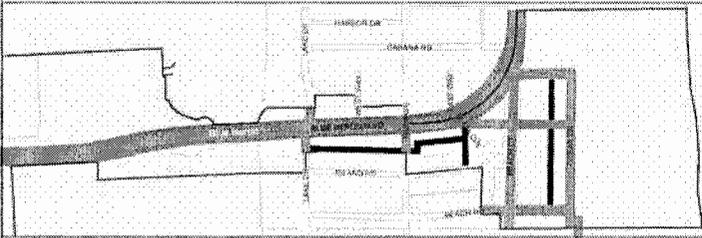
**Sec. 29-66. Relocation and Use of Public Rights-of-Way.** In order to preserve and enhance the existing, interconnected street and block structure in downtown Riviera Beach, public rights-of-way shall not be abandoned. The Commission may consider requests for the relocation or use of public rights-of-way using the following criteria:

- (1) The proposed relocation resolves existing incompatibilities such as conditions where the fronts of some parcels face the backs of other parcels due to shifts in the block structure and street grid;
- (2) The subject right-of-way is an alley or designated as a Secondary Street. Primary Streets are not eligible for relocation or re-orientation unless a new Primary Street is provided;
- (3) The applicant provides a new route within the project that is parallel to the subject right-of-way, establishes a Potential (Future) Street Connection on the Zoning Map, or creates greater connectivity within the City's street network;
- (4) The proposed relocation maintains or increases public access to the waterfront;
- (5) The relocation will not create a block with a perimeter measuring more than 2000 feet.
- (6) The proposed relocation supports a marine industry, whereby vessel size necessitates increased dimensions of the parcel. Approval of the use of public rights-of-way for marine industry is conditional upon maintaining the industry as the primary use; permits shall stipulate that rights-of-way revert to the City upon the redevelopment of parcels for primarily residential or commercial uses.
- (7) Permits shall stipulate that commencement of construction shall occur within 2 years of approval; otherwise use of the subject right-of-way shall revert to the City.
- (8) Requests to use public rights-of-way for sidewalk encroachments for frontage conditions such as arcades, galleries, or balconies will be considered on a case by case basis.



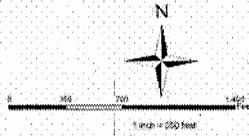
City of Riviera Beach  
Community Redevelopment Agency  
(CRA)

# Downtown Riviera Beach Street Types Map



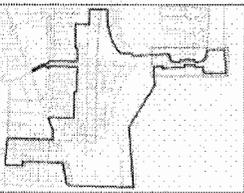
### Street Types

-  Broadway Avenue
-  Avenue E
-  13th Street
-  11th Street
-  Downtown Mixed Use Street
-  Downtown Residential Street
-  Alley
-  State Roadways



Map originally created: September 2, 2009  
This map is intended for reference  
and planning purposes only.

City of Riviera Beach  
Community Redevelopment Agency  
500 West Dixie Highway Boulevard  
Riviera Beach, FL 33404



RESOLUTION NO. 2013 -43

**A RESOLUTION OF THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY RECOMMENDING APPROVAL TO THE CITY OF RIVIERA BEACH OF THE PROPOSED LAND DEVELOPMENT REGULATIONS AND REGULATING PLAN (ZONING MAP) FOR THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY ; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Riviera Beach Community Redevelopment Agency (CRA), the City of Riviera Beach ("City"), and the Treasure Coast Regional Planning Council (TCRPC) entered into an Interlocal Agreement to develop new land development regulations that specifically define how development should be planned, and how it should look, including: building placement, setbacks, height regulations and design controls; and

**WHEREAS**, TCRPC, has prepared the proposed regulations based on the previously approved Citizens Master Plan and the Adopted Community Redevelopment Plan approved by the Riviera Beach City Council in July, 2011; and

**WHEREAS**, public meetings have been held with stakeholders to explain the intent and purpose of the new regulations; and

**WHEREAS**, the CRA submitted the Plan to the City's Planning and Zoning Board which serves as the Local Planning Agency to determine if the Plan was consistent with the adopted Riviera Beach Comprehensive Plan; and

**WHEREAS**, the Planning and Zoning Board found that the new regulations and zoning map are consistent with the Riviera Beach Comprehensive Plan and voted to recommend approval; and

**WHEREAS**, staff recommends that the Community Redevelopment Agency approve the proposed Land Development Regulations and Regulating Map (zoning map) for submittal to the City Council of the City of Riviera Beach.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY THAT:**

**SECTION 1.** The Community Redevelopment Agency, having received the comments from the public and approval by the Planning and Zoning Board acting as the Local Planning Agency, recommends approval of the attached Land Development Regulations and Regulating Plan (zoning map) and submission to the Riviera Beach City Council.

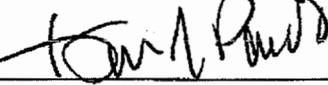
**SECTION 2.** Should any one or more of the provisions of this resolution be held invalid, such provision shall be null and void and shall be deemed separate from the remaining provisions of the resolution and shall in no way affect the validity of any

of the remaining provisions of the resolution .

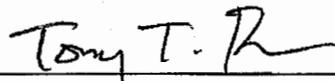
SECTION 3: This resolution shall be effective immediately upon its adoption.

**PASSED AND ADOPTED** this 23rd day of October 2013

RIVIERA BEACH COMMUNITY  
REDEVELOPMENT AGENCY

By:   
Name: Cedrick A. Thomas  
Title: Chairperson

ATTEST:

  
Executive Director

Approved as to form and legal  
sufficiency



J. Michael Haygood  
Date 10/21/2013  
Haygood & Harris LLC  
General Counsel to CRA

MOTION BY: J. Davis

SECONDED BY: T. Davis

- D. PARDO AYE
- J. DAVIS AYE
- T. DAVIS AYE
- C. THOMAS Absent
- B. GUYTON AYE

ORDINANCE NO. 4039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUBMITTING TO THE CITY ELECTORS A PROPOSED AMENDMENT TO THE CITY CHARTER AMENDING ARTICLE VII, SECTION 3.5 ENTITLED "CITY MARINA PROPERTY" BY KEEPING CITY OWNERSHIP OF THE MARINA BUT REMOVING CERTAIN USE RESTRICTIONS ON THE MARINA AND SUBMERGED LANDS AND THE RESTRICTION THAT MARINA PROPERTIES, NEWCOMB HALL, SPANISH COURTS AND BICENTENNIAL PARK SHALL BE OWNED, MANAGED, AND OPERATED SOLELY BY THE CITY OF RIVIERA BEACH; PROVIDING THE REQUISITE BALLOT LANGUAGE TO BE PRESENTED AT THE SPECIAL ELECTION TO BE HELD ON MARCH 11, 2014; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR CODIFICATION IN THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER, SEVERABILITY, AND CONFLICTS.

**WHEREAS**, at the November 2, 2010 election, the electors of the City of Riviera Beach voted to amend the City charter to allow certain restrictions at the marina after the Riviera Beach Citizen's Task Force collected the requisite number of signatures to have a charter amendment question placed on the ballot; and

**WHEREAS**, shortly thereafter, at the March 8, 2011 election, the electors of the City of Riviera Beach voted to repeal the changes made at the November 2, 2010 election after the Committee for a Better Riviera Beach collected the requisite number of signatures to have a charter amendment question placed on the ballot; and

**WHEREAS**, the Riviera Beach Citizen's Task Force sued the City in state court where it sought, among other things, to challenge the Committee for a Better Riviera Beach's charter question; and

**WHEREAS**, the court entered several orders in *Riviera Beach Citizens Task Force et al., v. City of Riviera Beach et al.*, case number 502011CA001501XXXMB, finding, among other things, that the ballot summary presented to the electors in March 2011, was insufficient and ordered, in the August 19, 2013 final judgment, that "the City of Riviera Beach is directed to prepare a new ballot summary based on the citizen's petition initiated by the Committee for a Better Riviera Beach"; and

**WHEREAS**, the court directed that the proposed charter amendment be placed before the electorate at either a general or special election as determined by the City; and

**WHEREAS**, thereafter, the Riviera Beach Citizen's Task Force filed an appeal of *Riviera Beach Citizens Task Force et al. v. City of Riviera Beach et al.*, case number 502011CA001501XXXMB, to the Fourth District Court of Appeal, in case number 4D13-2956, which is pending; and

**WHEREAS**, the City Council finds that in order to facilitate economic development at the Marina which will foster tourism and enhance recreational and commercial activity at the Marina, that it is important to amend the City's charter to remove restrictions at the Marina and surrounding properties; and

**WHEREAS**, the City Council has determined that it is in the best interests of its citizens to submit to the electorate a question pertaining to uses at the marina that will be in compliance with the court's final judgment, but independent of any determination on appeal.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA** as follows:

**SECTION 1.** That the City's Charter, Article VII, section 3.5, entitled "City Marina Property" is hereby amended as follows (underline means added; ~~stricken through~~ means deleted).

The city's municipal marina shall not be sold. However, the city council may enter into management, license or lease agreements with marina users and/or outside operators for a term of not more than 50 years in order to facilitate marina activities, use or operations ~~and to provide that the use of dedicated submerged public lands be limited to municipal park and recreational purposes according to the terms State of Florida Dedication No. 24438-A (2725-50) by the Board of Trustees of the Internal Improvement Fund, to include the Marina and public Municipal Marina properties, Newcomb Hall, Bicentennial Park, and Spanish Courts shall be owned, managed, and operated solely by the City of Riviera Beach for municipal and public uses; the use of the marina shall not be changed to industrial commercial, to include an industrial commercial boat repair operation.~~ This provision may be implemented by ordinance adopted by the City Council.

**SECTION 2.** The question setting forth the substance of the proposed Charter Amendment shall appear on the ballot and shall read as follows:

**REFERENDUM**  
**CHARTER AMENDMENT QUESTION**

**Charter amendment keeping City ownership of the municipal marina but removing certain requirements and restrictions**

In November 2010, an amendment to the Charter was approved, requiring the marina, marina properties, Newcomb Hall, Spanish Courts, and Bicentennial Park be owned, managed, and operated solely by the City of Riviera Beach. It also restricted the use of the marina and associated submerged lands. Shall the City Charter section "City Marina Property" be amended to remove the above requirements and restrictions imposed in November 2010, while keeping City ownership of the municipal marina?

Yes        \_\_\_\_\_  
No         \_\_\_\_\_

**SECTION 3.** The City Clerk of the City of Riviera Beach is hereby authorized and directed to advertise the election contemplated herein in accordance with the Charter of the City of Riviera Beach, the City's Code of Ordinances, and the Election Laws of the State of Florida.

**SECTION 4.** That the amendment to the City Charter shall be in full force and effect upon the approval by a majority of the electors voting at said election and after certification of the election results of the March 11, 2014 special election. Once approved and certified, the amendment to the City Charter shall be incorporated into the Charter and codified.

**SECTION 5.** If the charter amendment set forth herein is not approved by a majority of those electors voting at the election, this Ordinance will be automatically repealed.

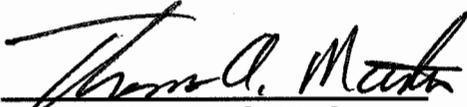
**SECTION 6.** If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

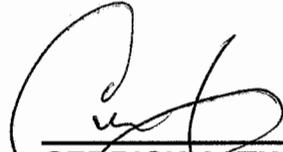
**SECTION 7.** That all laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED and APPROVED** on first reading this 18TH day of DECEMBER, 2013.

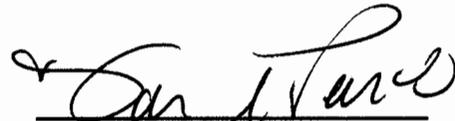
**PASSED and ADOPTED** on second and final reading this 15 day of January, 2014.

APPROVED:

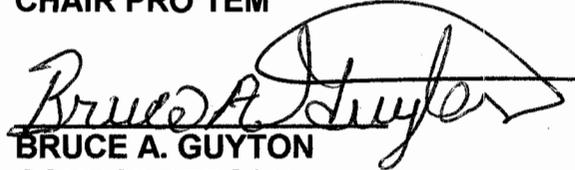
  
\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

  
\_\_\_\_\_  
CEDRICK A. THOMAS  
CHAIRPERSON

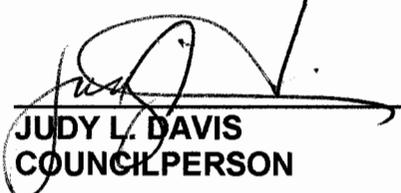
MUNICIPAL SEAL

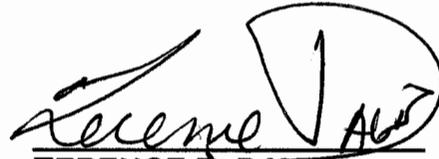
  
\_\_\_\_\_  
DAWN S. PARDO  
CHAIR PRO TEM

ATTEST:

  
\_\_\_\_\_  
BRUCE A. GUYTON  
COUNCILPERSON

  
\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_  
TERENCE D. DAVIS  
COUNCILPERSON

1<sup>st</sup> READING

MOTIONED BY: J. DAVIS

SECONDED BY: T. DAVIS

C. THOMAS                AYE    

D. PARDO                AYE    

B. GUYTON               AYE    

J. DAVIS                 AYE    

S. LOWE                 AYE    

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

MOTIONED BY: Guyton

SECONDED BY: Pardo

C. THOMAS               Aye    

D. PARDO                Aye    

B. GUYTON               Aye    

J. DAVIS                 Aye    

S. LOWE                 Aye    

REVIEWED AS TO LEGAL SUFFICIENCY

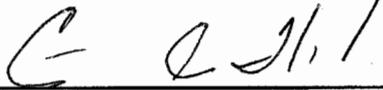
Pamela H. Ryan  
PAMALA H. RYAN, B.C.S.,  
CITY ATTORNEY

DATE: 1/15/14

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

1/15/2019  
DATE

  
Carrie E. Ward, Master Municipal Clerk  
City Clerk

**ORDINANCE NO. 4040**

APPROVAL OF ORDINANCE ON FIRST READING FAILED AT THE JANUARY 15, 2014  
REGULAR CITY COUNCIL MEETING

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING", BY AMENDING ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", BY AMENDING SECTION 31-547 ENTITLED "WALLS AND FENCES" TO ALLOW ELECTRIC FENCES BY SPECIAL EXCEPTION IN THE LIMITED INDUSTRIAL (IL) ZONING DISTRICT; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Riviera Beach Code of Ordinances controls and directs the development of land within the municipal limits of the City; and

**WHEREAS**, the City of Riviera Beach Code of Ordinances currently allows electric fences within the General Industrial (IG) zoning district; and

**WHEREAS**, The applicant, Sentry Security Systems, LLC, 121 Executive Center Dr, Suite 230, Columbia SC 29210, submitted a request for a text change to the City's Code of Ordinances Land Development Regulations to allow for electric fences in the Limited Industrial (IL) zoning district.

**WHEREAS**, on November 8, 2012 the Planning and Zoning Board voted to recommend denial of the language to allow electric fences within the Limited Industrial (IL) Zoning District; and

**WHEREAS**, Sentry Security Systems, LLC submitted revised language to be considered for text change to the City's Code of Ordinances Land Development Regulations to allow for electric fences in Limited Industrial (IL) zoning district with a "special use permit"; and

**WHEREAS**, on July 11, 2013 the Planning and Zoning Board reviewed the applicant revised language and again voted to recommend denial of the revised language to allow electric fences within the Limited Industrial (IL) Zoning District; and

**WHEREAS**, Sentry Security Systems, LLC submitted a 3<sup>rd</sup> revised language to be considered for text change to the City's Code of Ordinances Land Development regulations to allow electric fences within the Limited Industrial (IL) Zoning District; and

**WHEREAS**, on September 26, 2013 the Planning and Zoning Board reviewed the 3<sup>rd</sup> submittal of revised language and yet again voted to recommend denial to allow electric fences within the Limited Industrial (IL) Zoning District; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:**

**SECTION 1.** That Chapter 31 "Zoning", Article VI, "Supplemental District Regulations", is amended by adding the following regulations to Section 31-547. Walls and fences., as follows:

**Sec. 31-547. - Walls and fences.**

- (a) Property zoned for residential use, walls and fences shall be erected or maintained in accordance with the following:
  - (1) Along or adjacent to lot lines in the required rear or side yard, maximum height shall be six feet.
  - (2) In the required front yard, the maximum height shall be four feet.
  - (3) On a corner lot, no fences or walls shall be erected or maintained to a height exceeding three feet above the crown of the roadway within 25 feet of the intersection of two streets.
- (b) On all property zoned for commercial use, maximum height shall be six feet.
- (c) Except as provided in subsection (h), ~~On~~ all property zoned for industrial use, maximum height shall be eight feet.
- (d) A waiver from the height provisions in the subsections above may be granted by the director of community development for nonelectric walls and fences used for athletic fields or recreational purposes.
- (e) On all commercial or industrial property development adjoining residential districts, a six-foot solid masonry wall shall be constructed prior to final certificate of occupancy or certificate of completion.
- (f) All easements shall be free and clear of walls and fences. An exemption may be granted only when the property owner has first agreed, in writing, to remove such obstruction upon the request of the city council and at the property owner's expense. This documentation shall be submitted, reviewed and approved by the city prior to the issuance of a permit.
- (g) No barbed wire shall be permitted as fencing within the corporate limits of the city, except that it may be permitted on the top of a fence six feet high or higher in industrial districts, not to exceed eight feet in total height.
- (h) Electric fences shall be permitted only in the general industrial (IG) zoning district, and by special exception in the light industrial (IL) zoning district, not to exceed ~~eight ten~~ feet in total height. and subject to the provisions of subsections (i) through (k) hereof.
- (i) Electric fences shall be permitted only for use within outdoor storage areas in both the General Industrial (IG) zoning district, and by special exception in the

Limited Industrial (IL) zoning district, provided that the electric fence is installed and operated in the following manner:

- (1) Electric fencing shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard 60335-2-76.
    - a. The energizer for an electric security fence must be driven by a commercial storage battery not to exceed 12 volts DC.
    - b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 of the IEC and depicted in Figure 102 of IEC Standard No. 60335-2-76.
  - (2) Fifty percent or more of the energy needed to electrify the fencing must be generated on site with the use of solar panels or an alternate zero emission power source.
  - (3) No electric fence shall be installed unless its exterior is completely surrounded by an additional non-electric fence or wall, a minimum of six feet in height. If an electric fence is installed adjacent to a residentially zoned parcel, its exterior must be completely surrounded by an additional solid masonry wall, a minimum of six feet in height, in addition to landscape buffer requirements.
    - a. There must be a clearance of four to 12 inches between the electric fence and the additional wall or fence, for the entire length of the electric fence.
    - b. The exterior of this additional wall or fence must be landscaped according to article VIII. Landscape Regulations of the City of Riviera Beach Code of Ordinances. An application for an electric fence shall be treated as a renovation development for which the city issues a building permit, as described in subsection 31-597(b).
  - (4) The following required signage must be maintained and visible at all times denoting the electric fence. Signs that read: "Warning Electric Fence" at intervals of not less than 20 feet must be installed, maintained, and remain visible at all times. In no instance may there be less than one sign visible on each side of the fence. Signs can be a minimum of four inches by eight inches but must not exceed 12 inches by 18 inches. Additional signage may be required if determined necessary by the chief of police or the director of community development. Sign details must be submitted during the permitting process.
  - (5) Electric fences shall be governed by burglar alarm fees and regulations.
  - (6) Electric fences may be operational only after business hours. The fence must remain off during business hours.
  - (7) One year after the issuance of an electric fence permit and yearly thereafter, the electric fence's owner must submit a maintenance report to the City Building Official, Police Chief and Fire Chief, affirming concurrency with the aforementioned guidelines and regulations.
- (j) It shall be unlawful for any persons to install, maintain or operate an electric fence in violation of this section. The Chief of Police shall immediately

abate, through the code enforcement process, any electric fence that is not properly maintained or does not meet any standard set forth in this section. The city may also avail itself of injunctive relief should the electric fence fail to be operated in accordance with this section.

- (k) Businesses that choose to own, operate and maintain an electrified fence, barbed wire, are solely responsible for any liability or damage caused by or stemming from the ownership or operation of these materials.

(l) Conditions for granting a special exception for an electric fence in the Limited Industrial (IL) zoning district.

- (1) In addition to compliance with the provisions of this section 31-547, an electric fence may be permitted in the Limited Industrial (IL) zoning district only upon the approval of a special exception by the City Council.
- (2) If any portion of property within which an electric fence is proposed to be installed is adjacent to a residentially zoned parcel, the portion of the proposed fence adjacent to such residentially zoned parcel shall not be electrified. Such adjacent fence may contain sensors or other alarm devices.
- (3) The City Council shall review the special exception with appropriate conditions and safeguards that shall not adversely affect the public interest as the City Council deems necessary.
- (4) The factors to be considered and applied by the City Council in approving a special exception shall include the following:
  - a. The applicant has implemented reasonable alternative crime prevention measures and techniques, including, but not limited to, perimeter lighting, surveillance systems, landscaping, and target hardening techniques.
  - b. The applicant has proposed a landscaping plan consistent with Chapter 31. Zoning, Article VIII. Florida Friendly Landscape Regulations, of the City of Riviera Beach Code of Ordinances, and that will provide the electric fence visual buffer for adjacent properties and deter access to the installed fences.
  - c. The applicant has proposed walls and/or fences (which may be in addition to the requirements of subsection (i)(3) hereof) exterior to the proposed electric fence that will provide sufficient protection for the safety of the public and adjacent property owners.
- (5) The City Council shall approve the special exception with findings and conclusions based upon the factors contained herein and may include such conditions and safeguards as deemed appropriate.
- (6) The approval of a special exception for electric fence requires that the applicant indemnify the City, and its officers and employees from and against liability to the extent caused by the negligence or willful misconduct of the applicant arising from the installation and operation of the electric fence. In addition, the City Manager may require that the applicant maintain liability insurance in a minimum amount of Five Hundred Thousand Dollars (\$500,000) and naming the City as an additional named insured.

(7) The approval of a special exception for electric fence requires an annual inspection by the City Building Official of the electric fence, at the applicant's expense, in order to confirm compliance with the requirements of this subsection (i)(1).

**SECTION 2.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held 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 be in full force and effect immediately upon its final passage and approval.

**PASSED AND APPROVED** on the first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

**PASSED AND ADOPTED** on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\*\*\*\*\*THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK\*\*\*\*\*

ORDINANCE NO. \_\_\_\_\_  
PAGE 6

APPROVED:

\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

\_\_\_\_\_  
CEDRICK A. THOMAS  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
DAWN S. PARDO  
CHAIR PRO TEM

\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

\_\_\_\_\_  
BRUCE A. GUYTON  
COUNCILPERSON

\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

\_\_\_\_\_  
TERENCE D. DAVIS  
COUNCILPERSON

**1<sup>ST</sup> READING**

MOTIONED BY: T. DAVIS

SECONDED BY: J. DAVIS

B. GUYTON NAY

J. DAVIS NAY

C. THOMAS NAY

D. PARDO NAY

T. DAVIS NAY

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

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

B. GUYTON \_\_\_\_\_

J. DAVIS \_\_\_\_\_

C. THOMAS \_\_\_\_\_

D. PARDO \_\_\_\_\_

T. DAVIS \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, B.C.S. CITY ATTORNEY

DATE: \_\_\_\_\_

ORDINANCE NO. 4041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING ALL OF THE RIGHT-OF-WAY KNOWN AS GRAND VIEW PLACE NORTH, TOGETHER WITH ALL OF EAST 13TH STREET LYING EAST OF A LINE THAT IS 5 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF AVENUE 'C', TOGETHER WITH ALL OF EAST 14TH STREET LYING EAST OF A LINE THAT IS 5 FEET EAST OF THE SAID EAST RIGHT-OF-WAY LINE OF AVENUE 'C', ALL AS SHOWN ON RIVIERA, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 90 AND 91 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TO FACILITATE DEVELOPMENT IN ACCORDANCE WITH THE RIVIERA BEACH MARINA DISTRICT MASTER PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND RECORDING; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City desires to implement a unified long-range plan for development and redevelopment of the Marina District, which successfully integrates the ideologies of both residents and business owners; and

**WHEREAS**, the Citizens' Master Plan was approved on January 30, 2008, combining urban design principles with community input, establishing a Citizens' Plan for redevelopment of the Marina District; and

**WHEREAS**, the City's Comprehensive Plan was adopted on May 19, 2010, and amended on October 6, 2010, providing guidance for future development and redevelopment throughout the City and within the Marina District; and

**WHEREAS**, the Community Redevelopment Plan was found to be in compliance with the City's 2010 Comprehensive Plan and was approved on July 20, 2011, directing future development and redevelopment of the Marina District; and

**WHEREAS**, the City Council approved the Marina District Master Plan on February, 27, 2013; and

**WHEREAS**, the Planning and Zoning Board recommended approval of the aforementioned abandonment to the City Council on October 24, 2013; and

**WHEREAS**, the City of Riviera Beach is in support of the abandonment of all of Grand View Place North and the portion of East 13<sup>th</sup> Street and portion of East 14<sup>th</sup> Street, located east of Avenue 'C', which is required to facilitate the development of a

new event center, the public promenade and new public streets in accordance with the Marina District Master Plan.

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

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

**SECTION 2.** The abandonment of right-of-way, including all of Grand View Place North and the portion of East 13<sup>th</sup> Street and portion of East 14<sup>th</sup> Street, located east of Avenue 'C' is required in order to enable redevelopment in accordance with the Marina District Master Plan.

**SECTION 3.** The aforementioned right-of-way, specifically described and shown within "Exhibit A", and described below, is hereby abandoned:

**ALL OF GRAND VIEW PLACE NORTH, A 30-FOOT WIDE RIGHT-OF-WAY, TOGETHER WITH ALL OF THAT PORTION OF FLAGLER AVENUE (NOW KNOWN AS EAST 13<sup>th</sup> STREET), A 60-FOOT WIDE RIGHT-OF-WAY, LYING EAST OF A LINE THAT IS 5 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF OAK STREET NORTH (NOW KNOWN AS AVENUE C), AND TOGETHER WITH ALL OF THAT PORTION OF NORTH AVENUE (NOW KNOWN AS EAST 14<sup>th</sup> STREET), A 30-FOOT WIDE RIGHT-OF-WAY, LYING EAST OF A LINE THAT IS 5 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SAID EAST RIGHT-OF-WAY LINE OF OAK STREET NORTH, ALL AS SHOWN ON RIVIERA, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 90 AND 91 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS LYING AND BEING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA.**

**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.** 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.

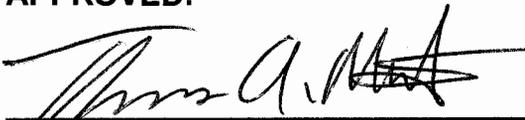
**SECTION 6.** The City Clerk of the City of Riviera Beach is hereby authorized and directed to file and record this Ordinance in the Public Records of Palm Beach County, Florida.

**SECTION 7.** That this Ordinance shall be effective 30 days after its final passage and adoption.

**PASSED AND APPROVED** on the first reading this 4<sup>TH</sup> day of December,  
2013.

**PASSED AND ADOPTED** on second and final reading this 19<sup>th</sup> day of  
February, 2014.

**APPROVED:**



**THOMAS A. MASTERS**  
MAYOR

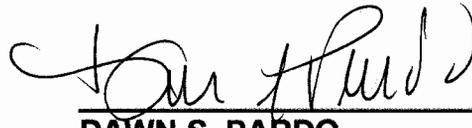


**CEDRICK A. THOMAS**  
CHAIRPERSON

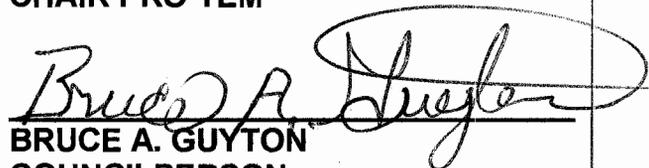
**ATTEST:**



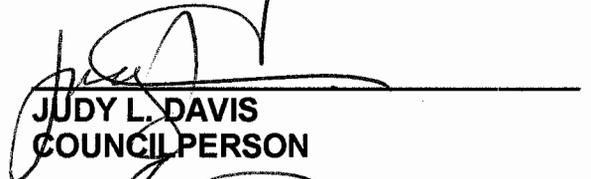
**CARRIE E. WARD**  
MASTER MUNICIPAL CLERK  
CITY CLERK



**DAWN S. PARDO**  
CHAIR PRO TEM



**BRUCE A. GUYTON**  
COUNCILPERSON



**JUDY L. DAVIS**  
COUNCILPERSON



**TERENCE D. DAVIS**  
COUNCILPERSON

1<sup>ST</sup> READING

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

MOTIONED BY: B. GUYTON

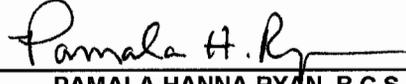
MOTIONED BY: J. DAVIS

SECONDED BY: T. DAVIS

SECONDED BY: B. GUYTON

C. THOMAS      AYE  
D. PARDO        ABSENT  
B. GUYTON      AYE  
J. DAVIS         ABSENT  
T. DAVIS         AYE

C. THOMAS      AYE  
D. PARDO        AYE  
B. GUYTON      AYE  
J. DAVIS         AYE  
T. DAVIS         AYE

REVIEWED AS TO LEGAL SUFFICIENCY  
  
\_\_\_\_\_  
PAMALA HANNA RYAN, B.C.S.,  
CITY ATTORNEY  
DATE: 2/19/19

ORDINANCE NO. 4041  
PAGE 5

**CERTIFICATION OF PUBLICATION**

**I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.**



**Carrie E. Ward**  
**Master Municipal Clerk**  
**City Clerk**

February 19, 2014  
Date

ORDINANCE NO. 4042

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM INDUSTRIAL TO COMMUNITY FACILITY FOR PROPERTY LOCATED AT 1481 WEST 15TH STREET, ON 13.3 ACRES OF LAND IN ORDER TO FACILITATE THE DEVELOPMENT OF THE CITY OF RIVIERA BEACH PUBLIC SERVICES COMPLEX.**

**WHEREAS**, Section 163.3184, Florida Statutes, permits local governments to adopt amendments to the City's Comprehensive Plan to ensure that the plan provides appropriate policy guidance for growth and development; and

**WHEREAS**, the City purchased a 13.3 Acre property on November 7, 2012 by Resolution 128-12 to renovate the property for Police, Fire, Public Works and a new Emergency Operations Center; and

**WHEREAS**, the property has a Future Land Use designation of Industrial; and

**WHEREAS**, the City's Comprehensive Plan requires a Land Use designation of Community Facility, which is intended to encompass land owned and/or administered by the City or other governmental or public agencies for purposes of providing public service; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency met February 27, 2014 to review the proposed amendment to the City's Future Land Use map and made a recommendation to the City Council for approval of the Land Use Change from Industrial to Community Facility; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

**WHEREAS**, the City will transmit a copy of the proposed amendment of the City's Future Land Use Map to the State of Florida Department of Economic Opportunity and necessary reviewing agencies for review per Section 163.3184, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:**

**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 upon adoption hereof.

**SECTION 2.** That the City's Future Land Use Map is hereby amended from Industrial to Community Facility for the 13.3 Acre property located at 1481 west 15<sup>th</sup> Street and that said revisions are set out in "Exhibit A".

**SECTION 3.** That the proposed amendment of the City's Future Land Use Map shall be transmitted to the State of Florida Department of Economic Opportunity and necessary reviewing agencies for review after the public hearing of this Ordinance on first reading.

**SECTION 4.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**SECTION 5.** 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 6.** This ordinance shall be in full force and effect 30 days after adoption by the City Council.

**PASSED AND APPROVED** on the first reading this 19TH day of MARCH 2014.

**PASSED AND ADOPTED** on second and final reading this 7TH day of MAY 2014

**\*\*\*\*\*THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK\*\*\*\*\***

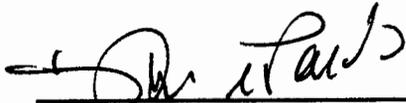
APPROVED:

  
\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

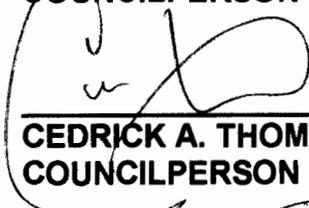
  
\_\_\_\_\_  
JUDY L. DAVIS  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
DAWN S. PARDO  
CHAIR PRO TEM

  
\_\_\_\_\_  
BRUCE A. GUYTON  
COUNCILPERSON

  
\_\_\_\_\_  
CEDRICK A. THOMAS  
COUNCILPERSON

  
\_\_\_\_\_  
TERENCE D. DAVIS  
COUNCILPERSON

1<sup>ST</sup> READING

MOTIONED BY: B. GUYTON

SECONDED BY: T. DAVIS

B. GUYTON      \*      AYE

J. DAVIS                      AYE

C. THOMAS                   AYE

D. PARDO                     AYE

T. DAVIS                      AYE

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

MOTIONED BY: B. GUYTON

SECONDED BY: D. PARDO

B. GUYTON                   AYE

J. DAVIS                      AYE

C. THOMAS                   AYE

D. PARDO                     AYE

T. DAVIS                      AYE

REVIEWED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
PAMALA HANNA RYAN, B.C.S.  
CITY ATTORNEY

DATE: \_\_\_\_\_

CERTIFICATION OF PUBLICATION

I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.



\_\_\_\_\_  
Carrie E. Ward  
Master Municipal Clerk  
City Clerk

\_\_\_\_\_  
May 7, 2014  
Date

ORDINANCE NO. 4043

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY'S ZONING MAP FROM GENERAL INDUSTRIAL TO COMMUNITY FACILITY FOR PROPERTY LOCATED AT 1481 WEST 15TH STREET, ON 13.3 ACRES OF LAND IN ORDER TO FACILITATE THE DEVELOPMENT OF THE CITY OF RIVIERA BEACH PUBLIC SAFETY COMPLEX.**

**WHEREAS**, the City of Riviera Beach Code of Ordinances controls and directs the development of land within the municipal limits of the City by referencing the boundaries on the Zoning Map; and

**WHEREAS**, Section 31-97 of the City of Riviera Beach Code of Ordinances establishes the City Council may, from time to time, amend, change or repeal district boundaries of the Zoning Map; and

**WHEREAS**, the City purchased a 13.3 Acre property November 7, 2012 by Resolution 128-12 to renovate the property for Police, Fire, Public Works and a new Emergency Operations Center; and

**WHEREAS**, the property is currently zoned General Industrial; and

**WHEREAS**, the Community Facility zoning district is intended to encompass land owned and/or administered by the City or other governmental or public agencies for purposes of providing public service; and

**WHEREAS**, the Planning and Zoning Board met February 27, 2014 to review the proposed amendment to the City's Zoning Map and made a recommendation to the City Council for approval of the Zoning Change from General Industrial to Community Facility; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:**

**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 upon adoption hereof.

**SECTION 2.** That the City's Zoning Map is amended from General Industrial to Community Facility for the 13.3 acre property located at 1481 west 15<sup>th</sup> Street and that said revisions are set out on the map attached as "Exhibit A".

**SECTION 3.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**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.

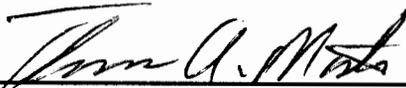
**SECTION 5.** This ordinance shall be in full force and effect immediately upon the effective date of the ordinance amending the Comprehensive Plan Land Use Map from Industrial to Community Facility for this property.

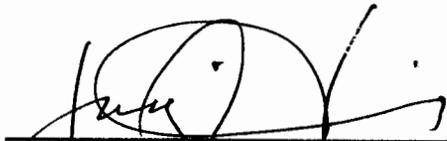
**PASSED AND APPROVED** on the first reading this 19TH day of MARCH 2014.

**PASSED AND ADOPTED** on second and final reading this 7TH day of MAY 2014

**\*\*\*\*\*THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK\*\*\*\*\***

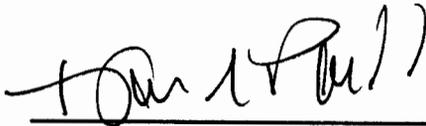
APPROVED:

  
\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

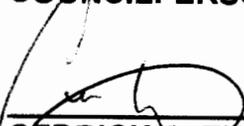
  
\_\_\_\_\_  
JUDY L. DAVIS  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
DAWN S. PARDO  
CHAIR PRO TEM

  
\_\_\_\_\_  
BRUCE A. GUYTON  
COUNCILPERSON

  
\_\_\_\_\_  
CEDRICK A. THOMAS  
COUNCILPERSON

  
\_\_\_\_\_  
TERENCE D. DAVIS  
COUNCILPERSON

1<sup>ST</sup> READING

MOTIONED BY: T. DAVIS

SECONDED BY: B. GUYTON

B. GUYTON AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

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

MOTIONED BY: B. GUYTON

SECONDED BY: D. PARDO

B. GUYTON AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

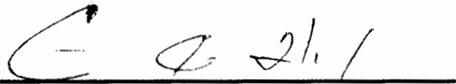
REVIEWED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
PAMALA HANNA RYAN, B.C.S.  
CITY ATTORNEY

DATE: \_\_\_\_\_

CERTIFICATION OF PUBLICATION

I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.



**Carrie E. Ward**  
**Master Municipal Clerk**  
**City Clerk**

May 7, 2014  
Date

ORDINANCE NO. 4044

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR A PERIOD UP TO ONE-YEAR AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR PERMITS FOR NEW ABOVE-GROUND WIRELESS COMMUNICATIONS FACILITIES, INCLUDING ANTENNAS AND RELATED EQUIPMENT IN THE PUBLIC RIGHTS OF WAY OF THE CITY OF RIVIERA BEACH IN ORDER TO CREATE REGULATIONS FOR THE PLACEMENT AND MAINTENANCE OF ABOVE GROUND WIRELESS COMMUNICATIONS FACILITIES WITHIN THE CITY RIGHTS OF WAY; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; APPROPRIATING \$30,000 FOR PROFESSIONAL SERVICES CONNECTED THEREWITH; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Riviera Beach controls and maintains rights-of-way within the municipal limits of the City; and

**WHEREAS**, Florida Statute §337.401 "Use of rights-of-way for utilities subject to regulation; permit; fees", allows cities to regulate and manage municipal roads or rights-of-way related to the placement or maintenance of facilities in such roads or rights-of-way; and

**WHEREAS**, the City has recently received numerous applications for the placement of new wireless communications equipment on utility poles within rights-of-way in the City, including rights-of-way in residential districts; and

**WHEREAS**, the City's Code of Ordinances does not address new state of the art technologies as it relates to above-ground wireless telecommunications like the Distributed Antenna System and the Code of Ordinances needs to be updated to incorporate, regulate and control the location of these types of systems; and

**WHEREAS**, staff is requesting an up to one-year moratorium in order to study, evaluate and create the regulations and additional standards for the placement and maintenance of new above-ground wireless communications facilities within the City's rights-of-ways, and incorporate those regulations into the City's land development regulations; and

**WHEREAS**, it is the intention of the City Council to direct staff to study, evaluate and create the regulations and additional standards for the placement and maintenance

**ORDINANCE NO. 4044**

**PAGE 2**

of above-ground wireless communications facilities within the City's rights-of-ways, and incorporate those regulations into the City's land development regulations, and to evaluate the process for the issuance of permits, as well as other approval processes regulating the location of utility providers equipment; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, 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 upon adoption hereof.

**SECTION 2.** It is the purpose and intent of this Ordinance to promote the health, safety and general welfare of the residents and businesses of the City through the study and analysis of the regulations to create additional standards for the placement and maintenance of above-ground wireless communications facilities within the City's rights-of-ways, and incorporate those regulations into the City's land development regulations within the City.

**SECTION 3.** This Ordinance for a moratorium shall apply to all City controlled roads and rights-of-way located within the municipal boundaries of the City of Riviera Beach.

**SECTION 4.** The City Council hereby enacts a moratorium for up to one-year prohibiting the filing and/or receiving of any application for the permitting of new above-ground wireless communications facilities to be placed within City controlled roads and rights-of-way, in whole or in part, within the City. Staff is hereby directed to study, analyze and to create the regulations and additional standards for the placement and maintenance of new above-ground wireless communications facilities within the City's rights-of-ways, and incorporate those regulations into the City's land development regulations within the City, which would further and promote the public health, safety, morals and general welfare.

**SECTION 5.** The City Council hereby appropriates \$30,000 for expert professional consulting services to create the regulations and additional standards as contemplated by this Ordinance. Said appropriations shall be made from Community Development's professional services account no. 001-0717-5150-3106 and from City Attorney professional services account no. 001-0613-514-0-3101.

**SECTION 6.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

**ORDINANCE NO. 4044**  
**PAGE 3**

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 7.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 8.** This Ordinance shall take effect immediately upon its final approval and adoption.

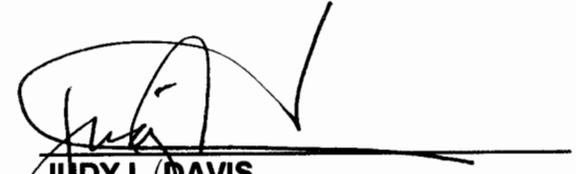
**PASSED AND APPROVED** on the first reading this 16TH day of APRIL 2014.

**PASSED AND ADOPTED** on second and final reading this 7TH day of MAY 2014.

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APPROVED:

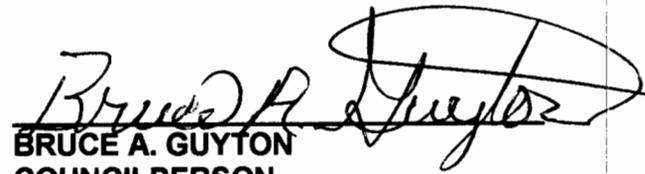
  
\_\_\_\_\_  
**THOMAS A. MASTERS**  
MAYOR

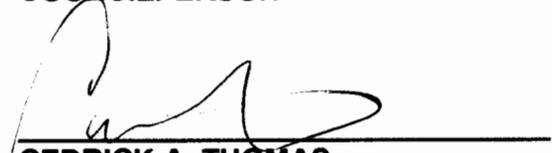
  
\_\_\_\_\_  
**JUDY L. DAVIS**  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
**DAWN S. PARDO**  
CHAIR PRO TEM

  
\_\_\_\_\_  
**CARRIE E. WARD,**  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
**BRUCE A. GUYTON**  
COUNCILPERSON

  
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**CEDRICK A. THOMAS**  
COUNCILPERSON

  
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**TERENCE D. DAVIS**  
COUNCILPERSON

1<sup>ST</sup> READING

MOTIONED BY: B. GUYTON

SECONDED BY: D. PARDO

J. DAVIS AYE

D. PARDO AYE

B. GUYTON AYE

C. THOMAS AYE

T. DAVIS AYE

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

MOTIONED BY: D. PARDO

SECONDED BY: T. DAVIS

J. DAVIS AYE

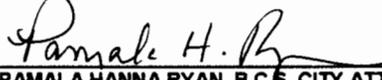
D. PARDO AYE

B. GUYTON AYE

C. THOMAS AYE

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, B.C.S. CITY ATTORNEY

DATE: 5/7/14

ORDINANCE NO. 4045

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12 ENTITLED "OFFENSES," ARTICLE V ENTITLED "RED LIGHT ENFORCEMENT PROGRAM"; PROVIDING FOR CHANGES TO THE MARK WANDALL TRAFFIC SAFETY PROGRAM INCLUDING DESIGNATING A LOCAL HEARING OFFICER; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on July 20, 2011, the City Council adopted City Ordinance No. 3098 to implement the City's Red Light Enforcement Program pursuant to the Mark Wandall Traffic Safety Program (Law of Florida 2010-08) under Chapter 316, the State of Florida Uniform Traffic Code; and

**WHEREAS**, effective July 1, 2013, the Florida Legislature and Governor approved changes to the Mark Wandall Traffic Safety Program to authorize local hearings for red light camera violations (Law of Florida, 2013-160); and

**WHEREAS**, the implementation of a local hearing process provides citizens an additional avenue to contest notices of violation issued for red light violations separate from the traffic court process; and

**WHEREAS**, the City seeks to utilize its existing code enforcement system to implement the local hearing process; and

**WHEREAS**, the City seeks to remove obsolete provisions and amend its Code of Ordinances to implement Chapter 2013-160, Laws of Florida; and

**WHEREAS**, the City Council of the City of Riviera Beach finds that the implementation of the Red Light Enforcement Program pursuant to Law of Florida 2013-160 serves a valid public purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA** as follows:

**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 upon adoption hereof.

**SECTION 2.** That Chapter 12 of the City's Code of Ordinances, Article V, entitled "Red Light Camera Enforcement Program" is hereby amended as follows (underline means added; ~~stricken through~~ means deleted).

**Red Light Enforcement Program**

**(1) Intent.**

The purpose of this article is to specifically authorize the enforcement of red light signal directive violations through the use of traffic infraction detectors, as permitted by general law Law of Florida 2010-80 within the city's jurisdictional limits.

**(2) Use of Traffic Infraction Detectors.**

Upon the effective date of this ordinance, the city is authorized to enforce compliance with red light signal directives pursuant to general law Law of Florida 2010-80 through the use of traffic infraction detectors under the State of Florida Uniform Traffic Code. Said enforcement shall be identified as the Red Light Enforcement Program. This article does not prohibit the city from enforcing compliance with red light signal directives by any other lawful means.

**(3) Implementation of Red Light Enforcement Program and Designation of Local Hearing Officer.**

In accordance with the provisions of the Mark Wandall Traffic Safety Program under Chapter 316, Florida Statutes (the "Act"), the city authorizes the implementation of a The Red Light Enforcement shall be implemented by the city council with the selection of the vendor to assist the city in establishing and operating the Program. The city manager and the chief of police are authorized to take all other steps necessary to operate the Red Light Enforcement Program to comply with the requirements of general law Law of Florida 2010-80 including, but not limited to, selecting the locations of the traffic infraction detectors within the city. The city shall utilize its code enforcement special magistrate as its Local Hearing Officer in accordance with the Act.

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

**SECTION 5.** 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.

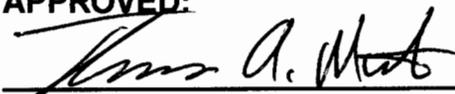
**SECTION 6.** Specific authority is hereby granted to codify this Ordinance.

**SECTION 7.** That this Ordinance shall become effective immediately upon its adoption on second and final reading.

**PASSED and APPROVED** on first reading this 7TH day of MAY, 2014.

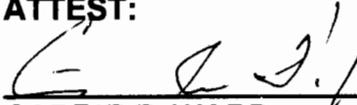
**PASSED and ADOPTED** on second and final reading this 4 day of June, 2014.

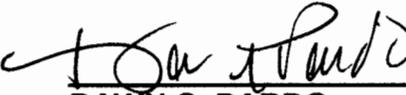
**APPROVED:**

  
\_\_\_\_\_  
**THOMAS A. MASTERS**  
MAYOR

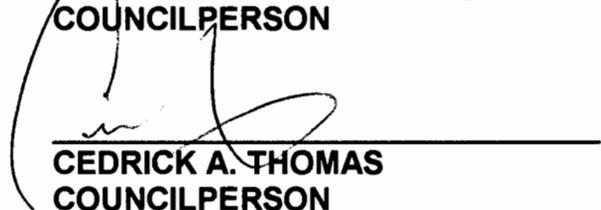
  
\_\_\_\_\_  
**JUDY L. DAVIS**  
CHAIRPERSON

**ATTEST:**

  
\_\_\_\_\_  
**CARRIE E. WARD,**  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
**DAWN S. PARDO**  
CHAIR PRO TEM

  
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**BRUCE A. GUYTON**  
COUNCILPERSON

  
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**CEDRICK A. THOMAS**  
COUNCILPERSON

  
\_\_\_\_\_  
**TERENCE D. DAVIS**  
COUNCILPERSON

ORDINANCE NO. 4045  
PAGE 4

1<sup>ST</sup> READING

MOTIONED BY: T. DAVIS

SECONDED BY: D. PARDO

B. GUYTON AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO NAY

T. DAVIS AYE

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

MOTIONED BY: B. GUYTON

SECONDED BY: T. DAVIS

B. GUYTON AYE

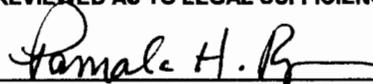
J. DAVIS AYE

C. THOMAS AYE

D. PARDO NAY

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY

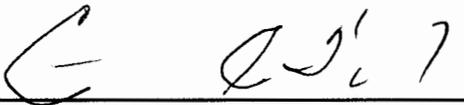
  
PAMALA HANNA RYAN, B.C.S., CITY ATTORNEY

DATE: 6/4/14

ORDINANCE NO. 4045  
PAGE 5

CERTIFICATION OF PUBLICATION

I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.



Carrie E. Ward  
Master Municipal Clerk  
City Clerk

June 4, 2014  
Date

**ORDINANCE NO. 4046**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM PENSKE TRUCK LEASING, L.P., LOCATED ON TWO PARCELS TOTALING 4.22 ACRES WITHIN AN UNINCORPORATED AREA OF PALM BEACH COUNTY, CONTIGUOUS TO THE PRESENT MUNICIPAL BOUNDARIES OF THE CITY OF RIVIERA BEACH, CURRENTLY ADDRESSED AS 3788 INTERSTATE PARK ROAD NORTH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, this ordinance is pursuant to Florida Statutes, Section 171.044, "Voluntary annexation"; and

**WHEREAS**, the City received the attached petition for voluntary annexation from Penske Truck Leasing, L.P., on April 25, 2014; and

**WHEREAS**, Penske Truck Leasing, L.P., is currently situated on two unincorporated Palm Beach County parcels, totaling 4.22 acres, known by parcel control numbers 00-43-42-31-00-000-3110 and 00-43-42-31-03-000-0010, addressed as 3788 Interstate Park Road North; and

**WHEREAS**, Palm Beach County was notified of this annexation proposal via certified mail in accordance with Florida Statutes, Section 171.044; and

**WHEREAS**, required public notification has been provided through publication in the Palm Beach Post in accordance with Florida Statutes, Section 171.044; and

**WHEREAS**, the City Council of the City of Riviera Beach, Florida, has examined the attached petition for voluntary annexation, and finds the following to be true:

- a. The petitioner is the owner of the property described herein.
- b. The petition bears the notarized signature of the owner of the property proposed for annexation.
- c. The property proposed to be annexed is in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach.
- d. New enclaves shall not be created as a result of this annexation proposal.
- e. No part of the property proposed to be annexed is included within the boundary of another incorporated municipality.

- f. The City has the capability to provide municipal services, such as fire and police protection, water and sewer services, and garbage and trash collection, to the property proposed to be annexed at the same level of service provided to the rest of the municipality; and

**WHEREAS**, this petition for voluntary annexation is in compliance with Future Land Use Element, Objective 1.6, "Annexation", and Intergovernmental Coordination Element, Objective 2.2, "Annexation Issues", of the City's Comprehensive Plan; and

**WHEREAS**, the City of Riviera Beach hereby accepts the attached petition for voluntary annexation from Penske Truck Leasing, L.P.; and

**WHEREAS**, in accordance with Sec. 31-98, "Effect of annexation on zoning", of the City's Code of Ordinances, the City Council affirms that a zoning designation of General Industrial and a future land use designation of Industrial are the most appropriate designations for this property; and

**WHEREAS**, the municipal boundaries of City of Riviera Beach, including legal descriptions and all associated maps shall be amended to reflect this annexation.

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

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

**SECTION 2.** The petition for voluntary annexation from Penske Truck Leasing, L.P., dated April 23, 2014, has been attached hereto as Exhibit "A" and a location map has been attached hereto as Exhibit "B", both exhibits to be made a part thereof and archived with this ordinance.

**SECTION 3.** Pursuant to Florida Statutes, Section 171, the City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this ordinance on second and final reading:

Petitioner: Penske Truck Leasing, L.P.

Address: 3788 Interstate Park Road North

Parcel Control Numbers: 00-43-42-31-00-000-3110 and 00-43-42-31-03-000-0010

**SECTION 4.** Within thirty (30) days after final passage and publication, a certified

copy of this ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of the City Charter, as well as the Clerk of the Circuit Court, and the Chief Administrative Officer of Palm Beach County, in accordance with Florida Statutes, Section 171.044 and other agencies as required by law.

**SECTION 5.** Required public notification shall continue in accordance with Florida Statutes, Section 171.044 prior to final adoption of this ordinance.

**SECTION 6.** All ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed upon final adoption of this annexation, except that a twelve (12) month grace period shall be provided to the applicant in order to provide adequate time to satisfy the City's Business Tax Receipt and Certificate of Use requirements, Advertising requirements, and to resolve any Code Enforcement items.

**SECTION 7.** The corporate limits of the City of Riviera Beach are hereby redefined to include the legal descriptions as follows:

**Legal Description - Parcel No. 1:**

A certain parcel in the Northwest One-Quarter (NW ¼) of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of Lot 1 of PLAT NO. 1, INTERSTATE INDUSTRIAL PARK, according to the plat thereof, recorded in Plat Book 34, Page 158, Public Records of Palm Beach County, Florida; run thence South 87°56'50" East along the South line of said Lot 1 and its Easterly extension, a distance of 480.30 feet; thence South 2°03'10" West, a distance of 220.00 feet; thence North 87°56'50" West, a distance of 342.97 feet to the beginning of a curve concave Northeasterly, having a radius of 75.00 feet and a central angle of 68°36'48"; thence Northwesterly along the arc of said curve, a distance of 89.82 feet to the end of said curve; thence North 19°20'02" West, a distance of 185.10 feet to the Point of Beginning.

**Legal Description - Parcel No. 2:**

Lot No. 1, of PLAT NO. 1, INTERSTATE INDUSTRIAL PARK, according to the plat thereof, recorded in Plat Book 34, Page 158, Public Records of Palm Beach County, Florida.

**SECTION 8.** The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.

**SECTION 9.** Upon annexation, the City shall assign future land use and zoning designations to said parcels, in accordance with Florida Statutes, Chapter 163.

**SECTION 10.** 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 11.** That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

**PASSED AND APPROVED** on the first reading this 21<sup>ST</sup> day of MAY, 2014.

**PASSED AND ADOPTED** on second and final reading this 4<sup>TH</sup> day of JUNE, 202014.

**APPROVED:**



THOMAS A. MASTERS  
MAYOR



JUDY L. DAVIS  
CHAIRPERSON

**ATTEST:**



CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK



DAWN S. PARDO  
CHAIR PRO TEM



BRUCE A. GUYTON  
COUNCILPERSON



CEDRICK A. THOMAS  
COUNCILPERSON



TERENCE D. DAVIS  
COUNCILPERSON

ORDINANCE NO. 4046  
PAGE 5 of 6

1<sup>ST</sup> READING

MOTIONED BY: D. PARDO

SECONDED BY: T. DAVIS

J. DAVIS AYE

D. PARDO AYE

T. DAVIS AYE

B. GUYTON ABSENT

C. THOMAS AYE

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

MOTIONED BY: D. PARDO

SECONDED BY: T. DAVIS

J. DAVIS AYE

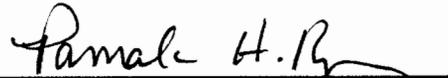
D. PARDO AYE

T. DAVIS AYE

B. GUYTON AYE

C. THOMAS AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, B.C.S.,  
CITY ATTORNEY

DATE: 6/4/14

ORDINANCE NO. 4046  
PAGE 6 of 6

**CERTIFICATION OF PUBLICATION**

**I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.**



\_\_\_\_\_  
**Carrie E. Ward**  
**Master Municipal Clerk**  
**City Clerk**

June 4, 2014-  
**Date**

ORDINANCE NO. 4047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO SIX MONTHS AS TO THE FILING, RECEIVING AND/OR PROCESSING OF ANY APPLICATION FOR PROPERTY DEVELOPMENT APPROVAL FOR ALL PARCELS LOCATED ON THE EAST SIDE OF SINGER ISLAND ADJACENT TO THE ATLANTIC OCEAN IN ORDER TO EVALUATE AND AMEND PROPERTY DEVELOPMENT STANDARDS, INCLUDING MINIMUM BUILDING SETBACKS; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Riviera Beach has jurisdiction over parcels contiguous to the Atlantic Ocean on Singer Island, which span from the Municipal Beach Park, addressed as 2500 North Ocean Avenue, northward to the Water Glades Condominium, addressed as 5540 North Ocean Drive; and

**WHEREAS**, the City has historically experienced coastal erosion and sand loss on Singer Island due to natural tidal processes and storm events; and

**WHEREAS**, thousands of dollars are annually allocated by the City of Riviera Beach and Palm Beach County towards sand nourishment projects in order to combat coastal erosion and provide useable beach area; and

**WHEREAS**, it is likely that costs associated with future beach nourishment projects will continue to increase over time; and

**WHEREAS**, during the June 18, 2014, City Council Meeting, City staff requested a moratorium for up to six months in order to research, evaluate and amend property development standards within the RM-20 High Density Multifamily Development District in relation to coastal erosion; and

**WHEREAS**, during the June 18, 2014, City Council Meeting, the City Council approved a motion to extend the boundaries of the aforementioned moratorium to encompass all parcels and associated zoning districts on Singer Island which are adjacent to the Atlantic Ocean, in order for staff to research, evaluate and amend property development standards in relation to coastal erosion; and

**WHEREAS**, it is the continued intention of the City Council to direct staff to research, evaluate and amend property development standards in relation to coastal erosion on Singer Island and incorporate any amendments into the City's Land Development Regulations; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is proper, as it promotes the health, safety and welfare of the general public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, 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 upon adoption hereof.

**SECTION 2.** It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the general public by directing staff to research, evaluate and amend property development standards on Singer Island in relation to coastal erosion and incorporate any amendments into the City's Code of Ordinances and Land Development Regulations.

**SECTION 3.** This moratorium shall apply to all parcels on the east side of Singer Island contiguous to the Atlantic Ocean within the municipal boundaries of the City of Riviera Beach, spanning from the Municipal Beach Park, addressed as 2500 North Ocean Avenue, northward to the Water Glades Condominium, addressed as 5540 North Ocean. A location map has been attached hereto as Exhibit 'A' illustrating the boundaries subject to the moratorium and shall be made a part thereof and archived with this Ordinance.

**SECTION 4.** The City Council hereby enacts a moratorium for up to six months prohibiting the filing, receiving and/or processing of any application for property development approval on any parcel on the east side of Singer Island contiguous to the Atlantic Ocean. Staff is hereby directed to research, evaluate and amend property development standards for all parcels and associated zoning districts located contiguously to the Atlantic Ocean in relation to coastal erosion and to incorporate any amendments into the City's Code of Ordinances and Land Development Regulations, which would promote the health, safety and welfare of the general public.

**SECTION 5.** 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.

**ORDINANCE NO. 4047**  
**PAGE 3 of 5**

**SECTION 6.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

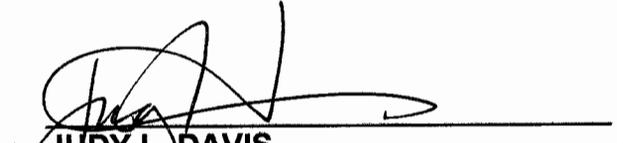
**PASSED AND APPROVED** on the first reading this 2ND day of JULY 2014.

**PASSED AND ADOPTED** on second and final reading this 16 day of July 2014.

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APPROVED:

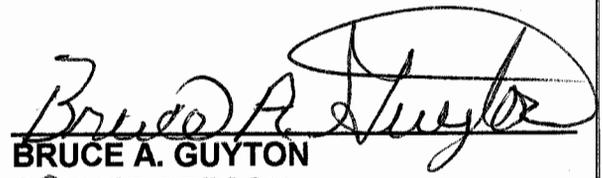
  
THOMAS A. MASTERS  
MAYOR

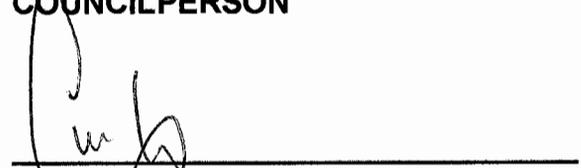
  
JUDY L. DAVIS  
CHAIRPERSON

  
DAWN S. PARDO  
CHAIR PRO TEM

ATTEST:

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
BRUCE A. GUYTON  
COUNCILPERSON

  
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TERENCE D. DAVIS  
COUNCILPERSON

1<sup>ST</sup> READING

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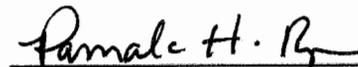
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C. THOMAS AYE

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, B.C.S. CITY ATTORNEY

DATE: 7/16/14

**CERTIFICATION OF PUBLICATION**

I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.



\_\_\_\_\_  
Carrie E. Ward  
Master Municipal Clerk  
City Clerk

\_\_\_\_\_  
July 17, 2014  
Date