

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 31-551, "PRINCIPAL ARTERIAL COMMERCIAL DESIGN STANDARDS OVERLAY", TO AMEND EXISTING OBJECTIVES, APPLICABILITY, AND OVERLAY DISTRICT DELINEATION, AND TO ENACT NEW REGULATIONS FOR THE APPEARANCE OF BUILDINGS, STRUCTURES, LANDSCAPE DESIGN, BUFFER STANDARDS, AND SIGNAGE; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City's Principal Arterial Commercial Design Standards Overlay District was originally approved by Ordinance No. 2833 in 1999, as identified in City Code Section 31-551; and

**WHEREAS**, the City Council adopted Ordinance No. 4091 on January 4, 2017, which enacted a moratorium for filing and receiving and site plan application along the Broadway (US1), and Blue Heron Boulevard development corridors, in order for City staff to evaluate existing regulations and propose potential amendments; and

**WHEREAS**, City staff has reviewed existing land development regulations, including, but not limited to, the Principal Arterial Commercial Design Standards Overlay, and has drafted proposed amendments accordingly associated with landscaping, signage, and the architectural appearance of buildings as well as pedestrian connectivity; and

**WHEREAS**, the City's Planning and Zoning Board reviewed the proposed land development regulation amendments to City Code Section 31-551 on March 22, 2018 and recommended approval to the City Council; and

**WHEREAS**, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Riviera Beach and the public at large.

**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 recitals are ratified as true and correct and are incorporated herein. It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents and businesses of the City by creating a more livable and esthetically pleasing community.

**SECTION 2.** Chapter 31, "Zoning", Article VI, "Supplemental District Regulations", Section 31-551, "Principal Arterial Commercial Design Standards Overlay", is hereby amended as follows, (with additions shown in underline format, deletions shown in ~~strike through~~):

Sec. 31-551. - Principal arterial ~~commercial~~-design standards overlay.

(a) *Objectives of this section.*

- (1) The following standards are established for ~~commercial~~-development along principal arterial roadways, excluding all areas having a Downtown zoning district designation, to ensure that such uses are compatible with other uses permitted in the same district and to protect the public health, safety and welfare of the community.
- (2) The purpose of these standards is to promote designs that are architecturally compatible with the surrounding area and the design goals of the city.
- (3) These standards are designed to promote development and redevelopment where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible architectural elements. Such elements shall relate the design characteristics of an individual building or project to the other existing and planned structures in a harmonious manner, resulting in a coherent overall development and redevelopment pattern and streetscape.
- (4) The standards used in this section are intended to discourage development types that bear little relation to the planned redevelopment pattern of Riviera Beach.

(b) *Delineation of the overlay district.* The Riviera Beach Principal Arterial Overlay District shall be superimposed on all ~~commercial-zoned~~ properties fronting on any of the following roads in the city:

- (1) Dr. Martin Luther King Jr. Boulevard.
- (2) ~~Old Dixie Highway.~~ President Barack Obama Highway.
- (3) Blue Heron Boulevard.
- (4) Broadway (U.S. Highway No. 1).
- (5) 13th Street.
- (6) Military Trail.
- (7) Congress Avenue.

(8) Australian Avenue.

- (c) *Applicability.* This section shall apply to all new ~~commercial~~ developments, and to additions or renovations valued in excess of 50% of assessed improvement value of building within any 1224-month period, and for signs or signage changes in excess of \$500.00, as determined by the city's director of development services community development.
- (d) ~~*Exceptions*~~*Variances.* The city council may approve exceptions to these regulations as conditions of a site plan approval. The Development Special Magistrate may grant variances to these provisions according to the City's established variance process, as provided in Code Sec. 31-42, as amended from time to time.
- (e) *Appearance.*
- (1) All structures on the same parcel of land or in the same development shall have ~~one~~ a unified architectural theme. Color building elevations identifying said architectural theme shall be required to be submitted to the City for all applicable new developments, renovations, or additions.
  - (2) Building walls exposed to public view shall be designed through the use of a coherent and clear architectural design consistent with the character of the building. Building designs should incorporate architectural details and natural lighting.
  - (3) Buildings facing a public street or interior courtyard space shall be architecturally emphasized through entrance treatments and building details. Buildings with more than one facade facing a public street shall provide architectural treatment on each such facade.
  - (4) ~~Roofs shall give the appearance of having a pitch of 6/12 with overhangs. The roofing~~ Roofing shall be incombustible material such as shingles, clay or cement tiles, or metal.
  - (5) Roof and exterior wall surfaces, with the exception of glass, shall be nonreflective. Reflective or mirrored glazing at ground level, visible from the sidewalk, is prohibited.
  - (6) The rear and side of buildings shall be finished with material that in texture and color resembles the front of the building.
  - (7) Glass windows and doors must make-up a minimum of 20% of the primary elevation and a minimum of 10% of the secondary elevation. The primary elevation is defined as facing the abutting arterial road. The secondary elevation is defined as facing a perpendicular side road. Faux windows do not count towards the above mentioned required percentages.
  - (8) The coloration of all building walls shall be with a maximum of three colors, exclusive of the roof color. The primary use of "earth tone" and pastel colors neutral color palettes shall be encouraged required. Semi-transparent stains are recommended for application on natural wood.

- (9) Canopies over vehicular use areas shall have a maximum clearance of up to 14 feet above grade and shall be consistent with the main building design. The canopy columns shall be architecturally finished to match the building.
- (10) Work area or storage doors and open bays shall not open toward or otherwise be visible from any of the designated principal roads.
- (11) Heating, ventilation, air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from public view or located so that such items are not visible from a designated arterial, adjacent residential properties or intersecting street.
- (12) No temporary structures shall be permitted, except those used in conjunction with and during construction. Office-type mobile units when used as temporary facilities shall be screened from view from a designated arterial and equipped with rigid skirting on all sides. Any towing gear shall be removed, and if not removable, shall be screened from a designated arterial.
- (f) *Landscaping, walls and fencing.* ~~Commercial~~ Development must comply with the landscaping requirements in article VIII of chapter 31 in the Riviera Beach Land Development Code as well as the items specified below:
- ~~(1) The use of planters shall be encouraged in the overall landscape design.~~
- ~~(2) A tiered effect is required when multiple hedges are utilized.~~
- ~~(3) (1) Landscaped areas shall be surrounded with a six-inch raised curb.~~
- (2) Perimeter Buffer Landscape Requirements
- Landscape buffers shall be installed and maintained in accordance with the following standards.
- a) Right of Way (R-O-W) Buffer
- R-O-W buffers shall be provided along all street R-O-W.
1. Width: The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the width of the street, as indicated in Table 31-551.f.2.a Width of R-O-W Buffer.

Table 31-551.f.2.a – Width of R-O-W Buffer (Feet)

<u>Width of R-O-W (Feet)</u>	<u>Minimum Width of Buffer (Feet)</u>
<u>Greater than 75 feet</u>	<u>15 feet</u>
<u>0 feet to 75 feet</u>	<u>10 feet</u>

2. Shrub Hierarchy

R-O-W buffers shall include each of the shrub types listed in Table 31-551.f.2.b, Shrub Planting Requirements.

Table 31-551.f.2.b – Shrub Planting Requirements

<u>Shrub Type</u>	<u>Minimum Height at Installation (Size)</u>	<u>Minimum Number of Shrubs Per Linear Foot of Buffer Length</u>	<u>Maximum Spacing at Installation</u>	<u>Maximum Maintained Height</u>
<u>Ground Cover</u>	<u>6 inches</u>	<u>2 per 1 linear foot</u>	<u>6 Inches</u>	<u>N/A</u>
<u>Small Shrubs</u>	<u>18 inches</u>	<u>1 per 2 linear feet</u>	<u>24 inches</u>	<u>36 inches</u>
<u>Medium Shrubs</u>	<u>24 inches</u>	<u>1 per 4 linear feet</u>	<u>48 inches</u>	<u>48 inches</u>
<u>Large Shrubs</u>	<u>36 inches</u>	<u>1 per 4 linear feet</u>	<u>48 inches</u>	<u>N/A</u>
<u>Notes</u> 1. <u>Maximum maintained height is established to maintain the hierarchical visual effect for Perimeter R-O-W buffer.</u>				

3. Planting Pattern for a Perimeter R-O-W Buffer

One hundred percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height, and composed of the shrub types listed in Table 31-551.f.2.b, Shrub Planting Requirements. The area of the buffer not planted with trees and shrubs shall be landscaped with ground treatment according to Florida friendly landscape provisions.

4. Minimum Tree Quantities: R-O-W Buffers shall contain one shade tree per 20 linear feet.

5. Area Measurement: The width of access ways and drive aisles that traverse required perimeter landscape buffers shall be included in the calculation of linear dimension and count towards required plant quantities.

6. Buffer Width Reduction: The required buffer width may be reduced due to site constraints as determined by the development services director. The required quantity of shrubs may be reduced in proportion to the reduction in the buffer width, a maximum of 50 percent, to ensure the viability of the material. The required number of canopy trees or palms shall not be reduced, however, they may be rearranged to ensure proper growing area.

7. Encroachment: No easement encroachment greater than five feet shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of fifty percent of the required buffer width.

8. Exemptions: R-O-W buffers are not required for individual single-family residential, townhouse lots, or the side of lot that abuts the Intracoastal Waterway, private street right-of-ways internal to a PUD, and alleys.

(4) (3) Chain-link or similar fencing along adjacent to a designated arterial roadway is prohibited. Where such fencing can be viewed from a designated arterial,

landscaping or berms shall be provided to minimize visibility from the designated arterial.

~~(5)~~ (4) Perimeter walls shall be architecturally compatible with the principal building.

(g) *Signage and lighting.*

- (1) Monument signs compatible with the architectural design of the development are the only permitted freestanding sign. Only one such sign is permitted per site roadway frontage and it can measure no more than seven feet high and six feet in width. If there are separate businesses on a site, they may share identification on the one monument sign. If a property roadway frontage exceeds 400 feet, a second monument sign may be permitted on that frontage, so long as the two signs are separated by 100 feet or more.
- (2) Canopies shall not contain any signage, striping or other graphics.
- (3) Window signage, whether permanent or temporary, shall be permitted up to 20% coverage of a window.
- (4) Lighting fixtures shall be baffled and arranged so that illumination is deflected away from adjacent properties and roads.
- (5) All signage must comply with these regulations within five years of adoption of this section.
- (6) Fuel price digital signs shall be permitted as a monument sign feature subject to meeting the digital fuel price sign requirements of section 28-125.

(h) *Location criteria for developments with drive-up facilities.*

- (1) No drive-up facilities may be located within 500 feet of an existing facility located on the same side of a designated arterial.  
  
Such distance shall be measured from the point of ingress or egress of an existing site to the point of ingress or egress of the proposed site.
- (2) Existing drive-up facilities located closer than 500 feet may be improved or upgraded provided that are able to meet the other requirements of this section.

(i) *Pedestrian connectivity.*

- (1) Developments must consider and promote pedestrian connectivity within and around the site, including access to sidewalks and separation from roadways and drive aisles by utilizing landscaping, planters, bollards, and similar.
- (2) Developments adjacent to designated bus stops shall identify and fulfill requirements to implement a bus shelter or bus bench, which may require dedication of easement and maintenance accordingly.

**SECTION 3.** The approval and final adoption of this ordinance shall cause the moratorium enacted by City Ordinance No. 4091 to sunset, thus allowing the City to receive new site plan applications associated with properties adjacent to the Broadway and Blue Heron Boulevard roadway corridors.

**SECTION 4.** Should any word, phrase, clause, subsection, section, part of provision of this Ordinance be declared by court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared invalid.

**SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

**SECTION 6.** Specific authority is hereby granted to codify the Ordinance as 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 7.** This Ordinance shall become effective immediately upon its final adoption by the City Council.

**ORDINANCE NO.** \_\_\_\_\_  
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**PASSED AND APPROVED** on the first reading this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

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

**APPROVED:**

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

\_\_\_\_\_  
**TONYA DAVIS JOHNSON**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**LYNNE L. HUBBARD**  
**CHAIR PRO TEM**

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

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**COUNCILPERSON**

\_\_\_\_\_  
**JULIA A. BOTEL**  
**COUNCILPERSON**

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



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

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

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

L. HUBBARD \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

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

J. BOTEL \_\_\_\_\_

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

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

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

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

L. HUBBARD \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

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

J. BOTEL \_\_\_\_\_

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

REVIEWED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
ANDREW DEGRAFFENREIDT, CITY ATTORNEY

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