

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 1, "IN GENERAL", SECTION 31-1 "DEFINITIONS" AND ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", BY CREATING A NEW SECTION [31-560], ENTITLED "REGULATIONS FOR FILLING STATIONS", (AKA GAS STATIONS), IN ORDER TO PROVIDE AND AMEND DEFINITIONS, AND TO PROVIDE SEPARATION REQUIREMENTS BETWEEN FILLING STATIONS TO PROMOTE DIVERSIFIED DEVELOPMENT PATTERNS WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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, land development regulations associated with filling stations (gas stations); and

**WHEREAS**, in order to redevelop an abandoned filling station (gas station) site, there are often a unique set of challenges to overcome, due to the real or perceived presence of environmental contaminants (automobile fuel and oil), potentially making redevelopment opportunities less economically viable, which could lead to stagnant properties along primary roadway corridors; and

**WHEREAS**, City staff has identified that there is no existing separation requirement provided within the City's land development regulations associated with filling stations (gas stations), however, implementing a separation requirement of 1,000 feet between filling stations (gas stations) may help to promote diversified development patterns within the City, while also reducing the total number of underground fuel storage tanks within the City and any associated environmental threats; and

**WHEREAS**, the City's Planning and Zoning Board reviewed the proposed land development regulation amendments on April 27, 2017 and recommended that

City Council approve a more stringent separation requirement of 2,000 feet in addition to removing the exemption area proposed at the intersection of Interstate-95 and Blue Heron Boulevard; and

**WHEREAS**, City staff will research the recommendations of the Planning and Zoning Board in greater detail for future action, however, at this time City staff recommends City Council approval of the proposed 1,000 foot separation requirement in addition to the exemption area.

**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 I, "In General", Section 31-1, "Definitions", is hereby amended as follows (with additions shown in underline format, deletions shown in ~~strikethrough~~):

\* \* \*

*Filling (service) stations* means any building, structure or plot of land used or designed to be used for the storage and retail sale of automotive fuels ~~and lubricants~~ and which may also include the sale of lubricants, facilities for washing, polishing, greasing, waxing, ~~tire repairing~~ and ~~other~~ minor automobile repairs. No ~~major~~-vulcanizing, tire recapping or other major mechanical repairs shall be included in the operation of a filling station.

\* \* \*

**SECTION 3.** Chapter 31, "Zoning", Article VI, "Supplemental District Regulations", is hereby amended by adding a new Section [31-560] as follows:

Sec. [31-560]. – Additional regulations for filling stations.

(a) Separation requirement between filling stations:

1. A 1000 foot separation buffer is required between filling stations. This 1000 foot separation shall be measured from the nearest points of property lines. For measurement purposes, City staff shall consider land with an active development order to construct a filling station as an existing filling station.
  - a. An exemption from the 1000 foot separation requirement shall be provided for any property located within 2000 feet of the intersection point of Interstate 95 and Blue Heron Boulevard.

**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.

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**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**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REVIEWED AS TO LEGAL SUFFICIENCY

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

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