



**STAFF REPORT - CITY OF RIVIERA BEACH
TEXT AMENDMENT (DRIVE-UP FACILITIES), ZA-19-02
FEBRUARY 13, 2020**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 31, ZONING, ARTICLE I, IN GENERAL, SECTION 31-1, DEFINITIONS, BY ADDING A DEFINITION FOR “DRIVE-UP, DRIVE THROUGH FACILITY”; A DEFINITION FOR “RESTAURANT (EXCLUDING DRIVE THROUGH)”; AND A DEFINITION FOR “RESTAURANT, DRIVE THROUGH, DRIVE-IN”; AND AMENDING CHAPTER 31, ZONING, ARTICLE VI, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 31-551, PRINCIPAL ARTERIAL DESIGN STANDARDS OVERLAY, BY AMENDING THE LOCATION CRITERIA FOR DEVELOPMENTS WITH DRIVE-UP FACILITIES BY DELETING THE EXISTING 500 FOOT SEPARATION REQUIREMENT AND REQUIRING SPECIAL EXCEPTION APPROVAL FOR DRIVE-UP FACILITIES; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- A. Applicants:** Property Owner: Riviera Partners, LLC (Riviera Beach Partners)
Authorized Agent: Dunay Miskel Backman, LLP
- B. Request:** The applicant is requesting to amend the City’s Code of Ordinances to add a definition for a “Drive-up facility” as well as amend the location criteria for developments with drive-up facilities by deleting the existing 500 foot separation requirement and requiring special exception approval for drive-up facilities within the Principal Arterial Design Standards Overlay.
- City staff has proposed a slightly modified definition for “Drive-up, drive through facility”, in addition to definitions for “Restaurant (excluding drive through)”, and “Restaurant, drive through, drive-in”, which is currently lacking in the Code.
- C. Location:** This amendment is global and not site-specific.
- D. Property Description and Uses:** N/A
- E. Adjacent Property Description and Uses:** N/A
- F. Background and Analysis:** The applicant purchased the vacant parcel, identified as parcel control number 56-43-42-30-37-003-0000 located on Blue Heron Boulevard on May 22, 2018, with the intent to develop the property for an end user. The applicant has been unable to find a tenant for the commercial space, and therefore, desires to develop the parcel with a drive-thru component, likely for a restaurant.

The parcel is comprised of 0.8819 acres, has a Zoning Designation of General Commercial (CG), a Future Land Use Designation of Commercial, and is located within the Principal Arterial Design Standards Overlay. The parcel is situated in the Wedgewood Centre Replat No 1 Subdivision along the 1700 block on West Blue Heron Boulevard (principal arterial roadway) and is adjacent to Taco Bell (a drive-thru restaurant facility). PBC Property Appraiser and City records show no prior development to the vacant subject parcel.

The City's Principal Arterial Design Standards Overlay regulations were originally approved by Ordinance No. 2833 in 1999; amended January 4, 2017 (Ord. No. 4091) and May 2, 2018 (Ord. No. 4110), and is codified in the City's land development regulations. Ordinance No. 4110, addressed a moratorium enacted by Ordinance No. 4091, which limited filing and receiving of site plan applications along the Broadway (US1) and Blue Heron Boulevard development corridors to allow City Staff to evaluate and propose amendments pertaining to the corridors. The purpose and intent of the overlay was to promote consistent and compatible development and redevelopment within the City's primary roadway corridors. The Riviera Beach Principal Arterial Overlay is now associated with all properties fronting on any of the following roads in the City:

- (1) Dr. Martin Luther King Jr. Boulevard.
- (2) 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.

The City's subject Overlay Code currently prohibits drive-up facilities to be located within 500 feet of an existing drive-up facility located on the same side of a designated arterial road, and permits existing drive-up facilities located closer than 500 feet to be improved or upgraded with conditions. The proposed zoning text amendment to delete the 500 foot separation requirement for drive-thru facilities may create the potential for adverse impacts to the balance of uses along these roadway corridors. Planning theory provides that restricting the number of drive-thru restaurant facilities within a community, may be beneficial to the community, environmentally and socially.

In summary, creating definitions for "Drive-up, drive through facility", "Restaurant (excluding drive through)", and "Restaurant, drive through, drive-in", are necessary City Code improvements. The request to modify the existing 500 foot separation requirement for drive-thru facilities could result in both positive and negative community impacts.

G. Proposed amendments: The following Code amendments have been proposed (additions underlined and deletions shown in ~~strikethrough~~ format).

Sec. 31-1. – Definitions.

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[Applicant's proposal:]

Drive-up facility means any place of business or premises which serves, sells, or otherwise makes available its goods or services directly to customers situated in motor vehicles.

* * *

[Staff's recommendation:]

Drive-up, drive through facility means any place of business or premises which serves sells or otherwise makes available its goods or services directly to customers situated in motor vehicles.

* * *

Restaurant (excluding drive through) means an establishment where the principal business is the sale of food in a ready-to-consume state to persons who are seated within the principal building, seated outside on the premises, or for carryout.

* * *

Restaurant, drive through, drive-in, means an establishment where the principal business is the sale of food in a ready-to-consume state to customers within the establishment and directly to customers on premises situated in motor vehicles.

* * *

Sec. 31-551. – Principal arterial design standards overlay.

[Applicant’s proposal:]

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(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, along a principal arterial roadway unless approved in accordance with Special Exception Section 31-61 of the city’s code, and only in those zoning districts which currently permit drive up facilities by right, or special exception.~~
- (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.~~

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H. Staff Conclusion: City staff recommends that the Planning and Zoning Board review the information presented and provide a recommendation to the City Council.