

ORDINANCE NO. 4166

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 V, IG GENERAL INDUSTRIAL DISTRICT, SECTION 31-383 (2), BY ADDING A NEW SUBSECTION “a” INCREASING THE MAXIMUM ALLOWABLE BUILDING HEIGHT IN THE CENTRAL AREA OF THE PORT FROM 50 FEET TO 150 FEET, AND DEFINING THE CENTRAL AREA OF THE PORT AS “THAT AREA BORDERED BY W. PORT ROAD & BROADWAY, AVENUE E, AND DR. MARTIN LUTHER KING JR. BLVD.”; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City’s Code of Ordinances controls and directs the development of land within the municipal limits of the City by way of text and maps; and

WHEREAS, Section 31-6 of the City of Riviera Beach Code of Ordinances establishes that the City Council may, by ordinance, regulate the location, height, bulk and size of buildings, and other structures; and

WHEREAS, the IG General Industrial District is intended to promote development of industrial and manufacturing uses which would increase the tax base of the city and provide increased employment opportunities for the area residents; and

WHEREAS, the City’s Property Development Standards in the IG General Industrial District within Code Section 31-383(2), currently provides that the maximum allowable building height is 50 feet; and

WHEREAS, the applicant, Florida Sunstar Logistics, LLC., is the developer of the approximately 3.97 acre parcel with Parcel Control Number (PCN) 56-43-42-33-29-000-0020 owned by the Port of Palm Beach District, and located within the IG General Industrial Zoning District, in the central area of the Port, east of Avenue E and north of W. Port Road, and Broadway and Dr. Martin Luther King Jr. Blvd. to the south and north; and

WHEREAS, the applicant has requested an amendment to the Code of Ordinances in order to add a subsection to the IG General Industrial District Property Development Standards to permit a maximum building height of 150 feet in the central area of the Port of Palm Beach; and

WHEREAS, the applicant also requests that the maximum building height be limited to the central area of the Port of Palm Beach and that area be defined as “that area bordered by W. Port Road & Broadway, Avenue E, and Dr. Martin Luther King Jr. Blvd.”; and

WHEREAS, the central area subject to the amendment to the Code of Ordinances is a small portion of the overall IG zoning district at the Port of Palm Beach, whose future land use is designated “Port”; and

WHEREAS, there are existing structures at the Port of Palm Beach of the same or greater height; and

WHEREAS, if the applicant initiated amendment to the Code of Ordinances is approved, it will allow this developer and property owner, and other developers and property owners located within the IG General Industrial District to submit Site Plan applications to the City for development of structures within the central area of the Port of Palm Beach with a maximum building height of 150 feet; and

WHEREAS, the Planning and Zoning Board reviewed the proposed amendment to the Code of Ordinances Section 31-383(2) on April 8, 2021 and recommended approval to the City Council; and

WHEREAS, City staff finds that this amendment to the Code of Ordinances would expand the opportunities for future growth and economic development of the Port of Palm Beach and allow for the construction of a 150 foot high materials storage structure by Florida Sunstar Logistics, LLC.; and

WHEREAS, the City Council of the City of Riviera Beach finds that the proposed amendment to the Code of Ordinances (ZA-21-01) is consistent with the City's Comprehensive Plan and promotes the health, safety, and welfare of the residents of the City and 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. **Legislative Findings, Intent, and Purpose.** 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, safety and general welfare of the residents, businesses, and stakeholders of the City.

SECTION 2. Chapter 31 of the Code of Ordinances of the City of Riviera Beach, entitled "Zoning", Article V, entitled "District Regulations" Section 31-383 is amended to read as follows (additions are underlined and deletions appear in ~~striketrough~~ format):

ARTICLE V. DISTRICT REGULATIONS

Sec. 31-383.-Property Development Standards.

* * *

The property development standards in the IG general industrial district are as follows:

- (1) Minimum property size: One acre.
- (2) Maximum building height: 50 feet.

a. Maximum building height for the central area of the Port defined as that area bordered by W. Port Road & Broadway, Avenue E, and Dr. Martin Luther King Jr. Blvd. : 150 feet.

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SECTION 3. **Severability.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance, or its application, to any person or circumstance 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.

SECTION 4. **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. **Authority.** 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 sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 6. **Effective Date.** This Ordinance shall become effective immediately upon final passage and adoption by City Council.

PASSED AND APPROVED on the first reading this _____ day of _____, 2021.

PASSED AND ADOPTED on second and final reading this _____ day of _____, 2021.

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APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY D. LANIER
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

TRADRICK MCCOY
COUNCILPERSON

JULIA A. BOTEL, Ed.D
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____