

ORDINANCE NUMBER 4243

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 31, ZONING, SECTIONS 31-1, 31-61, 31-141, 31-161, 31-187, 31-192, 31-197, 31-222, 31-242, 31-302, 31-322, 31-362, 31-382, 31-422, 31-487, AND 31-536; CREATING SECTIONS 31-560, 31-561, 31-562, AND 31-563; AMENDING THE DEFINITION OF FAMILY; AMENDING THE DEFINITION OF THE TERMS MULTIPLE FAMILY DWELLING AND DUPLEX DWELLING; ADDING DEFINITIONS FOR THE TERMS ASSISTED LIVING FACILITY, COMMUNITY RESIDENCE, HOSPITAL, NURSING HOME, RECOVERY COMMUNITY, RECOVERY RESIDENCE, SPECIALTY MEDICAL FACILITY, AND SPECIALTY HOSPITAL; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Code currently lacks adequate definitions and/or use standards for the terms *assisted living facility*, *community residence*, *family*, *hospital*, *nursing home*, *recovery community*, *recovery residence*, *specialty medical facility*, and *specialty hospital*; and

WHEREAS, the definitions of *multiple family dwelling* and *duplex dwelling* require clarification as to allowed occupancy; and

WHEREAS, section 419.001, Florida Statutes, authorizes local governments to enact certain zoning requirements with respect to community residences; and

WHEREAS, the City has a legitimate interest in protecting individuals with disabilities, including those recovering from addiction, (i) by providing opportunities for them to live in community residences or recovery communities located within residential zoning districts; (ii) by encouraging the normalization and integration of such residences into the surrounding neighborhoods; and (iii) by ensuring that the community residences and recovery communities meet appropriate standards and receive adequate oversight in providing services to their residents; and

WHEREAS, while the inclusion and normalization of community residences and recovery communities can be beneficial to the residents and neighborhoods alike, the over-concentration of such residences would create a *de facto* social service district; and

WHEREAS, the current distribution of known community residences within the City is as depicted on the attached and incorporated Exhibit "A"; and

WHEREAS, Exhibit "A" shows apparent clustering of such residences within 1000 feet or fewer of one another within a distinct area of the City; and

WHEREAS, the City has a legitimate interest in avoiding the creation of a *de facto* social services district in any particular neighborhood or area through the establishment of reasonable distance requirements and other siting and development standards for community residences and community; and

WHEREAS, in 2020, Palm Beach County commissioned a study authored by Daniel Lauber, AICP, and entitled *Zoning Analysis and Framework for Community Residences for People with Disabilities and for Recovery Communities in Palm Beach County Florida* ("Palm Beach County Study"); and

WHEREAS, the Palm Beach County Study noted that "when community residences are a permitted use, it is most reasonable to impose a spacing distance between community residences that keeps them about a block apart in terms of actual walking distance, generally about 660 feet or about ten lots apart in the typical American town with the common 55 to 65 foot minimum lot width"; and

WHEREAS, minimum lot widths for single-family and two-family residential properties within the City are generally within ten feet of the typical lot size cited in the Palm Beach County Study, with the most frequently applicable minimum lot size being seventy-five (75) feet; and

WHEREAS, the Palm Beach County Study recommended that recovery communities, which are strictly multi-family, be subject to greater spacing requirements of 1,200 feet; and

WHEREAS, on December 8, 2016, a Palm Beach County grand jury issued its *Report on the Proliferation of Fraud and Abuse in Florida's Addiction Treatment Industry* ("Grand Jury Report"); and

WHEREAS, the Grand Jury Report detailed abuses suffered by residents of recovery residences undergoing treatment for addiction, found a compelling and urgent need for increased oversight and enforcement in Florida's substance abuse treatment industry, and recommended, among other things, requiring licensing and certification for recovery residences; and

WHEREAS, section 397.487, Florida Statutes, authorizes the Florida Association of Recovery Residences (FARR) to issue voluntary certifications to facilities providing a residential setting for persons recovering from addiction, provided such facilities satisfy basic requirements; and

WHEREAS, the City Council finds that FARR certifications aid in the standardization and safe operation of recovery residences; and

WHEREAS, the City Council desires to clarify that FARR certification is required for recovery residences, except for those with and Oxford House charter; and

WHEREAS, the City Council desires to clarify that FARR certification is required for recovery communities operating within the City; and

WHEREAS, recovery residences and recovery communities operating as of the effective date of this Ordinance shall have until December 31, 2024, to obtain the aforementioned certifications, as applicable; and

WHEREAS, the City Council recognizes that certain non-residential medical uses are appropriate only in non-residential settings such as hospitals, specialty medical facilities, and specialty hospitals; and

WHEREAS, while hospitals, specialty medical facilities, and specialty hospitals are essential to the health, safety, and general welfare of the community, they are generally incompatible with residential uses; and

WHEREAS, the City has a legitimate interest in ensuring that hospitals, specialty medical facilities, and specialty hospitals operate safely and without altering the character of adjacent residential districts by the creation of excessive, noise, light and traffic; and

WHEREAS, the Planning & Zoning Board reviewed the proposed text amendments on _____, 2023, and voted _____ to recommend approval of the proposed amendments to Chapter 31; and

WHEREAS, the City Council desires to approve the proposed amendments; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:

SECTION 1. RECITALS. The recitals set forth above are hereby adopted as true and correct statements and made part of this Ordinance.

SECTION 2. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-1 is hereby amended as follows:

Sec. 31-1. Definitions.

Assisted living facility means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to fifteen (15) or more adults.

~~Community residential home means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or~~

~~licensed by the Agency for Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.~~

Community residence means a form of permanent housing for groups that do not meet the definition of "family," consisting of persons who, by reason of a disability, require the assistance or support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Community residences may be Type I or Type II, as further described in section 31-561. A community residence shall be considered a residential use of property for purposes of all zoning, building, and property maintenance codes.

Dwelling, duplex means a building designed to be occupied by two families, living independently of each other. ~~for two-family occupancy.~~

Dwelling, multiple family means a building designed to be occupied by ~~for~~ three or more families, living independently of each other.

~~Family means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit exclusive of household servants.~~

Family means one (1) or more persons living together and interrelated by bonds of consanguinity, marriage, domestic partnership as defined in Section 2-6 of the Palm Beach County Code of Ordinances, or legal adoption, or a group of persons up to three (3) in number who are not so interrelated, occupying the whole or part of a dwelling as a single housekeeping unit, supplied with a kitchen or facilities for doing their own cooking on the premises, and who share common living facilities. Any person under the age of eighteen (18) years whose legal custody has been awarded to the State Department of Children and Families or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. A family does not include residents of any nursing home; club; boarding or lodging house; dormitory; fraternity; sorority; or group of individuals whose association is seasonal or similar in nature to a resort, motel, hotel, boarding or lodging house.

Hospital means a state-licensed institution that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service.

Nursing home means an institution, building, residence, private home, or other place which undertakes through its ownership or management to provide for a period exceeding twenty-four-hour nursing care, personal care, or custodial care for three (3) or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does include accommodations for providing care and treatment primarily for the acutely ill.

Recovery community means a facility consisting of multiple dwelling units in a single multi-family structure that are not held out to the general public for rent or occupancy, that provides a drug-free and alcohol-free living arrangement for people in recovery from drug and/or alcohol addiction, which, taken together, do not emulate a single biological family and are under the auspices of a single entity or group of related entities. Recovery communities include land uses for which the operator is eligible to apply for certification from the State of Florida. A recovery community shall be considered a multi-family residential use of property for purposes of all zoning, building, and property maintenance codes.

Recovery residence means a type of community residence that provides lodging for more than three (3) unrelated persons suffering from addiction, occupying the whole or part of a dwelling as a single housekeeping unit sharing common living, sleeping, cooking and/or eating facilities.

Specialty medical facility means, a facility, regardless of size, offering non-overnight specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities. This use also includes medical or dental offices which are larger than 5,000 sq. ft.

Specialty hospital means a hospital which offers a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include: Specialty medical hospitals; specialty rehabilitation hospitals; specialty psychiatric hospitals, which may include beds licensed to offer intensive residential treatment programs; specialty substance abuse hospitals, which may include beds licensed to offer intensive residential treatment programs; and an addictions receiving facility.

SECTION 3. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-61 is hereby amended as follows:

Sec. 31-61. Review procedures for special exceptions.

- (a) *Purpose.* This section is intended to address the review procedures for those uses which have been designated as special exceptions within the permitted uses of the applicable zoning district. The city council shall decide only upon such special exceptions that are specifically authorized by the terms of this chapter, i.e., to grant special exceptions with such

conditions and safeguards as are appropriate under this chapter or to deny special exceptions when not in harmony with the purpose, intent and requirements of this chapter.

- (b) *Public hearings required.* A public hearing shall be held by the planning and zoning board and city council in accordance with the public hearing procedures and notice requirements in section 31-4, prior to any decision regarding a request for special exception.
- (c) *Submission.* A site plan shall be submitted concurrently with the special exception. For special exceptions, the grant of the special exception shall expire if a building permit is not issued within two years from the date the special exception was granted by the city council.
- (d) *Fees.* The fees for special exceptions are set out in section 31-691 of this code, which references the land development application fee schedule.
- (e) *Payment plan option.* A payment plan option is available for the three following special exception uses: ~~community residential home~~ large family child care home, and place of worship. The aforementioned uses may choose to utilize the payment plan option as follows:
 - (1) Half of the required fees due to apply for a special exception use approval (including special exception fees, site plan fees and advertising fees) may be submitted in lieu of full payment when a complete special exception application packet is officially submitted to staff. This payment will provide for review by both staff and the planning and zoning board. The remainder of fees due shall be provided by the applicant prior to application review by the city council within one year of planning and zoning board review or the application shall expire and officially be considered withdrawn.
 - (2) Partial payment of fees submitted through this payment plan option are non-refundable and does not guarantee a final use approval.

SECTION 4. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-141 is hereby amended as follows:

Sec. 31-141. Nonconforming lots and structures.

- (a) *Lots.* If a vacant lot in the RS-6 single-family dwelling district has an area or width, or both, less than the above minimum and was a lot of record at the time of the passage of the ordinance from which this article was derived, the lot may be occupied by a single-family dwelling and its accessory uses, provided the minimum yard regulations of the district are conformed with.
- (b) *Structures.* All nonconforming structures in the RS-6 district which legally existed prior to adoption of the ordinance from which this article was derived shall be allowed to expand within the required setback lines without the necessity of first obtaining a variance.
- ~~(c) *Congregate living facilities.* Any adult congregate living facility (ACLF), developmental services group home, adult foster home or foster home for children under applicable rules of the state department of health and rehabilitative services in existence on the effective date of the ordinance from which this subsection is derived and which meets the other requirements contained in this division shall be a permitted use; provided, however, that the occupancy levels~~

~~permitted prior to the effective date of the ordinance from which this subsection is derived shall not be increased, unless specifically authorized by the city council.~~

SECTION 5. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-161 is hereby amended as follows:

Sec. 31-161. Nonconforming lots and structures.

- (a) *Lots.* If a vacant lot in the RS-8 single-family dwelling district has an area or width, or both, less than the above minimum and was a lot of record at the time of the passage of the ordinance from which this article was derived, the lot may be occupied by a single-family dwelling and its accessory uses, provided the minimum yard regulations of the district are conformed with.
- (b) *Structures.* All nonconforming structures in the RS-8 district which legally existed prior to adoption of the ordinance from which this article was derived shall be allowed to expand within the required setback lines without the necessity of first obtaining a variance.
- (c) *Open carport.* An open carport may be built to within five feet of the property line on one side of a residence in a subdivision that has 75 percent or more of the lots with houses existing and on lots 50 feet in width in existing subdivisions of record; provided, however, a clear distance of ten feet is maintained between the eaves of the carport and the eaves of the building on the adjoining property. Carports set closer than seven feet from the property lines shall not be enclosed.
- ~~(d) *Congregate living facilities.* Any adult congregate living facility (ACLF), developmental services group home, adult foster home or foster home for children under applicable rules of the state department of health and rehabilitative services in existence on the effective date of the ordinance from which this subsection is derived and which meets the other requirements contained in this division shall be a permitted use; provided, however, that the occupancy levels permitted prior to the effective date of the ordinance from which this subsection was derived shall not be increased, unless specifically authorized by the city council.~~

SECTION 6. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-187 is hereby amended as follows:

Sec. 31-187. Use regulations.

- (a) *Uses permitted.* The following uses are permitted in the RML-12 multiple-family dwelling district:
 - (1) Any of the permitted uses in the RS-8 single-family dwelling district.
 - (2) Multifamily dwelling units.
 - ~~(3) Community residential home.~~
 - (3) Family day care home.

~~(4 5)~~ Home occupations (see section 31-545).

(b) *Special exception.* The following uses are permitted by special exception in the RML-12 multiple-family dwelling district:

~~(1) Community care facility.~~

~~(2 1)~~ Day care center.

~~(3 2)~~ Churches and their educational buildings.

SECTION 7. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-192 is hereby amended as follows:

Sec. 31-192. Site plan review.

A site plan review shall be required for all permitted uses in the RML-12 multiple-family dwelling district except the following:

(1) Residential developments with up to and including five units.

~~(2) Community residential home.~~

~~(2)(3)~~ Family day care home.

SECTION 8. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-197 is hereby amended as follows:

Sec. 31-197. Use regulations.

(a) *Uses permitted.* The following uses are permitted in the RM-15 multifamily dwelling district:

(1) Any use permitted in the RS-8 single-family dwelling district.

(2) Multifamily dwelling units.

(b) *Special exception.* The following uses are permitted by special exception in the RM-15 multifamily dwelling district:

(1) Residential planned unit developments (R-PUD).

(2) Day care centers.

(3) Mobile home parks.

(4) Boardinghouses or lodging houses.

(5) Guest houses or tourist homes.

~~(6) Nursing or convalescent homes.~~

~~(7) Adult congregate living facilities (ACLF).~~

~~(8) Group homes.~~

~~(9 6)~~ Churches and their educational buildings.

SECTION 9. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-222 is hereby amended as follows:

Sec. 31-222. Use regulations.

(a) *Uses permitted.* The following uses are permitted in the RMH-15 multifamily/hotel district:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Multiple family dwellings.
- (4) Hotels, motels, apartment hotels.
- (5) Restaurants and shops accessory to hotels or motels, which uses shall not have signs or displays visible from the public street.
- (6) Private clubs as accessory to the residential uses.
- (7) Any use commonly accessory to the above uses.
- (8) Home occupations.

(b) *Special exception.* The following uses are permitted by special exception in the RMH-15 multifamily/hotel district:

- (1) Residential planned unit development (R-PUD).
- (2) Timesharing.
- ~~(3) Nursing and convalescent homes and ACLFs.~~
- (3) Assisted living facilities.
- (4) Nursing home.

SECTION 10. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-242 is hereby amended as follows:

Sec. 31-242. Use regulations.

(a) *Uses permitted.* The following uses are permitted in the RM-20 high density multifamily dwelling district:

- ~~(1) Single family dwellings.~~
- ~~(2) Two family dwellings.~~
- ~~(3-1)~~ Multiple family dwellings.
- ~~(4-2)~~ Townhouses.
- ~~(5 3)~~ Condominiums and cooperatives.

~~(6-4)~~ Private clubs as accessory to the residential uses.

~~(7-5)~~ Home occupations.

~~(8-6)~~ Any use commonly accessory to the above uses.

(b) *Special exception.* The following uses are permitted by special exception in the RM-20 high density multifamily dwelling district:

(1) Residential planned unit developments (R-PUD).

(2) Mobile home parks.

(3) Assisted living facilities.

(4) Nursing homes.

SECTION 11. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-302 is hereby amended as follows:

Sec. 31-302. Use regulations.

(a) *Uses permitted.* The following uses are permitted in the CN neighborhood commercial district:

(1) Uses permitted in accordance with RM-15 district regulations.

(2) Retail uses, including any or several of the following:

a. Bakery.

b. Bookstore.

c. Boutique.

d. Dairy products.

e. Druggist or pharmacy.

f. Florist.

g. Gift shop.

h. Home accessories, excluding furniture and major appliances.

i. Food store or delicatessen.

j. Hobby shop.

k. Music store.

l. Newsstand.

m. Pet supply shop.

n. Restaurant without drive-through facility or eating establishment without drive-through facility.

- o. Stationery store.
 - p. Tobacco shop.
 - (3) Service uses, including any or several of the following:
 - a. Barber or beauty shop.
 - b. Coin laundry or dry cleaning substation.
 - c. Locksmith.
 - d. Photographer.
 - e. Shoe repair.
 - f. Travel agency.
- (b) *Uses permitted by special exception.*
 - (1) Convenience grocery store without gasoline pumps (no building larger than 3,500 square feet).
 - (2) Churches and their educational buildings.
 - (3) Specialty Medical Facility.

SECTION 12. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-222 is hereby amended as follows:

Sec. 31-322. Use regulations.

- (a) *Uses permitted.* The following uses are permitted in the CG general commercial district:
 - (1) Any use permitted in the CN neighborhood commercial district, except that residential use shall not be permitted.
 - (2) *Reserved.*
 - (3) Personal service establishments, such as barbershops, beauty parlors, medical and dental clinics, restaurants, stores, banks, professional and other offices, funeral homes, parking garages and lots, laundry pickup stations, shoe repair, tailoring, watch and clock repair, and locksmith.
 - (4) Hospitals.
 - (5) Bus passenger terminal.
 - (6) Theaters and motion picture houses, except drive-in theaters.
 - (7) Advertising panels or signs.
 - (8) Private clubs.
 - (9) Coin-operated personal service establishments, conforming to subsection (a)(2) in this section.

- (10) New car dealerships.
- (11) Churches and their educational buildings.
- (b) *Special exception.* The following uses may be permitted by special exception in the CG general commercial district:
 - (1) Hotel/motel, in accordance with RMH-15 regulations.
 - (2) Commercial planned unit development, C-PUD.
 - (3) Inlet harbor center planned unit development, IHC-PUD, only within the boundaries of the inlet harbor center redevelopment agency.
 - (4) Drive-in restaurants.
 - (5) Filling stations.
 - (6) Auto malls.
 - (7) Car washes.
 - (8) Bars, saloons, taverns, cocktail lounges, or nightclubs.
 - (9) Gun shop.
 - (10) Substance abuse clinics.
 - (11) Shopping centers in excess of 20,000 square feet of building area.
 - ~~(12) — Adult congregate living facility (ACLF): Temporary conversion from existing hotel/motel structures within the Inlet Harbor Center Overlay zoning district only (see subsection 31-523(e)).~~
 - (12) Assisted living facilities.
 - (13) Nursing homes.
 - (14) Specialty Medical Facility.
 - (15) Specialty Hospital.

SECTION 13. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-362 is hereby amended as follows:

Sec. 31-362. Use regulations.

- (a) *Uses permitted.* The following uses are permitted in the IL limited industrial district:
 - (1) The following light industrial and manufacturing uses where the scale of operations and the process of manufacturing or treatment of materials is such that the amount of dust, odor, gas, smoke or noise resulting therefrom will not be objectionable to surrounding residential properties and where the operations are conducted in one or more buildings:
 - Appliance manufacturing.

Auto paint and body shop.

Auto repairs and auto body shop.

Bakeries, wholesale, large scale preparation.

Boats, manufacturing.

Business offices accessory to primary industrial use.

Cold storage.

Confectionery, wholesale, large scale preparation.

Contractor's storage yard.

Cosmetics manufacturing.

Dairy processing.

Dry cleaning plant.

Electronic equipment manufacturing.

Engraving.

Food processing.

Furniture manufacturing.

Glass manufacturing.

Laundry plant.

Leather goods manufacturing.

Lumber yard.

Metal fabrication.

Millwork.

Monument works.

Motion picture studio.

Precision instruments and optics manufacturing.

Port related ship supply establishments and facilities.

Printing and publishing.

Textile and clothing manufacturing.

Tobacco products manufacturing.

Upholstery shop.

Welding shop.

Wholesaling.

New vehicle dealerships.

(2) CN district uses, nonresidential, which shall be in accordance with chapter 26.

(b) *Special exception.* The following uses may be permitted by special exception in the IL limited industrial district:

(1) PUD.

(2) Used car lots.

(3) Beverage manufacturing and bottling works.

(4) Laboratory industrial research.

(5) Auto services, including transmission and oil change establishments.

(6) Truck rental and leasing.

(7) Specialty Medical Facility.

(8) Specialty Hospital.

SECTION 14. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-382 is hereby amended as follows:

Sec. 31-382. Use regulations.

(a) *Uses permitted.* The following uses are permitted in the IG general industrial district:

(1) Any use permitted in the IL districts.

(2) Manufacturing, processing and fabrication of any product or commodity except those enumerated hereinafter as prohibited uses or provided as special exceptions.

(3) Outdoor drive-in theaters.

(4) Public utility structures.

(5) Railroad switching and make-up yards.

(6) Petroleum storage but not in excess of 50,000 gallons at any one manufacturing or industrial location.

(7) Liquid gas storage not in excess of 15,000 gallons at any one manufacturing or industrial location.

(8) Any customary accessory use to all above facilities.

(9) The following uses shall be permitted east of Broadway (U.S. No. 1) in this district only if directly related to Port of Palm Beach activities and not in conflict with the requirements of this district:

a. Piers, docks and wharves.

b. Terminals for freight or passengers arriving or departing by ship.

- c. Railroad lines and sidings for service wharfs and piers, and railroad right-of-way freight, terminals' team-tracks and spur tracks.
- d. Facilities for maintenance and repair of vessels.
- e. Ship supply establishments and facilities.
- f. Wholesale warehouse and retail establishments dealing primarily in bulk materials delivered by ship, and railroad or ship and truck in combination.
- g. Government and professional.
- h. Refueling stations for Port of Palm Beach District.

(10) CN district uses excluding residential shall be in accordance with chapter 26.

(11) Temporary labor employment office.

(12) Pawn shop.

(13) Recycling center.

(14) Recycling facility.

(b) *Special exception.* The following uses may be permitted by special exception in the IG general industrial district:

(1) PUD.

(2) Warehouses and storage uses.

(3) Reserved.

(4) Asphalt and concrete mixing and batching, and product manufacture.

(5) Foreign trade zone.

(6) Adult entertainment establishments (see Ordinance No. 2648 [ch. 2.5]).

(7) Self-service storage.

(8) Specialty Hospital.

SECTION 15. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-422 is hereby amended as follows:

Sec. 31-422. Use regulations.

(a) *Uses permitted.* The following uses are permitted in the CF community facility district:

(1) Municipal services and accessory buildings and structures including but not limited to the following:

- a. Fire stations.
- b. Police stations.
- c. Libraries.

- (2) Municipally owned and operated parks and recreation areas.
- (3) Educational institutions including but not limited to the following:
 - a. Colleges and universities.
 - b. Schools, public and private.
 - c. Vocational schools and training centers and seminaries.
- (b) *Special exception.* The following uses may be permitted in the CF community facility district:
 - (1) The following types of uses and other similar services may be permitted in this district provided if they are operated under the direct control of the municipality:
 - a. Restaurant and other similar food service establishments.
 - b. Lounges may be permitted if in conjunction with a restaurant operation.
 - c. Gift shops.
 - d. Beach apparel.
 - e. Other recreation facilities.
 - f. Sundries and confectionery establishments.
 - g. Publicly owned and operated marinas and dry storage facilities.
 - h. Specialty Medical Facilities.
 - (2) State/county parks.
 - (3) State/federal buildings and facilities.

SECTION 16. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-487 is hereby amended as follows:

Sec. 31-487. Uses permitted in R-PUD residential planned unit development.

The following uses are permitted in the R-PUD residential planned unit development:

- (1) Any residential structure type and arrangement compatible with the purpose and intent of this special exception.
- (2) Residential accessory uses.
- (3) Home occupations.
- (4) Publicly operated parks and recreation areas or other facility operated by a nonprofit organization.
- (5) Public and private utility services and accessory buildings and structures, excluding sanitary landfill, incinerator, refuse and trash dumps, for the use of the development.
- (6) Recreation facilities and clubs.
- (7) Churches or places of worship and accessory buildings and structures.

- (8) Day care centers.
- (9) Nursing homes. ~~and convalescent facilities.~~
- (10) Clinics, medical, dental, chiropractic and veterinary, outpatient only.
- (11) Government services and accessory buildings and structures.
- (12) Business offices and studios.
- (13) Professional offices.
- (14) Financial institutions.
- (15) Personal services, including but not limited to barber shops, beauty salons and the like.
- (16) Hotels and motels.
- (17) Restaurants and lounges.
- (18) Bakeries, retail; limited preparation of products for on-premises sale.
- (19) Food and beverage stores.
- (20) Confectionery, retail; limited preparation of products for on-premises sale.
- (21) Drycleaning and laundry pickup stations.
- (22) Self-service laundry and dry cleaning.
- (23) Newsstands.
- (24) Automobile service stations; no major repairs.
- (25) Pharmacy.
- (26) Hardware, paint and garden supplies.
- (27) Assisted Living Facilities.

SECTION 17. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-536(a)(3), Downtown Core District, is hereby amended as follows:

- (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 subsection 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 section 31-544).
- 7. Hotels/motels.
- 8. Nursing ~~or convalescent~~ homes and adult living facilities (ALF).
- 9. Assisted living facilities.
- ~~9~~10. Churches and their educational buildings; Storefront churches.
- ~~10-11~~. Civic open space (See section 31-538).
- ~~11~~12. Community Gardens.

SECTION 18. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-536(b)(2), Downtown General District, is hereby amended as follows:

(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 section 31-544.).
 - 5. Nursing ~~or convalescent~~ homes and adult living facilities (ALF).
 - 6. Assisted living facilities.
 - ~~6-7~~. Churches and their educational buildings; storefront churches.
 - ~~7-8~~. Civic open spaces (See section 31-538.).
 - ~~8-9~~. Community gardens.
 - 10. Specialty Medical Facility.

SECTION 19. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-536(c)(3), Downtown Residential District, is hereby amended as follows:

(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 subsection 34-536(c)(1).
 3. Home occupations.
 4. Community gardens.
 5. Civic open spaces (See section 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 section 31-544.).
 3. ~~Nursing or convalescent homes and adult living facilities (ALF), or group home.~~
 4. Assisted living facilities.

SECTION 20. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-560 is hereby created as follows:

Sec. 31-560. Community Residences and Recovery Communities – Purpose.

The purpose of sections 31-561 and 31-562 is to provide for the general health, safety, and welfare of the City of Riviera Beach; to provide for the inclusion of persons with disabilities into residential settings by preventing *de facto* social service districts; and to protect persons with disabilities residing in community residences and recovery communities by establishing reasonable requirements for certification, licensure, or the equivalent.

SECTION 21. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-561 is hereby created as follows:

Sec. 31-561. Standards for Community Residences.

(a) Allowed Zoning Districts. Community residences are allowed as follows:

- (1) Type I community residences (up to six (6) residents): are a permitted use in all zoning districts that allow residential uses, subject to the requirements of this section.
- (2) Type II community residences (between seven (7) and fourteen (14) residents): are a permitted use in all zoning districts that allow multifamily housing, subject to the requirements of this section.

(b) Typical uses.

(1) Type I and Type II community residences include, but are not limited to, residential settings for persons who meet the following criteria:

- (i) A person residing in an adult family care home as defined by F.S. § 429.65(2).
- (ii) A physically disabled or handicapped person as defined in F.S. § 760.22(7).
- (iii) A developmentally disabled person as defined in F.S. § 393.063(9)
- (iv) A non-dangerous person with a mental illness as defined in F.S. § 394.455(18).
- (v) A child as defined in F.S. § 39.01(12) and (14); or
- (vi) A person suffering from addiction receiving care and treatment in a recovery residence.

(2) In addition, Type II community residences include those residences as defined by section 419.001(1)(a), Florida Statutes.

(c) License, Certification, or Recertification Requirements.

- (i) Community residences are required to have and maintain any license or certification that the State of Florida requires.
 - (ii) Recovery residences, except for chartered Oxford Houses, are required to be certified by the Florida Association of Recovery Residences (FARR). An existing recovery residence that, as of the effective date of Ordinance No. 4243, does not meet the requirements of this subsection shall have until December 31, 2024, to come into compliance or shall cease operation and safely relocate residents.
 - (iii) A community residence that has been denied a license or certification the State of Florida requires or a FARR certification or an Oxford House charter, or had such license, certification, or charter revoked, suspended, or denied renewal, shall cease operation within 60 days of the revocation, suspension, or denied renewal and safely relocate residents.
- (d) Siting/Location. A community residence shall not be located within a 660-foot radius of an existing community residence and shall not be located within a 1,200-foot radius of an existing recovery community.
- (e) Persons with disabilities may seek reasonable accommodation with respect to the requirements for community residences pursuant to section 31-9 of this Chapter, which sets forth the procedure for such requests.

SECTION 22. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-562 is hereby created as follows:

Sec. 31-562. Standards for Recovery Communities.

- (a) Allowed Zoning Districts. Recovery communities are a permitted use in all zoning districts that allow multifamily dwellings, subject to the requirements of this section.
- (b) License, Certification, or Recertification Requirements.

 - (i) Recovery communities are required to have and maintain any license or certification that the State of Florida requires.
 - (ii) Recovery communities are required to be certified by the Florida Association of Recovery Residences (FARR). An existing recovery community that, as of the effective date of Ordinance No. 4243, does not meet the requirements of this subsection shall have until December 31, 2024, to come into compliance or shall cease operation and safely relocate residents.
 - (iii) A recovery community that has been denied a license or certification the State of Florida requires or a FARR certification, or had such license or certification revoked, suspended, or denied renewal, shall cease operation within 60 days of the revocation, suspension, or denied renewal and safely relocate residents.
- (e) Siting/Location. A recovery community shall not be located within 1,200 linear feet of an existing recovery community and shall not be located within 1,200 linear feet of an existing community residence. Linear feet shall be measured from the nearest property line of the proposed recovery community to the nearest property line of the closest existing recovery community or community residence.
- (f) Persons with disabilities may seek reasonable accommodation with respect to the requirements for recovery communities pursuant to section 31-9 of this Chapter, which sets forth the procedure for such requests.

SECTION 23. The City of Riviera Beach Land Development Code, Chapter 31, Zoning, Section 31-563 is hereby created as follows:

Sec. 31-563. Standards for Non-Residential Medical Uses.

- (a) Purpose: The purpose of this section is to provide for the siting of medical treatment centers that are not residential in nature, to include hospitals, specialty medical facilities, and specialty hospitals, while ensuring that such facilities do not interfere with residential character of adjacent communities by causing excessive noise, light, and traffic.

(b) Specialty Medical Facilities shall comply with the following standards:

- (1) Separation from residential uses. The facility shall be at least 250 feet from a residential zoning district.
- (2) Overnight treatment. Overnight treatment is prohibited.
- (3) Hours of operation. The facility shall not offer treatment or services between the hours of 10 p.m. and 7 a.m.

(c) Specialty Hospitals shall comply with the following standards:

- (1) Separation from Residential Uses. The hospital shall be at least 500 feet from a residential zoning district.
- (2) Overnight Treatment. Overnight treatment is permitted.
- (3) Hours of Operations. The hospital may be open 24 hours per day.
- (4) The specialty hospital shall be located on a site that has an area of at least three acres and fronts on or has direct access to and from an arterial or collector street.
- (5) Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the specialty hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- (6) A perimeter security plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- (7) Outdoor recreation and/or passive space shall be provided for both patients and visitors.

(d) Hospitals shall comply with the following standards:

- (1) Separation from Residential Uses. The hospital shall be at least 500 feet from a residential zoning district.
- (2) Overnight Treatment. Overnight treatment is permitted.
- (3) Hours of Operations. The hospital may be open 24 hours per day.
- (4) The hospital shall be located on a site that has an area of at least four acres and fronts on or has direct access to and from an arterial or collector street.
- (5) Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- (6) A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- (7) Outdoor recreation and/or passive space shall be provided for both patients and visitors.

Secs. 31-560564—31-565. Reserved.

SECTION 24. 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 25. REPEAL OF LAWS IN CONFLICT. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 26. CODIFICATION. 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 27. EFFECTIVE DATE. This Ordinance shall become effective immediately upon final passage and adoption by the City Council.

PASSED AND APPROVED on the first reading this 17 day of January, 2023.

PASSED AND ADOPTED on second and final reading this 21 day of February, 2023.

[The remainder of this page is intentionally blank.]

1ST READING

MOTIONED BY: J. BOTEL

SECONDED BY: S. LANIER

S. LANIER AYE

K. MILLER-ANDERSON AYE

T. MCCOY AYE

J. BOTEL AYE

D. LAWSON AYE

2ND & FINAL READING

MOTIONED BY: J. BOTEL

SECONDED BY: K. MILLER-ANDERSON

S. LANIER AYE

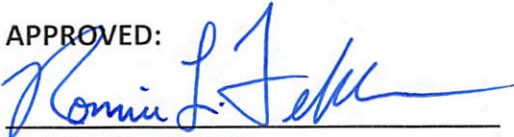
K. MILLER-ANDERSON AYE

T. MCCOY ABSENT

J. BOTEL AYE

D. LAWSON AYE

APPROVED:



RONNIE L. FELDER
MAYOR




DOUGLAS LAWSON
CHAIRPERSON

ATTEST:

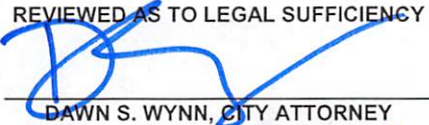


CERTIFIED MUNICIPAL CLERK
INTERIM CITY CLERK

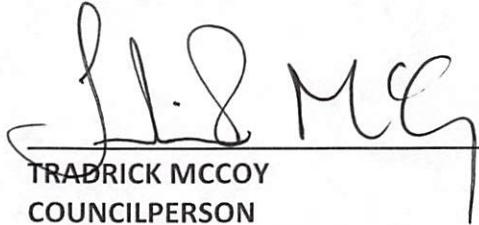


SHIRLEY D. LANIER
CHAIR PRO TEM

REVIEWED AS TO LEGAL SUFFICIENCY



DAWN S. WYNN, CITY ATTORNEY



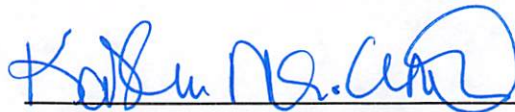
TRADRICK MCCOY
COUNCILPERSON

DATE:

2-21-2024



JULIA A. BOTEL, Ed.D
COUNCILPERSON



KASHAMBA MILLER-ANDERSON
COUNCILPERSON