

ORDINANCE NO. 2998

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP LAND USE DESIGNATION FROM COMMERCIAL TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (UP TO 15 UNITS PER ACRE) FOR 1.52 ACRES LOCATED AT 4444 LEO LANE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 163.3187(1)(c) provides the requirements for adoption of small scale amendments to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the subject property is currently assigned Commercial on the Future Land Use Map and is being amended to Medium Density Multiple Family Residential (Up to 15 units per acre); and

WHEREAS, the subject property meets the requirements of Florida Statutes, Section 163.3164(27), which provides the small scale land use amendment requirements for the designation of this parcel as urban infill, with public facilities in place and surrounding properties containing medium density multiple family residential (up to 15 units per acre) and constituting less than 10 percent of the total vacant, developable land area; and

WHEREAS, on November 10, 2005, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change from Commercial to Medium Density Multiple Family Residential land use classification, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS

Section 1. Pursuant to Florida Statutes, the City of Riviera Beach, Florida, Comprehensive Plan Future Land Use Map is hereby amended in accordance with Section 163.3187(1)(c) for small scale amendments for the subject properties as described below:

Petitioner

Robert Nothnagle

PCN: 56-42-42-25-000-1210

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTH HALF (N ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 138.00 FEET OF THE WEST 454.00 FEET OF THE SOUTH 480.00 FEET OF THE NORTH 1166.00 FEET OF SAID NORTH HALF OF THE NORTHEAST QUARTER. TOGETHER WITH AND SUBJECT TO RIGHTS OF WAY AND EASEMENTS OF RECORD.
CONTAINING IN ALL 1.52 ACRES, MORE OR LESS.

Section 2. That the Director of Community Development is hereby authorized and directed to amend the City's Future Land Use Map from Commercial to Medium Density Multiple Family Residential (up to 15 units per acre).

Section 3. Should any word, phrase, clause, subsection, section, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

Section 4. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

Section 5. That the effective date of this small scale plan amendment shall be 31 days after adoption, or if the amendment is challenged, the effective date will not be until the State Land Planning Agency of the Administration Commission issues a final order determining that the adopted small scale amendment is in compliance.

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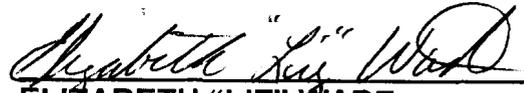
Page 3

PASSED AND APPROVED on First Reading this 1ST day of DECEMBER, 2005.

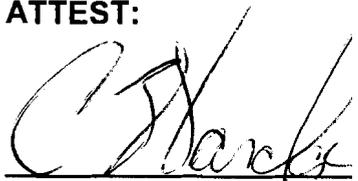
PASSED AND ADOPTED on Second Reading this 21st day of December, 2005.

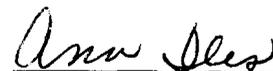
APPROVED:

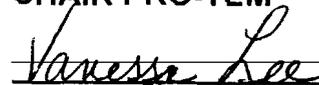

MICHAEL D. BROWN
MAYOR


ELIZABETH "LIZ" WADE
CHAIRPERSON

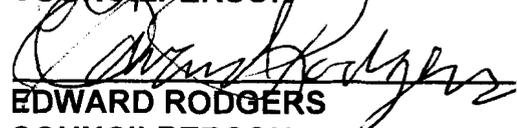
ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


ANN ILES
CHAIR PRO-TEM


VANESSA LEE
COUNCILPE N


JUDY L. DAVIS
COUNCILPERSON


EDWARD RODGERS
COUNCILPERSON

FIRST READING

MOTIONED BY: J. Davis

SECONDED BY: E. Rodgers

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

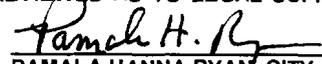
SECOND AND FINAL READING

MOTIONED BY: A. Iles

SECONDED BY: J. Davis

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 11/22/05

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

Date

Carrie E. Ward, MMC, City Clerk

CD/HW/LU-05-02

ORDINANCE NO. 2999

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DWELLING DISTRICT (RML-12) ON 1.52 ACRES LOCATED AT 4444 LEO LANE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving less than ten (10) contiguous acres; and

WHEREAS, the subject properties are currently assigned General Commercial District (CG); and

WHEREAS, on November 10, 2005, the Planning and Zoning Board reviewed the proposed zoning change from "CG" General Commercial District zoning classification, to "RML-12" Low Density Multiple Family Residential Dwelling District zoning classification, and forwarded a recommendation to the City Council; and

WHEREAS, the proposed zoning classification for the subject property was reviewed for consistency with the City of Riviera Beach Comprehensive Plan Future Land Use Map and was found to be consistent by the Planning and Zoning Board; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS

Section 1. The City of Riviera Beach Zoning Map is hereby amended to assign "RML-12" Low Density Multiple Family Residential Dwelling District zoning classification for the following subject property. The legal description is as follows:

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTH HALF (N ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 138.00 FEET OF THE WEST 454.00 FEET OF THE SOUTH 480.00

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FEET OF THE NORTH 1166.00 FEET OF SAID NORTH HALF OF THE
NORTHEAST QUARTET.
TOGETHER WITH AND SUBJECT TO RIGHTS OF WAY AND EASEMENTS OF
RECORD.
CONTAINING IN ALL 1.52 ACRES, MORE OR LESS.

Section 2. If any word, phrase, clause, subsection or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any remaining portions of this Ordinance.

Section 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. That the Director of Community Development is hereby authorized and directed to update the City's Zoning Map in accordance with the changes described by this Ordinance.

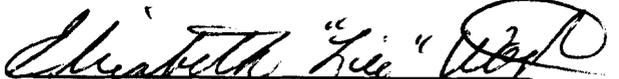
Section 5. That the effective date of this zoning change shall be 31 days after adoption, or if the zoning change is challenged the effective date will not be until a final order determining that the land use amendment is in compliance.

PASSED AND APPROVED on First Reading this 1ST day of DECEMBER, 2005.

PASSED AND ADOPTED on Second Reading this 21st day of December, 2005.

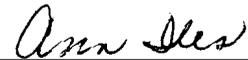
APPROVED:


MICHAEL D. BROWN
MAYOR


ELIZABETH "LIZ" WADE
CHAIRPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


ANN ILES
CHAIR PRO-TEM


VANESSA LEE
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON


EDWARD RODGERS
COUNCILPERSON

FIRST READING
MOTIONED BY: J. Davis
SECONDED BY: E. Rodgers

SECOND AND FINAL READING
MOTIONED BY: J. Davis
SECONDED BY: V. Lee

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 11/22/05

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

Date

Carrie E. Ward, MMC, City Clerk

CD/HW/RZ-05-03

ORDINANCE NO. 3000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE CITY OF RIVIERA BEACH FOR ADDITIONAL ROAD CAPACITY; ALTERNATIVE TRANSPORTATION MODES; MULTIMODAL DESIGN STANDARDS, AND RELATED FACILITIES NECESSITATED BY NEW CONSTRUCTION AND REDEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF THE ROAD IMPACT FEE; PROVIDING FOR REVIEW AND ADJUSTMENT OF THE ROAD IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF ROAD IMPACT FEE DISTRICTS; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM ROAD IMPACT FEES INTO ROAD IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM ROAD IMPACT FEES; PROVIDING THAT ROAD IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR CREDITS AGAINST IMPACT FEES FOR DONATIONS OF CAPITAL FACILITIES; PROVIDING FOR AUTOMATIC ADJUSTMENT OF IMPACT FEES; PROVIDING FOR APPEALS OF IMPACT FEES; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3202(3), Florida Statutes, enables the City of Riviera Beach to enact impact fees; and

WHEREAS, the City of Riviera Beach must expand its capital facilities in order to maintain current standards if new development is to be accommodated without decreasing current standards; and

WHEREAS, the City of Riviera Beach Comprehensive Plan identifies transportation systems which emphasizes safe and efficient networks within the Community Redevelopment Area (CRA) and Citywide as outlined in the Transportation Element of the

City's Comprehensive Plan; and

WHEREAS, this Ordinance is intended to assist in the implementation of the City of Riviera Beach Comprehensive Plan; and

WHEREAS, the City of Riviera Beach recognizes that the construction of new lanes and facilities necessitated by new construction and redevelopment is an opportunity to provide a convenient, comfortable, motorized and non-motorized transportation system intricately related to the land use pattern and improves the level of service on City roads.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1.: LEGISLATIVE FINDINGS

The City Council of the City of Riviera Beach finds, determines, and declares that:

A. The City of Riviera Beach must expand the capacity of its transportation system in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the health, safety and welfare of both existing and new residents and businesses;

B. The Florida Legislature, through the enactment of Florida Statutes Chapter 163, 163.3202 (3), has sought to encourage the City of Riviera Beach to enact impact fees;

C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

D. Each of the types of land development described in Section 7 hereof, will generate traffic necessitating the acquisition of rights-of-way, road construction, road and modal improvements;

E. The fees established by Section 7 are derived from, are based upon, and do not exceed a pro rata share of the costs of providing additional rights-of-way, road construction, road and modal improvements necessitated by the new land developments and redevelopments for which the fees are levied; and

F. The report entitled "Technical Memorandum on Road Impact Fees, prepared for

the City of Riviera Beach, Florida", dated September 25, 2005, prepared by James Nicholas, professor at the University of Florida, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional rights- of-way, road construction and road improvements in the City of Riviera Beach.

SECTION 2.: SHORT TITLE, AUTHORITY AND APPLICABILITY.

A. This ordinance shall be known and may be cited as the "City of Riviera Beach Road Impact Fee Ordinance."

B. The City Council of the City of Riviera Beach has the authority to adopt this ordinance pursuant to Article VII of the Constitution of the State of Florida, and Chapter 165 and Section 163.3202 (3), of the Florida Statutes.

SECTION 3.: INTENTS AND PURPOSES

A. This ordinance is intended to assist in the implementation of the City of Riviera Beach Comprehensive Plan.

B. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development and redevelopment projects are provided with needed expansions of road capacity and transportation systems and that new development bears a proportionate share of the cost of capital expenditures necessary to provide that expansion of road capacity and modal transportation networks.

SECTION 4.: RULES OF CONSTRUCTION

A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

B. For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

- (1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or

- (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) Words expressed in the feminine gender shall include the masculine and words expressed in the masculine gender shall include the feminine.
- (5) The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- (6) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected terms, conditions, provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (8) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (9) "Impact Fee Administrator" means the City Manager or any municipal officials he/she may designate to carry out the administration of this ordinance.

- (10) All terms relating to types of development shall have the same meaning as established in the City of Riviera Beach Land Development Code.

SECTION 5.: DEFINITIONS

A. A "feepayer" is a person commencing a land development activity within the City of Riviera Beach which generates traffic and which requires the issuance of a building permit by the City of Riviera Beach.

B. "Building permit" is the approval issued by the City of Riviera Beach that authorizes the construction or placement of a building, dwelling, mobile home, recreational vehicle or other structure on a site.

C. A "capital improvement" includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to:

- (1) Construction of new through lanes,
- (2) Construction of new turn lanes,
- (3) Construction of new bridges,
- (4) Construction of new drainage facilities, sidewalks, and bicycle paths in conjunction with new roadway construction,
- (5) Purchase and installation of traffic signalization (including new and upgraded signalization),
- (6) Construction of curbs, medians, shoulders, and traffic calming devices
- (7) Relocating utilities to accommodate new roadway construction, and
- (8) Purchase of public transit vehicles.

D. "Expansion" of the capacity of a road applies to all road and intersection capacity enhancements and includes but is not limited to extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.

E. "Land Development Activity Generating Traffic" means any change in land use or any construction of buildings or structures or any change in the use of any structure that attracts or produces vehicular trips.

F. "Road" shall have the same meaning as set forth in the Florida Statutes.

G. "Arterial Road" shall have the same meaning as set forth in the Florida Statutes.

H. "Collector Road" shall have the same meaning as set forth in the Florida Statutes.

I. "Site-related Improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include but are not limited to the following:

- (1) Construction of new through lanes;
- (2) Access roads leading to the development;
- (3) Driveways and roads within the development;
- (4) Construction of sidewalks and/or bicycle paths;
- (5) Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and
- (6) Traffic control measures for those roads and driveways.

J. "Independent Fee Calculation Study" means the traffic engineering and/or economic documentation prepared by a fee payer or on behalf of a fee payer to allow the determination of the impact fee other than by the use of the table in Section Seven (A) of this ordinance.

K. "Level of Service" shall have the same meaning as set forth in the Highway Research Board's Highway Capacity Manual, latest edition and the City of Riviera Beach Comprehensive Plan.

L. "Development Order" means a regulatory approval for the development or land by issued by the City of Riviera Beach.

M. "Mandatory or Required right-of-way dedications and/or roadway improvements" means such non-compensated dedications and/or roadway improvements required by the City of Riviera Beach.

SECTION 6.: IMPOSITION OF ROAD IMPACT FEE

A. Any person who, after the effective date of this Ordinance, seeks to develop land within the City of Riviera Beach, Florida, by applying for a building permit or making improvements to land which will generate additional traffic is hereby required to pay a road impact fee in the manner and amount set forth in this ordinance.

B. No new building permit for any activity requiring payment of an impact fee pursuant to Section 7 of this ordinance shall be issued by the City of Riviera Beach unless and until the road impact fee hereby required has been paid.

C. No extension of a building permit shall be granted unless and until the road impact fee hereby required has been paid.

SECTION 7.: COMPUTATION OF THE AMOUNT OF ROAD IMPACT FEE

A. At the option of the feepayer, the amount of the road impact fee may be determined by the following fee schedule.

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ROAD IMPACT FEES

LAND USE TYPE (UNIT)	Amount
RESIDENTIAL:	
800 Feet and Under	\$952.68
801 - 1,399	\$1,139.00
1,400 - 1,999	\$1,308.00
2,000 - 3,599	\$1,494.00
3,600 and Over	\$1,644.00
NON-RESIDENTIAL:	
DRIVE-IN BANK PER 1,000 FT ²	\$8,201.00
MINI-WAREHOUSE PER 1,000 FT ²	\$1,310.00
HOTEL PER ROOM	\$486.00
MOVIE THEATER PER SEAT	\$93.00
RACQUET CLUB PER COURT	\$2,316.00
CHURCH/SYNAGOGUE PER 1,000 FT ²	\$523.00
DAY CARE CENTER PER 1,000 FT ²	\$3,176.00
QUALITY RESTAURANT PER 1,000 FT ²	\$4,371.00
HIGH TURNOVER SIT-DOWN RESTAURANT PER 1,000 FT	\$6,333.00
NEW CAR SALES PER 1,000 FT ²	\$2,036.00
OFFICE PER 1,000 FT² :	
<= 10,000 FT ²	\$1,233.00
50,000 FT ²	\$841.00
75,000 FT ²	\$766.00
100,000 FT ²	\$729.00
150,000 FT ²	\$654.00
200,000 FT ²	\$616.00
400,000 FT ²	\$523.00
500,000 FT ²	\$504.00
600,000 FT ²	\$467.00
700,000 FT ²	\$467.00
800,000 FT ²	\$448.00
MEDICAL BUILDINGS:	
MEDICAL OFFICES PER 1,000 FT ²	\$1,961.00
HOSPITALS PER 1,000 FT ²	\$915.00
NURSING HOME PER 1,000 FT ²	\$205.00
INDUSTRIAL BUILDINGS:	

ROAD IMPACT FEES

GEN. AND LIGHT INDUSTRIAL PER 1,000 FT ²	\$374.00
WAREHOUSING PER 1,000 FT ²	\$262.00
GENERAL COMMERCIAL RETAIL PER 1,000 FT²:	
<= 10,000 FT ²	\$4,894.00
50,000 FT ²	\$2,802.00
75,000 FT ²	\$2,447.00
100,000 FT ²	\$2,223.00
200,000 FT ²	\$1,812.00
300,000 FT ²	\$1,625.00
400,000 FT ²	\$1,513.00
500,000 FT ²	\$1,457.00
600,000 FT ²	\$1,401.00
800,000 FT ²	\$1,345.00
1,000,000 FT ²	\$1,326.00
1,200,000 FT ²	\$1,308.00
PHARMACY WITH DRIVE THRU	\$1,588.00
FAST FOOD RESTAURANT	\$7,808.00
SERVICE STATION PER FUELING STN.	\$1,924.00
CONVENIENCE RETAIL	\$8,443.00

* Right of Way cost not included in net cost.

- (1) If a building permit is requested for mixed uses, then the fee shall be determined through using the applicable impact fee schedule by apportioning the development committed to uses specified on the applicable impact fee schedule.
- (2) For applications for an extension of a building permit, the amount of the fee is the difference between that fee paid when the permit was originally issued and the fee due pursuant to this ordinance.
- (3) If the type of development activity that a building permit is applied for is not specified on the applicable fee schedule, the Impact Fee Administrator shall use the fee applicable to the most nearly comparable type of land use on the impact fee schedule. The Impact Fee Administrator shall be guided in the selection of a comparable type by the report titled Trip Generation (latest edition) prepared by

the Institute of Transportation Engineers (ITE).

- (4) If the Impact Fee Administrator determines that there is no comparable type of land use on the applicable impact fee schedule then the Impact Fee Administrator shall determine the fee by:
 - (a) using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation (latest edition) prepared by ITE and;
 - (b) applying the formula set forth in Section 7 (B) hereof; and
 - (c) making any appropriate adjustments to the fee pursuant to Section 14 of this Ordinance.

- (5) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The Impact Fee Administrator shall be guided in this determination by traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation (latest edition) prepared by ITE.

B. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section, then the feepayer shall prepare and submit to the Impact Fee Administrator an independent fee calculation study for the land development activity for which a building permit is sought. The independent fee calculation study shall follow best professional practices and the engineering and/or economic documentation submitted shall show the basis upon which the independent fee calculation was made, including but not limited to the following:

- (1) Traffic Engineering Studies:
 - (a) Documentation of trip generation rates appropriate for the proposed land development activity.
 - (b) Documentation of trip length appropriate for the proposed land development activity.

- (c) Documentation of any other trip data appropriate for the proposed land development activity.
- (2) Economic Documentation Studies:
 - (a) Documentation of the cost per lane per mile for roadway construction appropriate for proposed land development activity.
 - (b) Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development activity.

Independent fee calculation studies shall be prepared and presented by professionals qualified in their respective fields and employ methods recognized within those respective fields. The Impact Fee Administrator shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay road impact fees based upon the schedules shown in paragraph (A) of this section. Determinations made by the Impact Fee Administrator pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten (10) days of the Impact Fee Administrator's determination.

SECTION 8.: PAYMENT OF FEE

- A. The feepayer shall pay the road impact fee required by this ordinance to the Impact Fee Administrator or his/her designee prior to the issuance of a building permit.
- B. All funds collected shall be properly identified as a road impact fee and promptly transferred for deposit in the appropriate Road Impact Fee Trust Fund to be held in separate accounts as determined in Section 10 of this ordinance and used solely for the purposes specified in this ordinance.
- C. The collecting governmental entity shall be entitled to retain two (2) percent of all impact fee funds it collects to offset the costs of administering and enforcing this ordinance.

SECTION 9.: ROAD IMPACT FEE DISTRICTS

There are hereby established one (1) road impact fee district which is the entirety of the incorporated area of the City of Riviera Beach.

SECTION 10.: ROAD IMPACT FEE TRUST FUNDS ESTABLISHED

A. There are hereby established one (1) separate Road Impact Fee Trust Fund, one for each road impact fee district established by Section 9 of this Ordinance.

B. Funds withdrawn from this account must be used in accordance with the provisions of Section 11 of this ordinance.

SECTION 11.: USE OF FUNDS

A. Funds collected from road impact fees shall be used for the purpose of capital improvements to, expansion of, and purchase of transportation facilities for the City of Riviera Beach, Palm Beach County, Florida.

B. No funds shall be used for periodic or routine maintenance.

C. Funds shall be used exclusively for capital improvements or expansion within the road impact fee district, including district boundary roads from which the funds were collected.

D. Funds shall be expended in the order in which they are collected.

E. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which road impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are described in paragraph A of this section and are located within the appropriate impact fee districts created by Section 9 of this ordinance or as provided in paragraph C of this section.

F. Impact fees may be rebated to any person when that person donates any improvement shown in A. above if the reasonable value of that donation is greater than the impact fees available for credit for the donation.

G. At least once each fiscal period, the City Manager shall present to the City

Council a proposed capital improvement program for roads, assigning funds, including any accrued interest, from the Road Impact Fee Trust Fund to specific road improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Road Impact Fee Trust Fund until the next fiscal period except as provided by the refund provisions of this ordinance.

H. Funds may be used to provide refunds as described in Section 12.

SECTION 12.: REFUND OF FEES PAID

A. If a building permit expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the City shall retain two percent (2%) of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund within 30 days of the expiration of the permit.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the road impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of two percent (2%) per annum, provided that the landowner submits an application to the Clerk of the City of Riviera Beach for a refund within 180 days of the expiration of the six year period.

SECTION 13.: EXEMPTIONS FROM PAYMENT OF IMPACT FEES

The following shall be exempted from payment of the impact fee:

A. Alterations or expansion of an existing building where no additional units are created, where the use is not changed, and where no additional vehicular trips will be produced by or attracted to the altered or expended building over and above those produced by or attracted to the existing use.

B. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above those produced by or attracted to the principal building or use of the land.

C. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional trips

will be produced or attracted over and above those produced or attracted by the original use of the land. In the event that a destroyed or partially destroyed building or structure is replaced with a larger building or structure or additional trips will be produced or attracted above those produced or attracted by the original structure, the amount of the impact fee due is the positive difference between the impact fee for the new use as compared to the previous use.

D. The installation of a replacement mobile home or recreational vehicle on a lot or other such site when a road impact fee for such mobile home or recreational vehicle site has previously been paid pursuant to this ordinance or where a mobile home or recreational vehicle legally existed on such site on or prior to the effective date of this ordinance.

Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

SECTION 14.: CREDITS AGAINST PAYMENT OF IMPACT FEES

A. No credit shall be given for site-related improvements or site-related right-of-way dedications.

B. All mandatory or required right-of-way dedications and/or roadway improvements made by a feepayer or the predecessor in interest to the feepayer, subsequent to the effective date of this ordinance, except for site-related improvements, shall be credited on a pro rata basis against road impact fees otherwise due or to become due for the development that prompted the Palm Beach County or the City of Riviera Beach to require such dedications or roadway improvements. Such credits shall be determined and provided as set forth in Section Thirteen B 3 (a), (b), (c) and (d).

C. A feepayer may obtain credit against all or a portion of road impact fees otherwise due or to become due by offering to dedicate non-site related right-of-way and/or construct non-site related roadway improvements. This offer must specifically request or provide for a road impact fee credit. Such construction must be in accordance with City, County, or State design standards, which ever is applicable. If the Impact Fee Administrator accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:

- (1) Credit for the dedication of non-site related right-of-way shall be valued at (i) 115% of the most recent assessed value by the Property

Appraiser, or (ii) by such other appropriate method as the City Council may have accepted prior to the effective date of this ordinance for particular right-of-way dedications and/or roadway improvements, or (iii) at the option of the feepayer, by fair market value established by private appraisers acceptable to the City. Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council or by another appropriate entity.

- (2) Applicants for credit for construction of non-site related road improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Impact Fee Administrator. The Impact Fee Administrator shall determine credit for roadway construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the Impact Fee Administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Impact Fee Administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Impact Fee Administrator before credit will be given. Failure by the applicant to sign, date, and return such document within 60 days shall nullify the credit.
- (3) Except as provided in subparagraph (d), Credit against impact fees otherwise due will not be provided until:
 - (a) the construction is completed and accepted by the City, Palm Beach County or the State, whichever is applicable;
 - (b) a suitable maintenance and warranty bond is received and approved by the City of Riviera Beach, when applicable; and
 - (c) all design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the then current City or County Paving and Drainage ordinance, when applicable.

(4) Credit may be provided before completion of specified roadway improvements if adequate assurances are given by the applicant that the standards set out in Subparagraph (c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the City of Riviera Beach in an amount determined by the Impact Fee Administrator consistent with the then current city or County Paving and Drainage Ordinance. If the road construction project will not be constructed within one (1) year of the acceptance of the offer by the Impact Fee Administrator, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the road construction project is not to be completed within 5 years of the date of the feepayer's offer, the City Council must approve the road construction project and its scheduled completion date prior to the acceptance of the offer by the Impact Fee Administrator.

(5) No credit will be provided for any capital improvement within a municipality without first obtaining the recommendation of that municipality.

(6) A successor in interest may claim credit for dedication if that successor can show adequate documentation that such credit is appropriately due to the feepayer making the application for credit against impact fees otherwise due.

D. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

E. Credits shall not be transferable from one project or development to another without the approval of the City Council and may only be transferred to a development in a different impact fee district upon a finding by the City Council that the dedication of right of way or road construction for which the credit was given benefits such different impact fee district.

F. Determinations made by the Impact Fee Administrator pursuant to the credit provisions of this section may be appealed to the City Council by filing a written request with the City Manager with ten (10) days of the Impact Fee Administrator's determination.

SECTION 15.: AUTOMATIC UPDATE OF FEE SCHEDULE

A. The impact fee schedules shown in Section 7(A) above shall be adjusted by the City Manager in April of each calendar year. Unless otherwise directed by the City Council, any adjustments to the impact fee schedules, made pursuant to this section, shall be effective the first Monday in October of each calendar year. All adjustments to the impact fees shall be based on the methodology described in paragraph B of this section.

B. The base for computing any adjustment is the January Consumer Price Index-All Urban Consumers for the United States, published by the United States Department of Labor, Bureau of Labor Statistics. For the purpose of this Section the initial index to be referenced is January of the last year when the impact fees were updated with cost or demographic data.

C. If the index is changed so that the base year is different, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

SECTION 16.: REVIEW

The fees specified in Section 7(A) shall be reviewed by the City Council at least once each fiscal biennium.

SECTION 17.: PENALTY PROVISION

A violation of this ordinance shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Riviera Beach, or any roads impact fee payer, shall have the power to sue for relief in civil court to enforce the provisions of this ordinance. Knowingly furnishing false information to the Impact Fee Administrator, his/her designee, the Building Official or any municipal official who is charged with the administration of this ordinance on any matter relating to the administration of this ordinance shall constitute a violation thereof.

SECTION 18.: SEVERABILITY

If any section, phrase, sentence or portion of this ordinance 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 19.: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its final passage.

PASSED AND APPROVED on First Reading this 1ST day of DECEMBER, 2005.

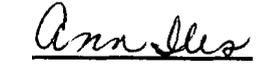
PASSED AND ADOPTED on Second Reading this 21ST day of DECEMBER, 2005.

APPROVED:


MICHAEL D. BROWN
MAYOR


ELIZABETH "LIZ" WADE
CHAIRPERSON

(MUNICIPAL SEAL)

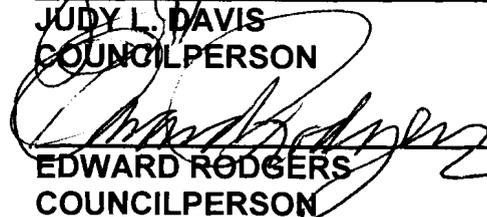

ANN ILES
CHAIR PRO-TEM

ATTEST:


VANESSA LEE
COUNCILPERSON


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
COUNCILPERSON


EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: J. DAVIS

MOTIONED BY: J. DAVIS

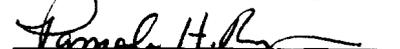
SECONDED BY: E. RODGERS

SECONDED BY: V. LEE

	1 ST READING
E. WADE	<u>AYE</u>
A. ILES	<u>AYE</u>
V. LEE	<u>AYE</u>
J. DAVIS	<u>AYE</u>
E. RODGERS	<u>AYE</u>

	2 ND & FINAL READING
	<u>AYE</u>

REVIEWED AS TO LEGAL SUFFICENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 11/22/05

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, MMC
City Clerk

ORDINANCE NO. 3001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF RANDOLPH/CORNERSTONE JOINT VENTURE, LLC., TO ESTABLISH THE "MEDITERRANEA COMMUNITY DEVELOPMENT DISTRICT" BOUNDARIES FOR REAL PROPERTY COMPRISING OF 69.25 ACRES; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Randolph/Cornerstone Joint Venture, LLC ("Petitioner"), has petitioned the City of Riviera Beach, Palm Beach County, Florida (the "CITY") to grant the establishment of the Meditteranea Community Development District (the "MCDD"); and

WHEREAS, a public hearing has been conducted by the City Council of the City of Riviera Beach, Palm Beach County, Florida (the "CITY") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, all statements contained within the petition have been notarized as true and correct; and

WHEREAS, the creation of the MCDD is consistent with all applicable elements or portions of the City of Riviera Beach Comprehensive Plan, as amended; and

WHEREAS, the area or land within the MCDD is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the creation of the MCDD is the best alternative available for delivering the community development services and facilities to the area that will be served by the MCDD; and

WHEREAS, the MCDD will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

ORDINANCE NO. 3001

PAGE 2

WHEREAS, the proposed services and facilities to be provided by the MCDD will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area that will be served by the MCDD is amenable to separate special district government; and

WHEREAS, the MCDD desires to levy special assessments on purchasers of benefited land within the MCDD to pay for infrastructure constructed and/or acquired by the MCDD; and

WHEREAS, the MCDD shall acquire or construct potable water and wastewater facilities in accordance with the City's Water Utilities District standards and procedures to enable the City to provide potable water and wastewater services to the MCDD; and

WHEREAS, the MCDD shall acquire or construct surface water management facilities and appurtenances thereto in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the MCDD shall construct infrastructure such as roads within the development in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the MCDD does not have any zoning or development permitting power and the establishment of the MCDD is not a development order; and

WHEREAS, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the MCDD; and

WHEREAS, the City Council has considered the record of the public hearing and has decided that the establishment of the MCDD is the best alternative means to provide certain basic services to the community; and

WHEREAS, the City Council finds that the MCDD shall have the general powers described in Section 190.011, Florida Statutes.

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

SECTION 1. The above recitations are true and incorporated by reference herein.

SECTION 2. The Petition to establish the Mediterranean Community Development District over the real property described in Exhibit "A" hereto, which was

filed by Randolph/Cornerstone Joint Venture, LLC., on September 15, 2005 and which Petition is on file at the Office of the City Clerk, is hereby granted.

SECTION 3. The initial members of the Board of Supervisors shall be as follows:

Manuel Martinez
Leyani Roman
John Barr
Elizabeth White
Keith Isley

SECTION 4. The name of the Community Development District shall be "Mediterranea Community Development District".

SECTION 5. The MCDD is created for the purposes set forth in and prescribed in the petition.

SECTION 6. The City Council hereby grants to the MCDD all general powers authorized pursuant to Section 190.011, Florida Statutes, and those special powers provided for in Section 190.012(2)(a) and (d), Florida Statutes, and hereby finds that it is in the public interest of the citizens of the City to grant such general and special powers.

SECTION 7. Notwithstanding Section 6 as set forth hereinabove, Randolph/Cornerstone Joint Venture, LLC., as the fee simple owner, shall enter into a Standard Potable Water and Wastewater Development Agreement with the City for the provision of water and wastewater facilities. Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all terms and conditions therein including, but not limited to, constructing or acquiring the water and wastewater facilities in accordance with the City of Riviera Beach Water Utilities District's Uniform Policies and Procedures; providing the City with appropriate easements for said facilities; and providing the City with a deed to said water and wastewater facilities at no cost to the City of Riviera Beach. The City of Riviera Beach Utilities District shall operate and maintain said water and wastewater facilities and provide water and wastewater service upon receipt of all fees and charges, upon completion of construction and upon receipt of said deed.

SECTION 8. Pursuant to Section 190.012(1)(b), Florida Statutes, the MCDD shall have the powers to acquire, construct, operate, maintain, improve and/or replace surface water management facilities and appurtenances thereto.

SECTION 9. Pursuant to Section 190.004(4), Florida Statutes, the charter for the MCDD shall be the Uniform Community Development District charter as set forth in Sections 190.006 through 190.041, Florida Statutes (2004), including the special powers provided by Section 190.012, Florida Statutes.

SECTION 10. The MCDD is solely responsible for the implementation of special assessments upon benefited property within the MCDD's internal boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

SECTION 11. The MCDD shall provide full disclosure of the public financing and maintenance of improvements undertaken by the MCDD. This disclosure shall include a statement in bold print that special assessments imposed by the MCDD will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for sale and in every recorded deed.

SECTION 12. The MCDD shall disclose that this is a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the MCDD. In addition to the statutory requirements regarding notice, the MCDD shall also disclose said information in a one page summary sheet in all sales material concerning the development.

SECTION 13. That all Board of Supervisor meetings concerning the MCDD shall be held at a facility within the City of Riviera Beach.

SECTION 14. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 15. That all section or part of sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 16. This Ordinance shall take effect immediately upon final approval.

PASSED AND APPROVED on first reading this 21st day of December, 2005.

PASSED AND ADOPTED on second and final reading this 18th day of January, ~~2005~~ 2006.

ORDINANCE NO. 3001

PAGES

EXHIBIT A
LEGAL DESCRIPTION
MEDITERRANEA COMMUNITY DEVELOPMENT DISTRICT

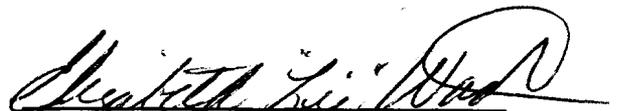
All of WOODS EDGE, according to the Plat thereof, as recorded in Plat Book 50, Page 130, of the Public Records of Palm Beach County, Florida, more fully described as follows:

BEGINNING at the Northeast corner of said WOODS EDGE; thence North 88 degrees 43 minutes 20 seconds West on the North line of said WOODS EDGE, a distance of 2337.21 feet, to a point on the West line of said WOODS EDGE, being the East right-of-way line of Military Trail State Road 809 (120.00 feet right-of-way); thence South 01 degrees 45 minutes 20 seconds West, on said West line and said East right-of-way line, a distance of 1287.17 feet, to a point on the South line of said WOODS EDGE; thence South 88 degrees 38 minutes 25 seconds East, a distance of 2350.49 feet to the East line of said WOODS EDGE; thence North 01 degrees 09 minutes 53 seconds East, on said East line, a distance of 1290.49 feet, to the POINT OF BEGINNING.

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APPROVED:

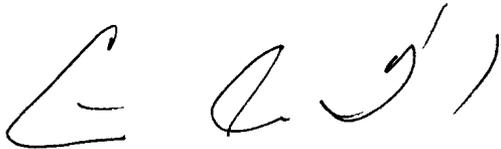

MICHAEL D. BROWN
MAYOR


ELIZABETH "LIZ" WADE
CHAIRPERSON

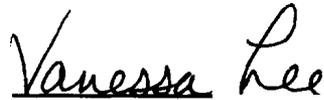
(MUNICIPAL SEAL)


ANN ILES
CHAIR PRO-TEM

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


VANESSA LEE
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON


EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: A. Iles

MOTIONED BY: J. Davis

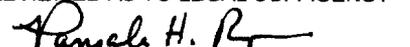
SECONDED BY: E. Rodgers

SECONDED BY: A. Iles

	1 ST READING
E. WADE	<u> aye </u>
A. ILES	<u> aye </u>
V. LEE	<u> aye </u>
J. DAVIS	<u> aye </u>
E. RODGERS	<u> aye </u>

	2 ND & FINAL READING
E. WADE	<u> aye </u>
A. ILES	<u> aye </u>
V. LEE	<u> aye </u>
J. DAVIS	<u> aye </u>
E. RODGERS	<u> aye </u>

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 12/13/05

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, MMC
City Clerk

ORDINANCE NO. 3002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 29, STREETS AND SIDEWALKS BY ADDING SECTIONS 29-65 STREET DESIGN STANDARDS FOR THE COMMUNITY REDEVELOPMENT AREA OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach recognizes that the construction of new streets and repair of existing streets is an opportunity to create safe, balanced, liveable streets that can be used for all forms of travel including non-vehicular modes of travel; and

WHEREAS, this Ordinance is intended to assist in the implementation of the City of Riviera Beach Comprehensive Plan and the Transportation Concurrency Exemption Area (TCEA) requirements.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1: Chapter 29, Streets and Sidewalks of the City Code of Ordinances is hereby amended to include Section 29-65, Street Design Standards for the Community Redevelopment Area as follows:

Section 29-65 (a) All new streets and reconstructed streets within the Community Redevelopment area shall be designed to promote all forms of travel including non-vehicular modes. Required sidewalks shall be designed with a minimum width dimension of 5 feet, unless it is deemed unfeasible by the City Engineer due to existing development. New and reconstructed streets shall also be designed to integrate bicycling including the provision of a four foot minimum width on-street bicycle lane separate from the travel lane for automobiles for streets within the CRA that are identified in the City of Riviera Beach Community Transportation Plan.

Section 29-65 (b) All new streets and reconstructed streets shall incorporate pedestrian oriented trees, lighting, and benches.

Section 29-65 (c) The street design for new and reconstructed streets in the Community Redevelopment Area shall be consistent with the following typical sections which include Multi-way Boulevards, Avenues, Streets, and Residential Streets. (Exhibit A, attached).

ORDINANCE NO. 3002
PAGE 2

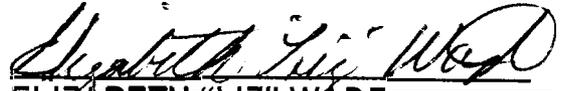
Section 2: If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3: The City Clerk is hereby directed to codify this Ordinance along with the attached Exhibits, for Residential Streets A&B, Avenue, Street, and Multi-way Boulevard.

Section 4: This Ordinance shall become effective immediately upon its final passage.

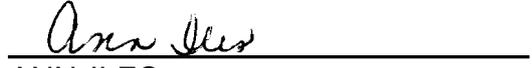
PASSED AND APPROVED on First Reading this 21st day of December, 2005.

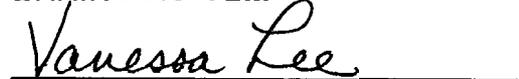
PASSED AND ADOPTED on Second Reading this 18th day of January, ~~2005~~ 2006.

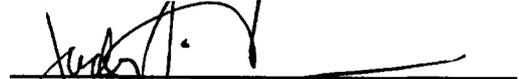

ELIZABETH "LIZ" WADE
CHAIRPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


ANN ILES
CHAIR PRO-TEM


VANESSA LEE
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON


EDWARD RODGERS
COUNCILPERSON

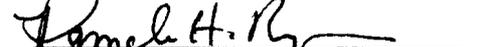
FIRST READING
MOTIONED BY: J. Davis
SECONDED BY: V. Lee

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

SECOND AND FINAL READING
MOTIONED BY: A. Iles
SECONDED BY: V. Lee

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 11/22/05

ORDINANCE NO. 3002
PAGE 4

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.



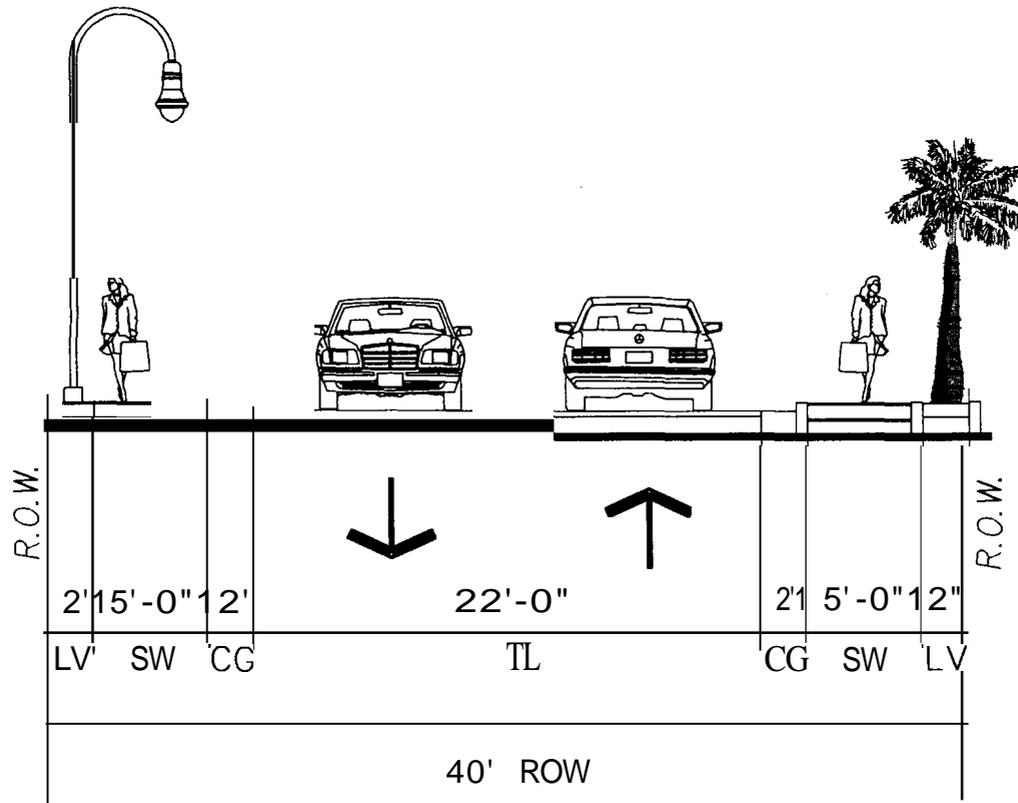
Date

Carrie E. Ward, MMC, City Clerk

CD/SE/JET

Residential Street (40')

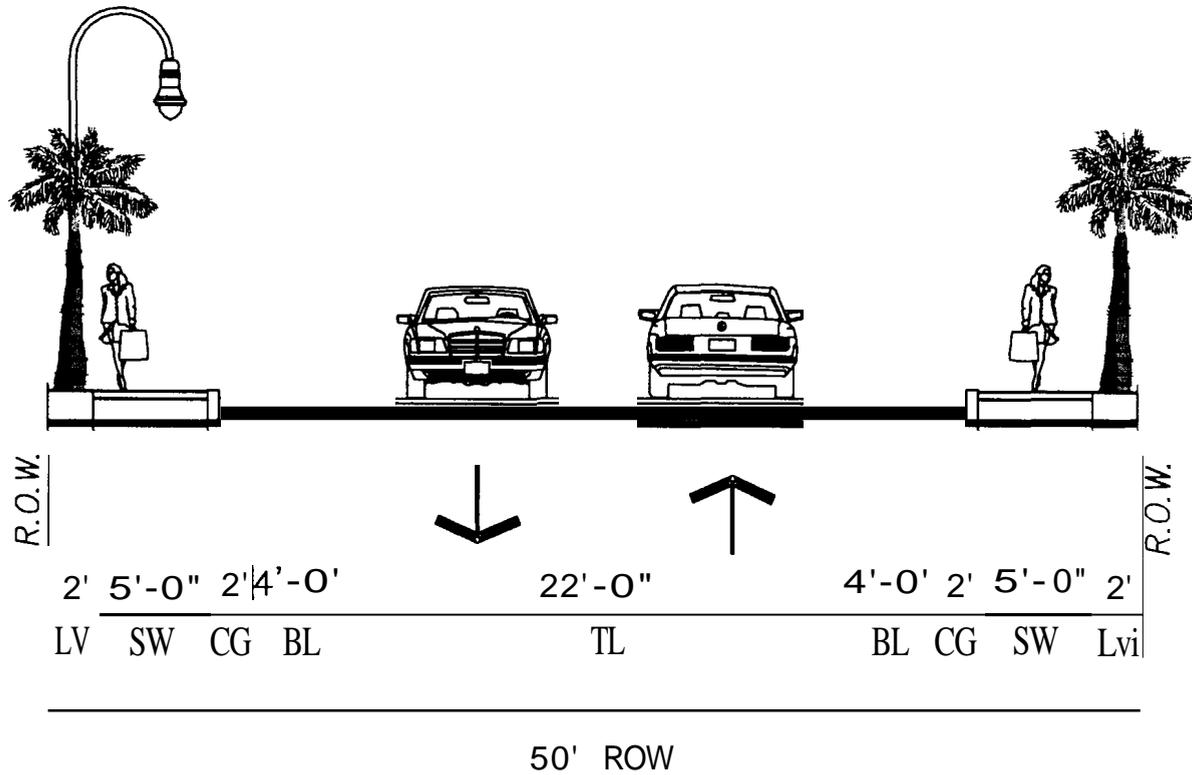
Reconstructed Existing Roadway without Additional Right-of-Way



Whit "A" - Street Design Standards

Residential Street (50')

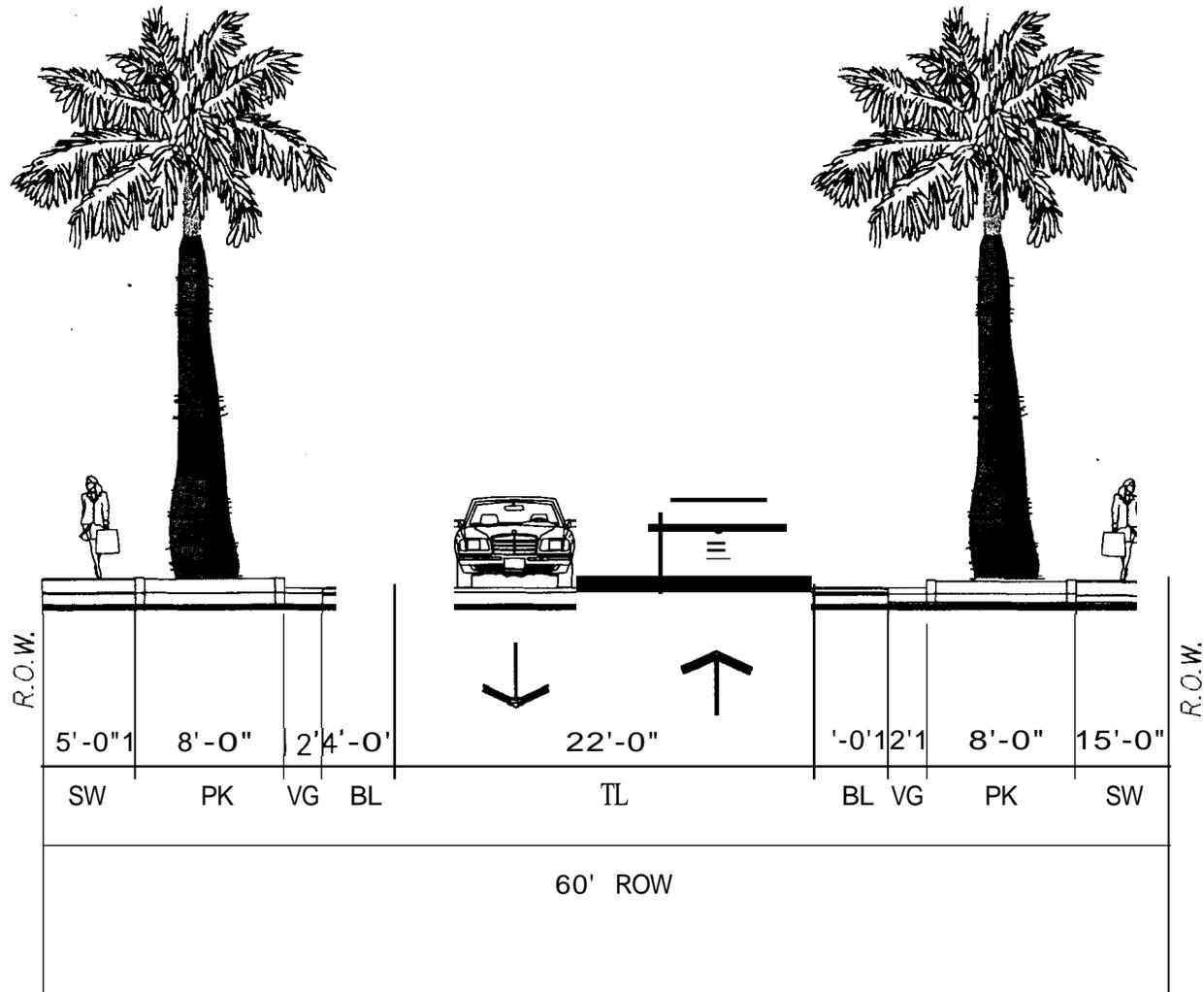
Reconstructed Existing Roadways without Additional Right-of-Way



Whit "A" - Street Design Standards

Street (60')

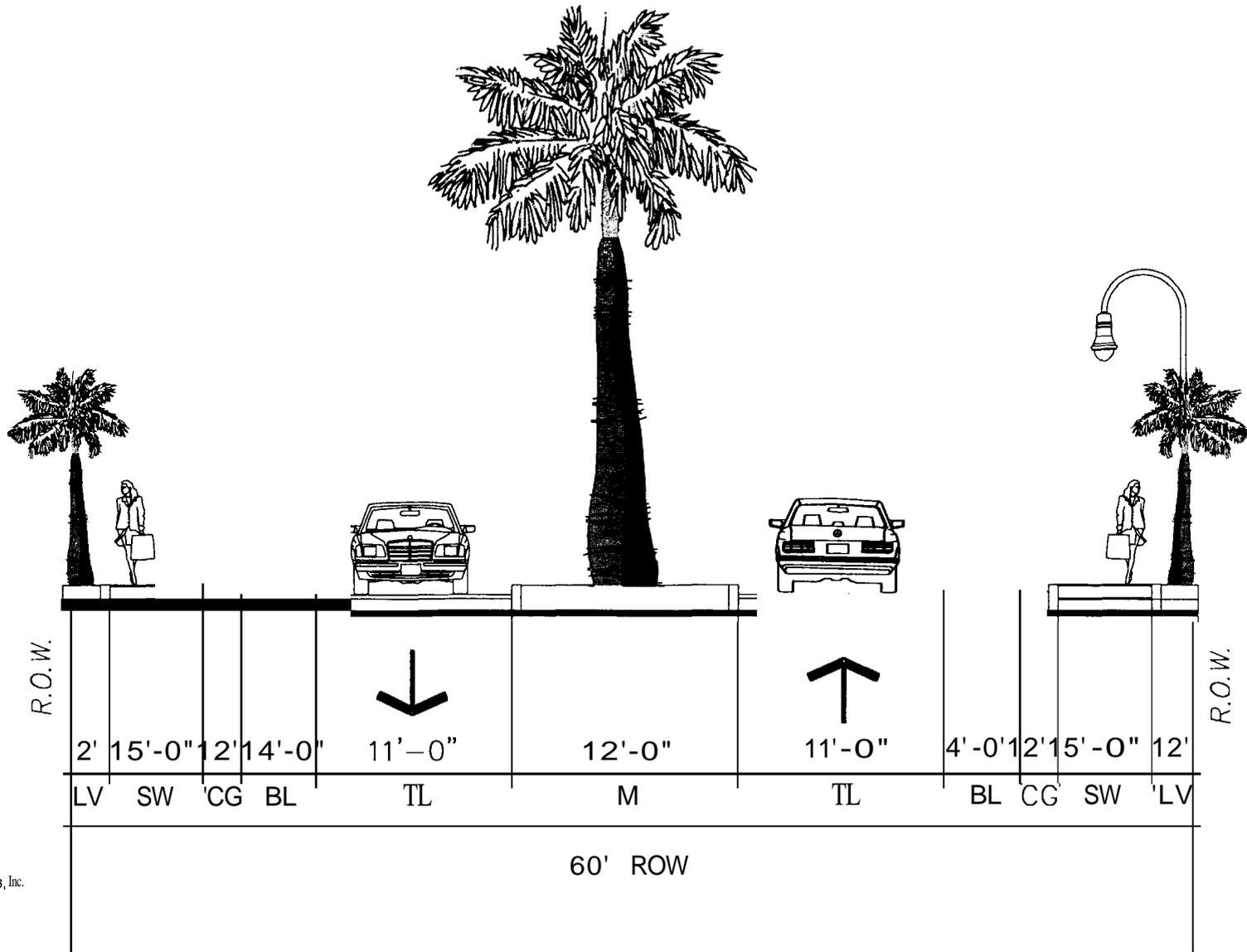
New Street with On-street Parking



60' Street Design Standards

Avenue (60')

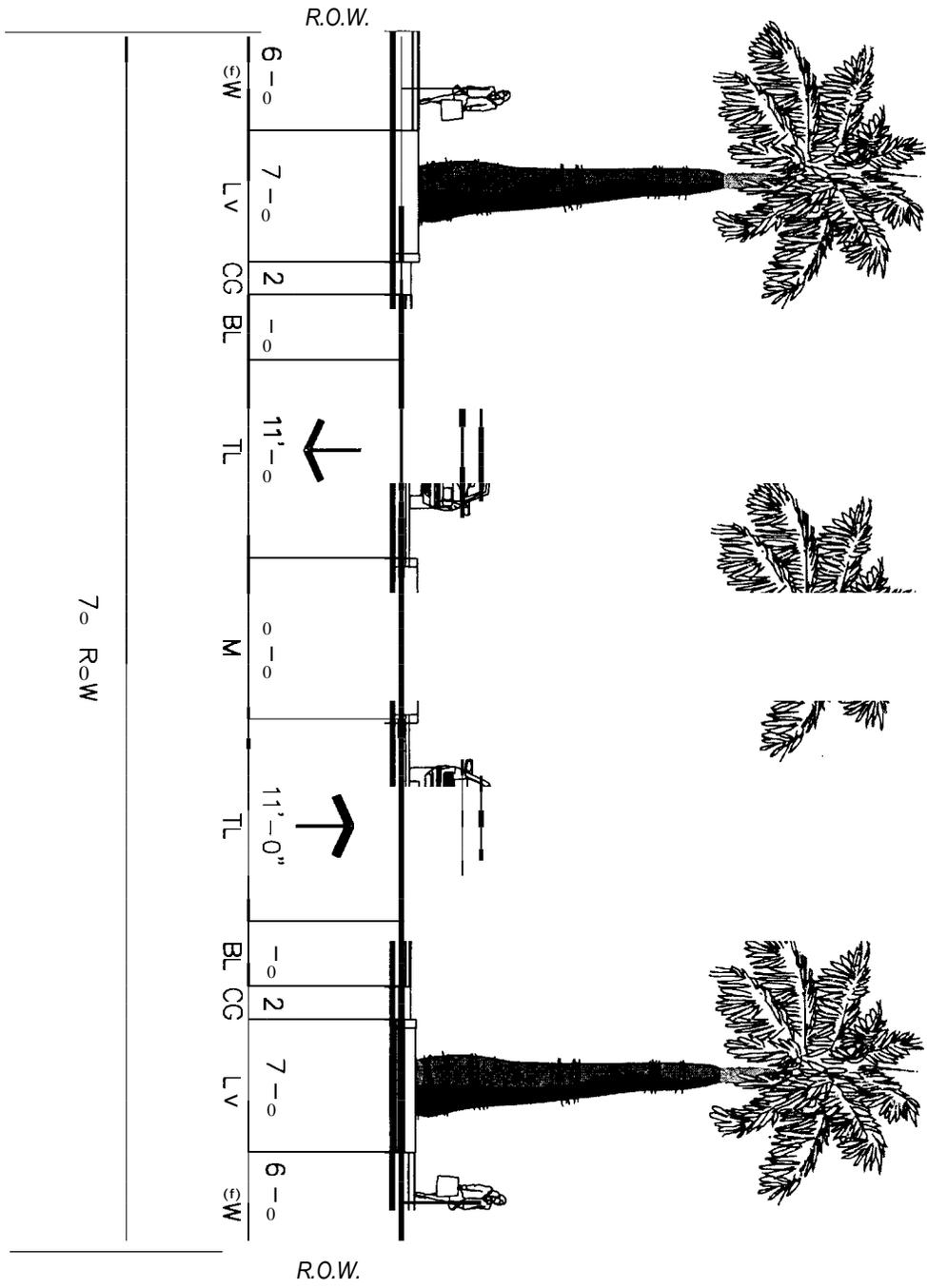
New Street without On-street Parking



Street Design Standards

Vanu3 (70')

New Street with on-street Parking



1. CITY OF VANU3
 CIVIL AND SURVEYING
 MEDIAN
 PARKING
 SIDEWALK
 STREET LIGHT

Exhibit "A" - Street Design Standards