ORDINANCE NO. 4014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY REPEALING ARTICLE VIII, ENTITLED "LANDSCAPE REGULATIONS", AND CREATING A NEW ARTICLE VIII ENTITLED "FLORIDA FRIENDLY LANDSCAPE REGULATIONS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances; and

WHEREAS, the City of Riviera Beach's Comprehensive Plan and Code of Ordinances controls and directs development throughout the City; and

WHEREAS, the South Florida Water Management District (SFWMD) is responsible for the issuance and renewal of the City's Consumptive Water Use Permit, which was issued by the SFWMD to the City on February 27, 2012; and

WHEREAS, the SFWMD has requested that the City amend existing landscape regulations to reflect recently established Florida Friendly best management practices and design strategies as a condition of the renewal of the City's Consumptive Water Use Permit; and

WHEREAS, the City's landscape regulations were last amended on September 1, 1999; and

WHEREAS, an informal public information workshop was held on August 25, 2011 to discuss proposed landscape code amendments; and

WHEREAS, the Planning and Zoning Board reviewed proposed landscape code amendments on September 8, 2011 and on October 27, 2011; and

WHEREAS, the Planning and Zoning Board voted unanimously to recommend approval of the amended landscape regulations on October 27, 2011; and

WHEREAS, the City Council of the City of Riviera Beach hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of the City, while protecting the health, safety and welfare of the public.

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

SECTION 1. That Chapter 31 "Zoning", Article VIII, "Landscape Regulations", is hereby repealed in its entirety and a new Article VIII, entitled "Florida Friendly Landscape Regulations", is adopted to read as follows:

ARTICLE VIII. FLORIDA FRIENDLY LANDSCAPE REGULATIONS

Purpose.

(a) The provisions of this section shall be known herein as the "Florida Friendly Landscape Code" and "landscape code". The provisions of this ordinance shall be a minimum standard for landscape requirements within the municipal limits. The following items encompass the purpose of this ordinance:

(1) To establish minimum standards for the development, installation, and maintenance of landscaping that incorporate Florida Friendly landscape principles within the City limits without inhibiting creative landscape design, construction and management.

(2) To provide minimum standards for landscaping new development or redevelopment, including parking areas and required buffers.

(3) To promote the establishment and maintenance of diverse, functional and sustainable landscapes and plant communities that maximize the storage of sequestered carbon, aide in stormwater management, improve air quality, and conserve energy and that also reduce greenhouse gasses and minimize supplemental watering.

(4) To protect and enhance local aesthetic character while increasing biodiversity and wildlife habitat.

(5) To provide economic and social benefits by incorporating plant material as a function of sustainability and as an integral part of urban development and community within the City.

(6) To promote water conservation, water quality improvement, and vegetation protection objectives by providing for:

a. The implementation of Florida Friendly Landscaping principles as identified by the Florida Yards and Neighborhoods program operated by the University of Florida's Institute of Food and Agricultural Services Extension ("UF/IFAS Extension") and Best Management Practices ("BMPs") identified in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries* (2008), and as provided by law.
b. The use and proper placement of site-appropriate plant materials.
c. The preservation of existing native plant communities.
d. The reestablishment of native plant communities.
e. The elimination of invasive plant species.

f. The use of guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers and pesticides.

Definitions.

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section. In the interpretation and application of this landscape code, these definitions take precedence in the event of conflict.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and the word "person" includes a firm, corporation, county, municipal corporation, or natural person. The term "Council" shall mean City Council of the City of Riviera Beach, and the word "City" shall mean the City of Riviera Beach. The word "used" shall be deemed to include the words "arranged", "designed", or "intended to be used", and the word "occupied" shall be deemed to include the words "arranged", "designed", or "intended to be occupied". Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

Accent tree means any native tree used to compliment a landscape design, not meeting the definition of a shade tree, as listed Appendix B.

Appeal means any request for a review of a decision of an administrative determination of the Community Development Director to the Zoning Board of Adjustment.

Aquascape means the planting of aquatic and wetland plants in the enhancement, restoration, or creation of freshwater, estuarine, or marine systems.

Automatic Controller means a mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application

Best Management Practices (BMPs) means a practice or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Bioretention means an engineered process to manage stormwater runoff, using the chemical, biological and/or physical properties found in a natural, terrestrial-based community of plants, microbes and soils.

Buffer means a landscape area that may include walls, fences, berms, trees, shrubs, hedges, ground cover and other plant materials.

Buffer screen means a portion of a buffer which includes a six foot high, opaque vegetative landscape screen designed and maintained to visually screen a development or portion thereof from adjacent property within one year of construction and planting.

Canopy means one or more tree crowns in a given area.

Champion tree means the largest tree of a species which has been designated by the State Department of Agricultural and Consumer Services, Division of Forestry.

Clear trunk means the distance between the top of the root ball along the vertical trunk(s) of a tree to the point at which lateral branching or fronds begin.

Constant Pressure/Flow Control means a device that maintains a constant flow, or pressure, or both.

Crown means the upper portion of a tree consisting of limbs, branches and leaves. (see canopy)

Crown Spread, Average is determined by taking the widest horizontal distance (spread) of the crown and averaging it with a crown spread measurement taken at right angles to the widest measurement.

Developed landscape area means that portion of the property where pre-development vegetation is to be removed.

Diameter at breast height (DBH) circumference or caliper means the trunk diameter of a tree measured at 4½ feet above ground level from the base of the tree. If the tree trunk forks below 4½ feet above ground level, the City shall consider each trunk to be a tree.

Drip line means a vertical line extending from the outermost branches of a tree to the ground, provided that the same shall not be less than a ten-foot diameter circle, drawn through the center of the trunk of a tree.

Ecosystem means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among and between species and their environment.

Endangered species, threatened or rare species, species of special concern means a species listed as endangered, threatened or of concern by one or more of the following agencies: U.S. Fish and Wildlife Service; Florida Game and Fresh Water Fish Commission; Florida Department of Agricultural and Consumer Services; Florida Committee on Rare and Endangered Plants and Animals.

Emitter means the device used to control the applications of irrigation water. This term is used to refer to the low flow rate devices used in micro-irrigation systems.

Environmentally sensitive land means areas which have unique ecological characteristics and/or functions, such as rare geological formations and/or features, or limited habitat suitable for rare species of plants and/or animals.

Exempt tree or unprotected tree means a category 1 invasive tree recognized by the Florida Exotic Pest Plant Council (FLEPPC), listed in Appendix A.1, or other specifically noted species found in Appendix A.2 of this landscape code, which is free from any tree

protection requirements of this ordinance. This Appendix may be amended from time to time to be consistent with the most recently updated FLEPPC list. See *Nuisance species.*

Evergreen means those trees, including broad-leafed and conifer evergreens that maintain their leaves year round.

Excessive lifting or lion-tailing means improperly pruning a tree in a manner that removes or thins all or most of the tree's lower and interior branches resulting in a clump of terminal foliage at the ends of branches. This results in a top-heavy tree, disfigures the tree's natural form and increases the chance for branch breakage and the likelihood of a tree to fall during a storm event.

Filter means a device in irrigation distribution systems that separates sediment or other foreign matter.

Florida Friendly means practices, materials, or actions that help to preserve Florida's natural resources and protect the environment.

Florida Friendly Landscape. A landscape that incorporates the BMPs and philosophies promoted by programs such as Florida Yards and Neighborhoods/Environmental Landscape Management. Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance; see F.S. Sec. 373.185(1)(b) "Florida-friendly landscaping" for statutory definition.

Groundcover means a low growing, dense plant species other than turf grass, used to cover the soil forming a continuous, low mass of foliage that is free of weeds. Ground cover must present a finished appearance and reasonably complete coverage at time of planting if used in lieu of grass. Complete coverage is required within 1 year of planting areas utilizing groundcover.

Grubbing means the removal of vegetation from land by means of digging, raking, dragging or otherwise disturbing the roots of vegetation in soil in which such roots are located.

Hardscape means areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.

Hatracking or tree topping means to improperly prune a tree in order to permanently maintain growth at a reduced height. It also means to flat-cut a tree, severing the leader or leaders. Hatracking involves pruning a tree by stubbing off mature wood larger than one inch in diameter; or reducing the total circumference or canopy spread not in conformance with National Arborists Society standards.

Hedge means a row of closely and evenly spaced shrubs or other vegetation planted to form a dense, continuous, unbroken visual screen.

High Water Use Plants means plants that require irrigation to provide supplemental water on a regular basis in addition to natural rainfall, or are so identified by a regulatory agency having jurisdiction. When placed in a naturally high water table area appropriate to the plant such that irrigation is not required, such plants shall not be considered high water use for the purposes of this ordinance.

Hydrozone means a distinct grouping of plants with similar water needs and climatic requirements.

Impervious area means a surface not allowing the passage of air and water to the root system of trees and other vegetation. Runoff is water applied to the soil or landscape that is not absorbed and flows from the area. A pervious area is a permeable surface area allowing passage of surface water and air to the root system of a tree. A pervious area shall be free of significant amounts of clay, shell, marl, limestone or other road-base material unless expressly permitted in the context thereof but the owner may surface it with turf blocks or similar nontoxic products.

Infiltration Rate means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

Installation and maintenance guarantee means a document or deposit which binds the developer or property owner of a development to guarantee the proper installation and maintenance of required landscape and irrigation materials for a set period of time, at 110 percent of the initial cost of obtaining and installing all landscaping elements.

Irrigated landscape area means all outdoor areas that require a permanent irrigation system.

Irrigation System means artificial watering systems designed to transport and distribute water to plants.

Irrigation Zone means a grouping of soakers, sprinkler heads, bubblers or microirrigation emitters operated simultaneously by the control of one valve.

Land clearing means any development, vegetation removal, scrubbing, grading or other activity that alters the land it is located on.

Landscape means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, palms or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch), but excluding paving. Decorative statues or sculptures are permissible but shall not substitute for any requirement.

Landscape Construction Documents or Landscape Plan shall include a planting plan, a landscape layout plan, an irrigation plan, a grading and drainage plan, detail sheets, plant counts and written specifications. Plans shall be numbered, dated, North arrow indicated,

scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Ch. 481, Part II.

Landscape Design means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans shall include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for placement of tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

Landscape strip means a strip containing trees, barriers, ground cover or other plant material as required by this ordinance.

Landscaped Area means the entire parcel; less the building footprint, driveways, hardscapes such as decks and patios, and non-porous impervious areas. This landscaped area includes Florida-friendly landscaping as defined in F.S. Ch. 373.185(1)(b).

Lawn grass shall include all species normally grown as permanent lawns in Palm Beach County; St. Augustine 'Floratam' grass or Bahia grass are most commonly utilized. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in areas subject to erosion. In areas where other than solid sod or grass is used, grass seed shall be sown as needed for immediate effect and protection until full coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases at time of installation and in perpetuity.

Light pollution means any adverse effect of artificial lighting including but not limited to skyglow, glare, light trespass, and light clutter.

Low-flow Point Applicators means irrigation applicators with output less than 60 gallons per hour (gph).

Low Maintenance Area (No-Mow-Zone) means a designated area within a landscape that is planted and managed in order to minimize or eliminate the need for mowing, watering and fertilization.

Low Maintenance Riparian Zone means an area that is at least ten feet wide adjacent to a water body which is planted and managed in order to minimize the need for maintenance such as mowing, watering, fertilizing, or similar.

Low Water Use Plants means plants that do not need supplemental water beyond natural rainfall, or are so identified by a regulatory agency having jurisdiction.

Microclimate means the climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.

Microirrigation (low volume) means the application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation

encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation, that deliver water directly to plant root zones with a high degree of efficiency, no runoff, and little to no evaporation.

Moderate Water Use Plants. Plants that need supplemental water during seasonal dry periods.

Moisture Sensing Device or Soil Moisture Sensor. A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.

Mulch means non-living, organic, materials used in landscape design to impede erosion, retain moisture, control weeds, enrich the soil and reduce soil temperature.

Native Vegetation means any plant species with a geographic distribution indigenous to South Florida, specifically all or part of Palm Beach County, as shown in South Florida Water Management District's "WaterWise: South Florida Landscapes" (listed as Appendix B), or alternative scientifically recognized publication or peer reviewed journal such as: Wunderlin, R. P. 1998. Guide to the Vascular Plants of Florida. University Press of Florida, Gainesville.

New development means the construction of a building or structure on unimproved real property.

Nuisance species means an exotic invasive species recognized as such by the Florida Exotic Pest Plant Council, Florida Department of Environmental Protection, Florida Department of Agriculture & Consumer Services, U.S. Department of Agriculture or similar, which include but are not limited to Australian Pine (*Casuarina equisetifolia*), Brazilian Pepper (*Schinus terebinthifolius*), and Melaleuca (Melaleuca quinquenervia). Also, reference F.S. Ch. 369.251, "Invasive nonnative plants; prohibitions; study; removal; rules".

Palm means a plant belonging to the monocot order, of the family *Palmae*, distinguished by having unbranched single or multi-trunks crowned by large, compound pinnate or palmate leaves/fronds.

Parking area means all property used for off-street parking, including vehicular aisles and access ways, loading zones and other outdoor vehicular use areas.

Pervious Paving Materials means asphalt, concrete or other highly porous surface with an aggregate base allowing for rapid infiltration of water, thereby reducing runoff and allowing for groundwater recharge. These materials are traditionally used for walkways, driveways, and areas with light traffic as a low-impact development technique.

Plant Bed means a defined area devoid of turfgrass in which plants are grown, often consisting of mulched groupings of trees, shrubs, ground covers, perennials and/or annuals.

Plant Communities means an association of native plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Point of Connection (POC) means the location where an irrigation system is connected to a water supply.

Planting Plan means specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials.

Pop-up Sprays means spray heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

Pressure Tank means a pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.

Pruning means the proper and legal cutting or trimming of tree limbs or palm fronds in accordance with national arborists standards or American National Standards Institute (ANSI) A300 Standard for tree care operations. Proper pruning creates improved tree health and appearance often extending the lifespan of a tree. Improper pruning can result in branch and trunk decay, fragility and increase susceptibility to disease and harmful insects. See *Hatracking*.

Pruning, directional means a pruning technique that reduces the crown of a tree without topping or hatracking branches. This technique utilizes proper cuts, does not leave a stub, and does not disturb the branch collar and the branch bark ridge. This technique is most often used when a tree is or has the potential to interfere with a utility line or other obstruction.

Pump Cycling means an irrigation pump coming on and shutting off frequently during operation of irrigation systems.

Rain Sensor Device means a low voltage electrical or mechanical component placed in the circuitry of an automatic irrigation system that is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

Remove or removal means actual or effective removal through killing, damaging, or destroying of any trees that are not exempt trees.

*Renovation develop*ment means a development that includes:

a. Additions to existing buildings or structures totaling 25 percent or more of the total gross floor area of all existing buildings or structures on the site inclusive of any additions made during the previous three years; or

b. Improvements to existing buildings and site improvements consisting of any combination of repairs, reconstruction and alteration to a building or site the cumulative costs of which, according to most current edition of the Southern Building Code valuation (updated annually), equal or exceed $25,000.00.

Replacement tree or replacement vegetation means any number of trees or vegetation noted in Appendix B of this landscape code deemed acceptable by the Community

Development Director as substitute/mitigation for any number of trees or vegetation removed.

Restoration plan means a landscape plan required to address violations of this landscape code and prepared in accordance with the requirements outlined herein.

Runoff means water that is not absorbed by the soil or landscape and flows from the area following irrigation or a storm event.

Shade tree means a tree that locally reaches a minimum height of 25 feet at maturity, providing relief from direct sunlight for at least six months of the year.

Shrub means any woody perennial plant of low height, characterized by multiple stems and branches continuous from the base. Shrubs shall be a minimum of 24 inches in height and have a minimum 12-inch spread or be a 3-gallon container size at planting.

Site Appropriate Plant means a plant that after establishment will thrive within the environmental conditions that are normal for a specific location without artificial supplements such as irrigation.

Skyglow means the illumination of the night sky or parts of it, most commonly created by artificial light sources. See *Light pollution.*

Soil Moisture Sensor see *Moisture Sensing Device.*

Soil Texture means the classification of soil based on the percentage of sand, silt, and clay in the soil.

Tree means a self-supporting, long-lived, perennial woody plant, often having many secondary branches supported clear of the ground on a single main stem or trunk with clear apical dominance, which is the phenomenon where the main central stem of the tree is dominant over other side stems. Mature height varies depending on species type.

Tree abuse means improperly pruning, cutting, hatracking, or shaping a tree to the extent that more that 25% of the canopy is removed within a year. Visual indications of tree abuse are stub cuts and/or ripping or tearing of bark below fresh cuts.

Turf and/or Turfgrass means a mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

Understory means the vegetative layer, especially smaller accent trees and shrubs, between the canopy and ground cover of a landscape.

Urban tree canopy (UTC) means the layer of leaves branches and stems of trees that cover the ground when viewed from above.

Vacant development means a building or buildings comprising a single development and having remained unoccupied for not less than 180 days.

Valve means a device used to control the flow of water in the irrigation system.

Vine means any plant with a long slender stem that trails or creeps on the ground or climbs by winding or attaching itself on a support such as walls, poles and trees. Vines shall be a minimum of 36 inches in height at planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements.

Visibility triangle means the area of land described as either of the following:

a. The triangular area of property on each side of a driveway formed by the intersection of the driveway and the public right-of-way line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; or

b. The triangular area of property located at a corner formed by the intersection of two or more public rights-of-way. Two sides being 25 feet in length along the abutting public right-of-way lines and pavement edges, measured from their point of intersection, and the third side being a line connecting the ends of the two other sides.

Volunteer plant means a plant that has been naturally deposited and germinated which was not intentionally planted or initially contemplated as part of a landscape plan. Unlike weeds, which are unwanted plants, a volunteer plant may be incorporated into the landscape design and encouraged to grow if appropriate.

Water Use Zone see *Hydrozone.*

Xeriscape see Florida-friendly landscape.

Applicability.

(a) Specific application of the provisions of this ordinance shall include, but not be limited to:

(1) All new, redeveloped, renovated or rehabilitated landscapes for public projects and private development projects, including, but not limited to, industrial, commercial, residential, and recreation projects, including new single-family and two-family homes;

(2) Developer-installed landscapes at entrances into and common areas of single-family and multi-family projects; and

(b) This chapter shall apply to all new residential or nonresidential development or to the expansion, renovation or redevelopment of existing development. Existing single family dwellings and duplexes shall be exempt from the provisions of this chapter with the following exceptions:

(1) Maintenance of swales; visibility at intersections; pruning of trees; turf heights; weed maintenance; edging of curbs, sidewalks and roadways; exempt or prohibited plant species; native trees; tree canopy clearance; vegetation removal

as it applies to street trees and/or trees required as part of a site and/or landscape plan approval or required to satisfy minimum landscaping requirements.

(c) The provisions of this ordinance shall apply to the development, redevelopment, renovation, and maintenance of all property within present or future incorporated areas of the City, which are subject to the City's Land Development Regulations and Code of Ordinances. All buildings, structures and changes of use requiring Site Plan Review shall require a submittal of a landscape plan. Landscape plans shall be prepared by a registered landscape architect, or other person authorized pursuant to Sections 481.301 through 481.329, F.S., as amended. Landscape plans for single-family and duplex dwellings may be prepared by the property owner instead of a landscape architect.

(d) No department shall issue a permit provided for herein in violation of this chapter. Compliance with this chapter will be confirmed via approval of permit application/landscape plan. The standards and requirements contained in this chapter are continuing and do not expire upon issuance of the final certificate of occupancy or certificate of completion.

(e) No permit shall be issued for building, paving, grading or tree removal unless the construction documents comply with the provisions hereof.

(f) No new Certificate of Occupancy or Certificate of Use shall be issued until the requirements herein are met to the fullest extent possible, as determined by the Community Development Director or designee.

(g) All City landscape service contractors will adhere to the practices outlined within. All new bid specifications and contracts will reflect this requirement immediately following the Effective Date of this ordinance.

(h) All new and renovated City facility landscapes will be designed in accordance with these principles and be constructed and installed utilizing Florida Friendly landscape methods and materials.

(i) The following activities or uses are explicitly exempted from the provisions of this ordinance:

(1) Bona fide agricultural activities, as defined by Florida Statute;

(2) Turf grass and/or play areas associated with golf courses and specialized athletic fields;

(3) Any development that is governed via the approval of a final site development plan or a valid building permit issued prior to the Effective Date of this ordinance is exempted from retrofitting or meeting the specific provisions related to efficient irrigation. Existing development is not exempted from those provisions affecting management or maintenance;

(4) Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines;

(5) Turf grass in stormwater management areas;

(6) Historically recognized community landmarks;

(7) Cemeteries; and

(8) Environmental restoration projects.

(j) If the provisions of this ordinance conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

Exemptions.

(a) The following are exempt from the permitting and review process of this landscape code:

(1) The removal of trees or other landscape element severely damaged by fire, windstorm, lightning, or other acts of nature, which pose imminent danger to life or property;

a. Pruning or removal of damaged trees after a natural disaster or act of nature, such as a hurricane, shall be done according to current best management practices (ANSI A300 or similar).

1. If the vital structural elements of a tree have been compromised, the tree shall be removed and replaced with same or similar tree species.
2. If a lightly damaged tree maintains the necessary structural stability to regenerate, it is not to automatically be removed, as it may recover and obtain a desirable form with future maintenance and supervision. If said tree shows signs of deterioration, the tree shall be removed and replaced with same or similar tree species.

(2) The removal of landscaping specifically grown as landscape material for resale, including all licensed nurseries and botanical gardens;

(3) The removal of exempt or unprotected trees, as defined in Appendix A.1 and A.2 of this landscape code;

(4) The removal of damaged or hazardous trees in conjunction with a declared emergency.

General Provisions.

(a) Low impact site design practices, such as preserving existing native trees and vegetation, shall be used whenever feasible. Where established vegetation is incorporated into the landscape design, irrigation of those areas shall not be required. Vegetation preserved in this manner may be counted towards the total number of required plants needed for site plan approval, at a ratio depending on the quality of the

vegetation on site, but shall not substitute for landscaping required within buffer areas or parking areas elsewhere onsite.

(b) The plant palette and irrigation system shall be appropriate for site conditions, which include but are not limited to soil quality and type, elevations, available shade, and proximity to water bodies (fresh/salt water), taking into account that, in some cases, berms and soil improvement may enhance water use efficiency and plant health.

(c) All landscapes must be designed, planted and maintained in accordance with Florida Friendly landscaping principles. The percentage of landscaped area, excluding turfgrass areas, incorporating the use of high water use hydrozones shall be minimized to no more than twenty (20) percent of the total non-turfgrass landscaped area.

(d) Plant material shall be grouped together by irrigation demand. The percentage of landscaped area requiring high water use irrigation hydrozones should be minimized, and substituted with native plants requiring lower amounts of water to survive and thrive whenever feasible.

(e) High water use hydrozones and turfgrass areas should be located away from impervious surfaces such as parking areas and sidewalks to avoid water runoff and wastage. Narrow strips of turfgrass shall be minimized or eliminated from landscape designs and replaced with low-maintenance ground covers or shrubs and mulch.

(f) Landscape plans shall be prepared in accordance with the requirements of all applicable Florida and local laws, rules, regulations and ordinances. All landscape and irrigation system designs shall be consistent with the standards required by F.S. Sec. 373.228, as amended.

(g) The landscape plan shall consider natural drainage elements and features that minimize runoff and maximize on-site infiltration. The use of pervious paving materials and surfaces is preferred and shall be encouraged where appropriate. Refer to the City's Comprehensive plan for established pervious/impervious ratios.

(h) The landscape plan should consider the soil requirements for trees based on their size at maturity and their distance from adjacent paved/hardscape areas and utility infrastructure. Larger soil volumes lead to greater tree size, better tree health, longer tree life, greater environmental benefits, and reduced maintenance costs.

(i) Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the water provider. The use of cisterns and rain barrels for irrigation shall be encouraged when deemed appropriate.

(j) Landscaped areas shall be located on a site in such manner as to maximize preservation of existing trees with priority given to specimen trees and native shade tree species.

(k) The property owner shall not place impervious/hardscape areas within 5 feet of the base of an existing tree. Government beautification projects are exempt from this requirement.

(l) The property owner shall properly maintain mulch within all planting areas and around all trees to a depth of three inches. The type of mulch shall be specified on the landscape plan. The use of Cypress mulch is discouraged in order to protect natural cypress wetlands and should be substituted with mulch comprised of eucalyptus, melaleuca, pine bark or pine straw or with recycled mulch or combination thereof. Inorganic materials, such as rock, and gravel absorb and re-radiate heat from the sun, increasing water loss from plants and soil and are not a viable substitute for organic mulch and should be used sparingly.

(m) The maximum percentage of gravel or decorative rocks used as mulch or landscape decoration shall not exceed 25 percent of the total required landscape area.

(n) Not less than 85 percent of a required shoreline buffer shall consist of native vegetation.

(o) An opaque, minimum 6 foot high masonry wall or fence shall screen the storage area for all trash receptacles, including dumpsters. A hedge shall be installed around the perimeter of this screen. Dumpsters shall be sited so as not to be visible from the public right-of-way. Metal gates or similar, shall be used to screen trash receptacles from view from the public right-of-way. All dumpsters must be screened (to greatest extent possible) within one year after the adoption of this code.

(p) The owner shall exhibit all lighting details on or, included as a separate detailed lightning plan, in conjunction with all landscape plan submittals. Efforts shall be made to reduce light pollution, which include light trespass, and skyglow through the use of shielding and proper lighting elements. Proposed elements that will mitigate light pollution shall be described and noted on the plan. Lighting details shall be reviewed for public safety concerns in accordance with site plan review procedures. Standards for coastal lighting as described in Palm Beach County's Unified Land Development Code, Environmental Standards (Article 14) shall be incorporated when applicable.

(q) So long as parking areas remain screened from the public right-of-way and adjacent private property, landscape materials may be clustered, and hedges may be replaced or interrupted in areas, providing for decorative wall, berms and other creative landscape features, allowing for flexibility and creativity in design. The Community Development Director or designee must approve of such modifications in accordance with site plan review procedures, and modifications must be consistent with the intent of this landscape code.

(r) The required landscaping (not less than 20 percent of the total gross area) shall be increased by ten (10) square feet for each additional parking space exceeding the minimum number of parking spaces required by the City of Riviera Beach Land Development Code. The additional landscaping shall be designed in accordance with the standards of these regulations. For each additional 100 square feet of impervious areas or fraction thereof, the owner shall provide one shade tree in addition to shrubs, ground cover, grasses and mulch.

(s) Landscaped areas shall be protected from vehicular encroachment by curbing and/or wheel stops.

(t) The base of each permitted freestanding sign shall be surrounded by a five foot plant bed around the perimeter of the sign. This five foot area shall be planted with low-growing plant material in a manner that will present a full and finished appearance within a six month period from planting. Completion of this requirement is mandatory prior to the final inspection and approval of any new freestanding sign or freestanding sign face change.

(u) The owner shall remove and eradicate all category 1 exotic nuisance vegetation as defined by the Florida Exotic Pest Plant Council, listed in Appendix A.1, as part of the site preparation process before a certificate of occupancy or certificate of completeness shall be issued.

(v) The owner shall retain all native vegetation in an undisturbed state, in areas not requiring removal as part of the development plan, as indicated on a native vegetation tree survey. At minimum, 20 percent of the total gross area of the development site shall be landscaped and the landscaped areas shall be located in such manner as to maximize preservation of existing trees. Such areas of native vegetation shall be screened using a protective barrier during construction. The type of screening shall be approved by the Department of Community Development before a permit to clear the property will be issued by the City.

(w) Vegetation that is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas and constructed at such intervals to prevent machinery from passing between them. No equipment or materials shall be permitted within set-aside areas, and dumping of excess soil, liquids, or other construction debris into preserved areas is prohibited. Removal or re-grading of soils within preservation areas is prohibited. Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation that was destroyed. Protective barriers shall be established and remain around all preserve areas and trees until final landscape inspection approval.

(x) Existing healthy trees which have a caliper of one and one half inch DBH, or larger, and which are not prohibited trees, may be credited toward meeting the minimum number of required trees. However all buffers and parking areas are required to comply with the parking area landscape requirements.

(y) A tree removal permit or land clearing permit must be obtained from the City before removing any tree(s) with a DBH of three inches or greater, unless the tree is identified as exempt or unprotected.

(z) Please refer to the City's Code of Ordinances Sec. 30-37, entitiled, Natural features preservation, for additional preservation requirements for subdivisions.

Appropriate plant selection, location, and arrangement.

(a) Plant selection should be based on the plant's adaptability to the existing conditions present, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture. Native plant species that are drought, wind and/or salt tolerant with some cold tolerance are preferred. Additionally, plants that have a high ecological value, (plants providing important or unique food sources or habitat for animals and/or insects) shall be incorporated into plant selection strategy.

(b) Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. The water use zones (hydrozones) shall be shown on the irrigation, layout, and planting plans (where required). Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use hydrozone.

(c) The combined size of all high water use hydrozones shall be limited to 20% of the total landscaped area. In landscapes irrigated with recycled water, the allowable size of all high water-use zones shall be limited to 50% of the total landscaped area.

(d) For purposes of determining prohibited and controlled plant species refer to the Department of Agriculture and Consumer Services rule, Chapter 5B-57 Florida Administrative Code in addition to the list of plants specifically prohibited by this code. Plants named in this rule may not be used except as allowed in Chapter 5B-57.

Landscape plan and irrigation plan requirements.

(a) Prior to any lot clearing, or the development, redevelopment or renovation of any open space, vehicular use area, multifamily or nonresidential development, a permit from the Building Division shall be required. A landscape plan shall be submitted to and must be approved by the Community Development Department's Zoning Division as part of the site plan review process, before the issuance of a building permit. All landscape plans shall be prepared in accordance with the requirements set forth in this landscape code.

(b) The following information is required on all landscape plans:

(1) Plans shall be signed and sealed per F.S., Ch. 481.321 'Seals; display of certificate number.', which states "All final plans, specifications, or reports prepared or issued by the registered landscape architect and filed for public record shall be signed by the registered landscape architect, dated, and stamped or sealed electronically with his or her seal. The signature, date and seal constitute evidence of the authenticity of that to which they are affixed". Additionally, the parcel control number and address of the property location as well as the name, address, and telephone number of the applicant, and the Florida Registered Landscape Architect, Architect, Engineer or other applicable professional shall appear on the plan.

(c) Landscape plans shall meet the following standards:

(1) A minimum scale of one (1) inch equals fifty (50) feet;
(2) Location of all trees, vegetation, or ecological communities to be removed and preserved, and tree survey if applicable;
(3) Location of all landscape material to be used with identification coding, including location and specifications of all inanimate materials, such as mulch, rocks, stepping stones and gravel;
(4) Landscape material schedule/table listing all plants being used with their scientific and common name and where applicable, cultivar name; spacing of plants, quantities and container size of each type of plant, height and spread of plant material at time of planting, and typical mature height and spread of landscape material.
(5) Indicate if plant material is native to South Florida and list the following categories as low, medium or high; rate of growth, drought tolerance, salt tolerance, light requirements, nutritional requirements, wind resistance and ecological importance (recognized as an important or unique food or shelter source for animals and/or insects) and include source of information.
(6) Typical planting illustration/details for trees, palms, shrubs, groundcover and sod.
(7) Location of existing and proposed water bodies and retention areas.
(8) Location and outline of existing buildings and site improvements to remain in addition to any proposed buildings and site improvements, including but not limited to structures such as sheds, pools, fountains, fences and retaining walls, pad-mounted units, green roof areas, planters;
(9) Existing and proposed elevations;
(10) Location of existing and proposed hardscape features such as driveways, sidewalks, vehicular use areas, parking spaces, cross-lot driving corridors;
(11) Location and type of site lighting;
(12) Location and dimensions of any freestanding signage;
(13) Location of all underground and overhead utilities and easements;
(14) Any other factors affecting the proposed use of the property.

(d) Irrigation plans shall meet the following standards;

(1) A minimum scale of one (1) inch equals fifty (50) feet;
(2) Location of existing trees, vegetation and ecological communities to remain, if applicable;
(3) Location of existing buildings, paving and site improvements to remain or proposed;
(4) Irrigation points of connection (POC) and design capacity;
(5) Water service pressure at irrigation POCs;
(6) Water meter size;
(7) Major components and location of the irrigation system, including all pumps, filters, valves, and pipe sizes and lengths;
(8) Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems and specifications;
(9) Controller locations and specifications, with location of rain shut-off devices or soil moisture sensors;
(10) The irrigation legend will have the following elements: Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and

pressure compensating devices; general description of equipment; manufacturer's name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low-flow emitter; manufacturer's recommended overhead and bubbler irrigation nozzle rating in gallons per minute or gallons per hour for low flow applicators; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufacturer's rated precipitation rate per nozzle at specified psi; and

(11) Zone layout plan (minimum scale 1" = 20') which indicates the following;

i) Head type, specifications and spacing;
ii) Methods used to achieve compliance with landscape irrigation design standards and required irrigation zones as required by this ordinance and Section 373.228, F.S., as amended.

Installation and maintenance guarantee.

(a) In conjunction with landscape plan approvals, the property owner or lawful occupant shall provide an installation and maintenance financial guarantee or financial security totaling 110 percent of the cost of the landscape and irrigation, typically in the form of a landscape bond, or in an alternate form deemed acceptable by the Community Development Director.

(1) The owner shall provide this financial guarantee or financial security before the City performs any landscape inspection or issues a certificate of occupancy. This financial guarantee ensures that the installation and maintenance of all required landscaping and irrigation systems are done in accordance with this landscape code and all other applicable ordinances of the City.

(2) In addition to this financial guarantee or financial security, a list shall be provided indicating the cost of all landscape materials utilized and reference the approved development/landscape plans it relates to.

(3) If at any time, the owner does not maintain the landscaping, the City may use the financial guarantee or financial security to maintain or replace dead or unacceptable plant materials and irrigation components after a written notice has been provided to the property owner.

(4) Once a two year period has passed from the date of the initial landscape inspection and approval, the property owner may request in writing, a final re-inspection in order for the City to release and return any and all remaining financial guarantee or financial security. This guarantee shall be released by the City after a location passes the final re-inspection, verifying that all plant material and irrigation has been maintained according to the approved landscape plan and applicable codes.

a. If a location fails a final re-inspection, the financial guarantee or financial security shall not be released to the property owner. A list of needed improvements will be provided to the property owner in an official letter

from the Community Development Department. Once the property owner completes these required improvements the financial guarantee or financial security shall be released. If these necessary improvements do not occur, the City may use the financial guarantee or financial security to maintain or replace landscape items as necessary.

(b) Once an installation and maintenance financial guarantee or financial security has been released, it is the property owner's responsibility to properly maintain all landscape elements, living and inorganic, according to all applicable City Codes, in perpetuity. If a property owner fails to do so, code enforcement procedures may occur as required, in order to correct these inconsistencies.

Standards for preservation of native vegetation areas.

(a) This section shall apply to all new developments of five acres or more permitted after approval of this regulation that meet the following criteria:

(1) Parcels or lots independent of larger developments that are less than five (5) acres in size shall not be subject to these native vegetation preservation set-aside requirements. Tree preservation ordinances and all other landscape requirements shall remain applicable to all development as described within the landscape regulations.

(2) This section mandates a total of 10% percent of a site planned for development be set aside for preservation if that site is five acres or greater. When clearing, 10% of the native vegetation on the site shall be preserved. If native vegetation is not present on site, established open space zoning and landscape ordinance criteria shall be followed.

(3) Native vegetation that is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas. Protective barriers shall be constructed at such intervals to prevent machinery from passing between them. No equipment or materials shall be permitted to be stored within the set-aside areas, and dumping of excess soil, liquids, or any other construction debris within the preservation areas is prohibited. Removal or re-grading of soils within preservation areas is prohibited. Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation destroyed before any certificates of occupancy or other approvals are issued by the City. Utility easements and rights-of-way are exempt but should avoid preserved areas.

(4) Areas that are considered to be of high ecological importance should be given highest priority for protection. These areas include, but are not limited to, areas that have occurrences of federal and state listed species of flora and fauna, areas of high biological diversity, and areas that are in aquifer recharge zones.

(5) If more than one native terrestrial plant community is present on the site, areas representing all existing native plant communities shall be preserved onsite

unless preserving more of one particular community is more ecologically significant or beneficial.

(6) High-quality native plant areas placed in preservation shall be retained in entirety, in their current or improved natural state, and protected into perpetuity regardless of ownership. This requirement may be negotiated to create contiguous preservation among plant communities. The developer shall prove to the City, through exhibits provided during the site plan approval process, that the highest ecologically valued land is being retained first in order to satisfy the set-aside requirement. If the preservation of the highest ecologically valued land produces undue burden on the development of the property, it is also the developer's responsibility to prove such hardship and provide an acceptable alternative for approval.

(7) Areas set aside for preservation should be contiguous parcels of land that are interconnected and considered viable habitat for wildlife to the extent practical. Small fragmented areas of preservation should be avoided when possible.

(8) Rights-of-way and areas determined to be future rights-of-way in the Comprehensive Plan, and utility or drainage easements shall not be allowed as designated set-aside areas.

Plant material standards and installation requirements.

(a) Plant material standards.

(1) At least 70 percent of all required landscaping in the form of trees, shrubs, ground cover, and grasses shall collectively consist of native vegetation, excluding turfgrass. The owner may select site appropriate native vegetation from Appendix B, or from the most current edition of South Florida Water Management District's "WaterWise: South Florida Landscapes" or similar. Additionally, native Florida species plant lists are available at www.sfwmd.gov.

(2) At least 60 percent of all required trees shall consist of a native, shade tree species. At least 10 percent of all required trees shall consist of a native, accent tree species. Not more than 20 percent of all required trees shall be of a palm species. When palm species are used, they shall have a minimum of eight feet of clear trunk at time of planting.

(3) At least 25 percent of all required landscaping shall consist of plant material that is recognized as being ecologically significant (plants providing significant food sources or habitat for desirable wildlife; animals, birds and/or insects).

(4) All required shade trees shall meet the following requirements prior to planting:
(a) Minimum trunk diameter of 2 inches DBH.
(b) Minimum height of twelve feet.
(c) Minimum of six feet clear trunk space.
(d) Minimum average crown spread of five feet.

(5) All required accent trees shall meet the following requirements prior to planting:
(a) Minimum trunk diameter of 1½ inches DBH.
(b) Minimum height of ten feet.
(c) Minimum of five feet clear trunk space.
(d) Minimum average crown spread of five feet.

(6) Newly installed plant material that fails to meet the above mentioned criteria will not be considered a tree and will not count towards the required number of trees during landscape inspection. If this should occur, the material shall either be replaced or, at the discretion of the Community Development Director, additional plant material may be installed on site to mitigate for any lack of plant material.

(7) To increase landscape biodiversity and to minimize potential impacts of species-specific diseases or insects, it is important to have a variety of shade tree species planted on a site. If more than 5 shade trees are required, the minimum number of shade tree species planted shall be in accordance with the following table.

Required Number of Shade Trees	Minimum Number of Shade Tree Species
1-5	1
6-15	2
16-30	3
31-50	4
51-75	5
Over 75	6

(8) Any landscape plan proposing more that 5 shade trees shall ensure that a mixed composition of tree species is planted. At no time shall a landscape plan proposing more than 5 shade trees recommend a single species to comprise more that 65 percent of the trees required.

(9) Plant materials used in accordance with this ordinance shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of Grades and Standards for Nursery Plants, by the Division of Plant Industry, Department of Agriculture and Consumer Affairs, State of Florida. Sod shall be clean and visibly free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating the quality control program.

(10) The owner shall plant turf areas with species locally grown as permanent lawns. The owner may sod, plug, sprig, or seed grass areas, provided he or she uses solid sod in swales or other areas subject to erosion. In areas where solid sod or grass seed is not used, grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

(b) Installation.

(1) All required landscaping installed pursuant to this landscape code shall be installed according to accepted good planting practices and best management practices identified by the International Society of Arboriculture (ISA) or similar. All plants shall be installed so that the top of the root ball remains even with the soil grade. All trees, palms and shrubs shall be hosed in with water at the time of installation to eliminate any air pockets.

(2) Trees and palms shall be properly installed, staked/braced and mulched according to best management practices. Stakes and braces shall remain for a minimum of 12 months.

(3) The owner shall not plant tree species identified by the Community Development Director as likely to cause damage to public roadways, public facilities or building foundations closer than 12 feet thereto. The owner may only plant these species within 12 feet of public roadways, public facilities or building foundations if the trees root system is completely contained within a container or barrier at least five feet square and five feet deep. The construction requirements shall be four inch thick concrete reinforced with #6 road mesh or equivalent.

(4) Trees of species whose canopy could be damaged by or could cause damage to overhead power lines shall not be planted closer than a horizontal distance of 15 feet from such overhead power lines. Right tree right place guidelines, which have been demonstrated by the Arbor Day Foundation and others, shall be used as guidelines for ensuring proper tree placement.

(5) When groundcover is used, it shall be installed to present a finished appearance and reasonably complete coverage at time of planting if used in lieu of grass. Complete coverage is required within 1 year of planting areas utilizing groundcover.

(6) Vines shall be a minimum of 30 inches in height at planting. The owner may use them in conjunction with fences, screens, or walls to meet physical barrier requirements.

(7) Barricades shall be established and remain around protected areas until final landscape inspection approval. Protected existing trees and landscape areas shall remain free of construction debris and vehicles, stored material and chemicals or similar.

(8) For multifamily residential development and for all other nonresidential development, the owner must install all required landscaping according to the landscape plan and the requirements of this landscape code. The City will not issue a certificate of occupancy, certificate of use or similar authorization until the Community Development Director or designee has verified that the required landscaping has been properly installed.

(9) Shrub plantings shall be spaced accordingly to plant size and material used. Hedges shall form a continuous visual screen one year after planting.

(10) All berms shall be constructed not to exceed a three to one slope and include adequate plant material and groundcover in order to prevent erosion.

(11) All new vegetation shall be located so as to provide unrestricted flow or access to drainage swales or utility easements or areas where frequent pruning is required to avoid interference with overhead power lines or similar.

Landscape maintenance.

(a) General.

(1) A regular irrigation maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season to reduce water and energy wastage.

(2) To maintain the original performance and design integrity of the irrigation system, repair of the equipment shall be done with the originally specified materials or their equivalents.

(3) Landscape maintenance for hire should be performed in accordance with recommendations in the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida.*

(4) Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards & Neighborhoods publications.

(5) The owner and/or lawful occupant of real property landscaped as new development, renovation development, or vacant development pursuant to this landscape code are responsible for the maintenance of required landscaping in a healthy, growing condition.

(6) The owner and/or the lawful occupant of real property landscaped prior to the effective date of this landscape code are each responsible for the maintenance of all installed landscaping in a healthy, growing condition.

(7) The owner and/or lawful occupant shall maintain in a neat and orderly appearance, and keep free from refuse and debris all landscaped areas. All walls and fences shall be maintained in good condition so as to present a neat and orderly appearance and shall be kept free from graffiti.

(8) The owner and/or lawful occupant of real property shall prune trees only as necessary to promote healthy growth or to avoid buildings, power lines or other structures. The owner shall not severely prune or "hatrack" trees to permanently maintain growth at a reduced height. Pruning shall be accomplished in accordance with current best management practices in accordance with the American National Standards Institute (ANSI) A300 Standards for Tree Care

Operations, or similar. Directional pruning is currently recognized as a best management practice for avoidance of overhead power lines.

(9) All required landscaping installed, relocated or replaced, in accordance with this Landscape Code shall be replaced in the event said landscaping expires. If the new development, renovation development, or vacant development otherwise contains landscaping which meets the minimum requirements of this landscape code, the Community Development Director may waive the replacement tree requirements.

(10) The owner, tenant and their agent, if any, shall be jointly and severally responsible for the continued regular maintenance of all landscaping materials and shall keep them in healthy, neat, and orderly appearance, free from disease, pests, weeds, refuse and debris at all times. Property maintenance shall include:

1. Periodic watering shall occur to maintain healthy flora, minimize disease and stimulate deep root growth.
2. All pruning shall be in accordance with good horticultural standards as defined in the ANSI A300 Standards (or most current standards) as set forth by the Tree Care industry Association (f.k.a. the National Arborists Association) and approved by the American National Standards Institute (with the exception of Section 2.3.1 of the ANSI A300 Standards, which requires that pruning be performed only by arborists or arborist trainees). A copy of the ANSI A300 Standards shall be maintained by the Department of Community Development and shall be available during regular business hours. Trees and shrubs shall not be severely pruned, hatracked, "hacked" or "headed back". A maximum of one-fourth of a tree canopy may be removed from a tree within a one year period, provided that the removal conforms to the standards of crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration techniques. At the discretion of the Community Development Director and based on the severity of the violation, a tree which is pruned in excess of these requirements shall either be replaced or shall be subject to corrective pruning by a certified arborist.
3. Turf shall be mowed as required to maintain a neat and orderly appearance. Weeds shall not exceed 12 inches in height on vacant and/or undeveloped properties.
4. All roadways, curbs and sidewalks shall be edged by the party responsible for installing and maintaining the grass adjacent to the roadway, curb and/or sidewalk when necessary to prevent encroachment of grasses.
5. Replacement of dead plant material shall be done under the provision of this chapter.
6. Removal of unprotected, prohibited, harmful and illegal plant species shall occur as outlined in this ordinance.
7. All tree canopies that are planted on private property and overhang onto a public and/or private right-of-way shall remain clear from the ground level up to a height of seven feet over sidewalks or drainage areas, and to a height of eight feet over public alleys, streets or highways.

(b) Landscaping may be inspected as needed, to verify that standards established above are maintained. Such inspections shall be enforceable through the Code Enforcement Division and their violation processes. The owner, tenant or their agent shall be notified in writing via mail by the City of any areas which are not being properly maintained and shall, within 30 calendar days from time of notification, address and rectify the deficiency.

(c) Any commercial tree service business, landscape company, lawn service business or other similar or related businesses violating the provisions of this section shall be subject to penalty as provided by section 1-11, and may also be subject to suspension of certificate of use and business tax receipt, or any other such remedies available by law.

Maintenance of sidewalk areas as public right-of-way.

(a) It shall be the responsibility of all property owners to maintain turf and landscaping which exists in street right-of-way swales and easements adjoining their properties. Turf grass in such areas shall not be allowed to exceed six inches in height. If another form of groundcover is utilized it shall meet the requirements of this ordinance.

(b) Sidewalk areas shall be maintained by adjoining property owners and kept free of grass and weeds and shall be cleaned frequently enough to prevent accumulation of sand, dirt and trash.

Buffer Setbacks for multifamily development, commercial and other nonresidential.

(a) *Generally.*

(1) In order to reduce visual, light, and noise impacts, a required buffer shall be located along the length of adjacent private property.

(2) The owner shall provide buffers for all developments seeking site plan approval as required by this landscape code.

(b) *Buffer setback width requirements.* Except where the side or rear yards are smaller than the outlined buffer setback width requirements, the buffer setback width requirements for one-story developments are:

Abutting single-family or two-family zoning district.

Type of Use	Side Yard (Ft.)	Rear Yard (Ft.)
Multifamily, 0.5 acre or less	15	20
Multifamily > 0.5 acres	25	25
Commercial and other nonresidential (other than industrial)	25	25
Industrial	30	30

Where the side or rear yards are smaller than the outlined buffer setback width requirements:

(1) Multifamily residential uses shall have buffer setback widths consisting of 40 percent of each of the side and rear yard widths; and

(2) Commercial and other nonresidential uses (other than industrial) shall have buffer setback widths consisting of 75 percent of each of the side and rear yard widths; and

(3) Industrial uses shall have buffer setback widths consisting of 90 percent of each of the side and rear yard widths.

For multi-story developments, the buffer setback width is an additional ten feet for each additional or upper story, where applicable.

(c) *Buffer landscaping.*

(1) A buffer setback width shall consist of landscaping to include a buffer screen.

(2) The width of a buffer screen shall be 25 percent of the width of the required buffer setback width.

(3) A fence or wall included in a buffer shall be constructed to present a finished appearance to neighboring uses looking onto the site.

(4) The owner may provide an opening through a buffer area to facilitate pedestrian or vehicular traffic between developments subject to the approval of the Community Development Director.

(5) Excluding the buffer screen area, a dry retention area may be located in a buffer setback width. Existing plant material within a dry retention area shall not be credited toward meeting the landscape requirements of this landscape code.

Development landscaping requirements.

(a) *Single-family and two-family development.* Single-family and two-family development, newly constructed, shall include, at a minimum, one existing or planted tree for every 2,500 square feet of lot area or fraction thereof. A minimum of six shrubs and at least one shade tree in the front yard and at least one shade tree in the rear yard shall be located on the property. The owner shall show required landscaping on an unofficial landscape plan submitted for Zoning Division approval and building permit.

(b) *Multifamily residential development.*

(1) Multifamily development shall provide a landscaped strip of land not less than ten feet wide between building walls and parking areas. Landscape materials shall be provided as follows:

a. The greater of one tree for every 20 linear feet of required landscape perimeter area, or one tree for every 200 square feet of planting area or a major portion thereof. Not less than 50 percent of trees, located between the building walls and parking areas shall be shade trees; and

b. A hedge or other durable landscape barrier not less than 24 inches in height at installation placed in a continuous manner along the building walls.

(2) A landscaped strip of land, not less than ten feet in depth, shall be located between the abutting right-of-way and parking areas. Landscape materials shall be provided as follows:

a. The greater of one tree for every 20 linear feet of required landscape perimeter area, or one tree for every 250 square feet of planting area or major portion thereof. No less than 75 percent of the trees, located between the abutting right-of-way and parking area shall be shade trees;

b. A hedge, wall, berm or other durable landscape barrier not less than three feet in height at installation shall be placed in a continuous manner along the landscape strip; and

c. A combination of grass, ground cover, or other landscape treatment excluding paving shall cover the remainder of the landscaped strip.

(3) The owner shall landscape all property, excluding the required landscape strip lying between the building and parking area, and the right-of-way and parking area, with grass, ground cover or low-growing shrubs.

(4) Multifamily residential development shall provide not less than one tree for each 1,500 square feet or fraction thereof, of development site.

(5) The owner shall landscape not less than 20 percent of the development site.

(6) The City will credit existing native vegetation and trees toward landscaping requirements.

(c) *Commercial and other nonresidential development.* A commercial or other nonresidential development being new development, renovation development or vacant development shall include one existing or planted tree for every 1,500 square feet, or fraction thereof, of development site. The owner shall landscape not less than 20 percent of the developed site.

Parking areas for multifamily and all nonresidential developments.

(a) *Parking area landscaping adjacent to streets.* The owner shall install landscaping on the site of a multifamily or nonresidential development including parking areas as follows:

(1) A landscaped strip of land not less than 10 feet in width shall be located between the parking area and the abutting street.

(2) The landscaping provided within the landscaped strip shall include:

a. One tree for every 20 linear feet of required landscape strip planted singly or in clusters, not to be more than 50 feet apart when utilizing clustering techniques, located between the property line and the parking area;

b. A hedge, wall, berm or other durable landscape barrier of not less than 24 inches or three gallon containers at installation placed along the outside perimeter of the landscaped strip;

c. Other landscaping, such as shrubs or vines, planted three feet on-center or as appropriate to create reasonable coverage within six months after planting, along the street side of a wall; and

d. Grass, ground cover, or other landscape treatment and mulch.

(3) The owner shall plant shrubs intended to form a hedge in the landscaped strip at 24 to 30 inches on-center.

(4) Not less than 25 percent of the strip shall be ground cover or shrubs.

(5) At a minimum, the owner shall also landscape property located between the strip and parking area with grass or other ground cover.

(b) *Parking area landscaping adjacent to private property.* On the site of multifamily or a nonresidential development or redevelopment, including parking areas which abut private property, the owner shall install landscaping as follows:

(1) A landscaped strip of land not less than five (5) feet in width shall be located between the parking area and the abutting private property.

(2) The landscaping provided within the landscaped strip shall include:

a. One tree for every 20 linear feet of required landscape strip planted singly or in clusters, not to be more than 50 feet apart, located between the common lot line and the abutting private property;

b. A hedge, wall, berm or other durable landscape barrier of not less than 24 inches or 3 gallon containers at installation placed along the outside perimeter of the strip;

c. Other landscaping, such as shrubs or vines, planted five feet on-center along the street side of a wall; and

d. Grass, ground cover, or other landscape treatment.

(3) The owner shall plant shrubs intended to form a hedge in the landscaped strip at 24 to 30 inches on-center.

(4) Not less than 25 percent of the strip shall be ground cover or shrubs.

(5) At a minimum, the owner shall also landscape property located between the strip and parking area with grass or other ground cover.

(c) *Parking area interior landscaping.*

(1) For multifamily residential and all other nonresidential development, not less than 50 percent of the required landscaping shall be interior landscaping exclusive of required buffers. Interior landscaping shall be located around the periphery of structures and interspersed throughout parking areas.

(2) The owner shall provide a landscaped area not less than five feet wide, consisting primarily of shrubs and ground cover, along the sides of the building which abut a parking area. A landscaped area not less than three feet in width shall be provided along the sides and rear of a building where abutting an on-site service or access driveway. The landscaping located along the sides and rear of buildings, which abut a parking area or driveway(s), shall include a hedge, one tree for every 20 linear feet, and ground cover. The owner may cluster this landscaping to allow for creativity and flexibility in design, with the approval of the Community Development Director.

(3) Interior landscaping shall include not less than one tree for every 50 square feet or fraction thereof of interior landscaped area. Interior landscaped areas shall be located in such a manner as to divide and break up the expanse of paving.

(4) Vehicles may not encroach into any landscaped area. Curbs and wheelstops shall be utilized in all parking and drive areas.

(5) The owner shall provide interior landscaped islands between every ten parking spaces. Each interior island shall be not less than six feet in width. Each interior island shall contain not less than one shade tree and a combination of shrubs, ground cover, grass, and mulch.

(6) The owner shall provide terminal landscaped islands at the end of each parking row. Terminal landscaped islands shall be not less than ten feet in width and one parking space in length. Each terminal island shall contain not less than one shade tree and a combination of shrubs, ground cover, grass and mulch and shall be curbed.

(7) The owner shall provide interior landscaped medians not less than six feet in width between every interior row of parking spaces. The owner shall landscape interior medians with not less than one shade tree every 20 linear feet thereof planted singly or in clusters. No trees shall be located more than 50 feet apart and a combination of shrubs, ground cover, grass and mulch shall be used.

(8) Not less than 50 percent of trees used in parking area interior landscaping shall be shade trees.

(9) The owner shall not use interior and terminal landscaped islands and medians for surface water storage. All interior and terminal landscaped islands and medians must be filled or crowned, and curbed.

(10) Underground parking structures and multi-level parking structures shall have a landscaped buffer setback width of 20 feet on the front lot line. The owner shall measure the landscaped buffer setback width at right angles to the property line unless parts of the district regulations specify a wider area.

(d) *Visibility triangles.* All landscaping within a visibility triangle shall provide unobstructed cross-visibility at a level between 2½ feet and six feet. It shall comply with the most current edition of the Florida Department of Transportation Roadway and Traffic Design Standards, Index 546, regarding visibility triangles. The City shall require that trees or palms have limbs and foliage trimmed so no limbs or foliage extends into the cross-visibility area provided the location does not itself create a traffic hazard. The owner shall not locate landscaping, except grass, ground cover or low-growing shrubs closer than three feet from the edge of any driveway pavement.

Turf Areas.

(a) Irrigated turf shall not be treated as fill-in material but rather a planned element of the landscape. All turf areas shall utilize grass species suitable as permanent lawns in South East Florida. Turf shall be placed so that it can be irrigated using separate zones. While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use.

(b) Turf grass areas are excluded from the high water use hydrozone designation (a maximum of 20% of the total landscaped area may be installed with a high water use designation), however, turf areas shall be identified on the landscape plan and shall meet the maximum coverage percentages required below:

(1) Single-family and duplex dwellings are allowed to incorporate a maximum of sixty (60) percent total landscape coverage consisting of turfgrass.
(2) Multiple family dwellings are allowed to incorporate a maximum of fifty (55) percent total landscape coverage consisting of turfgrass.
(3) Commercial, retail and office developments are allowed to incorporate a maximum of forty-five (50) percent total landscape coverage consisting of turfgrass.
(4) Industrial development are allowed to incorporate a maximum of fifty (45) percent total landscape coverage consisting of turfgrass.
(5) Other uses are allowed to incorporate a maximum of fifty (45) percent total landscape coverage consisting of turfgrass.

(c) Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for septic tank drainfields and required drainfield reserve areas, provide access to easements, or

provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. No turfgrass that requires mowing shall be allowed on slopes greater than 4:1 or within 6 feet of the edge of a waterbody, except where adjacent to seawalls and bulkheads or needed to control erosion.

(d) One of the most common reasons for turf failure is over-irrigation. Irrigation systems shall be designed in accordance to this ordinance and operated in accordance with Sec. 20-124 Water use restrictions.

Efficient Irrigation.

(a) If an irrigation system is desired, water can be conserved through the use of a properly designed and managed irrigation system. The following is recommended. Irrigation scheduling information, with instructions for seasonal timer and sensor changes, is provided to the owner at the time of installation. An irrigation valve site map detailing valve locations, gallons per minute demands, precipitation rates, plant types within valve circuits, and operating pressure requirements for each valve may be developed. This map shall be attached inside each irrigation controller or be kept in another readily available location if it is not practical to insert it in a small controller.

(b) The irrigation system shall be designed to correlate to the organization of plants into hydrozones. The water use zones shall be shown on the Irrigation Plan (where plan is required). All plants (including turf) require watering during establishment. Temporary equipment may be installed to facilitate establishment.

(c) Irrigation must be conducted in accordance with South Florida Water Management District restrictions.

(d) Moisture sensing and/or rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

(e) The installation of tracer wire along main lines and laterals is strongly encouraged to permit easy location and prevent inadvertent cutting of pipes.

(f) If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump "cycling".

(g) Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.

(h) Nozzle precipitation rates for all heads within each valve circuit must be matched to within 20% of one another.

(i) No water spray from irrigation systems shall be applied under roof overhangs.

(j) Irrigated areas shall not be less than 3 feet wide, except when using micro or drip irrigation.

(k) A pressure-regulating valve shall be installed and maintained if static service pressure exceeds 80 pounds per square inch. The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and set at not more than 50 pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation.

Soils.

(a) Where landscape plans are required, applicants are encouraged to seek a soil analysis performed by a reputable soil testing lab to determine the soil texture, indicating the percentage of organic matter; measurement of pH, and total soluble salts; and estimated soil infiltration rate.
(b) Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading.
(c) Any new soil required shall be similar to the existing soil in Ph, texture, permeability, and other characteristics, unless evidence is provided that a different type of soil amendment approach is justified.
(d) The use of solid waste compost as a soil amendment is encouraged when and where deemed appropriate.

Yard Waste Management, Composting and Use of Mulches.

(a) Yard wastes and vegetative debris shall not be intentionally or accidentally washed, swept, blown, disposed of or stored by wetlands, shorelines, into ditches or swales, near stormwater drains, or onto sidewalks or roadways.

(b) Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. However, diseased plant material should not be mulched and should be properly disposed of to avoid spreading disease.

(c) Composting of yard wastes provides many benefits and is strongly encouraged. The resulting materials are excellent soil amendments and conditioners. Other recycled solid waste products are also available and should be used when appropriate.

(d) Grass clippings are a benefit to lawns, replacing nutrients drawn from the soil and as mulch that helps retain moisture, lessening the need to irrigate. Grass clippings should be left on your lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely. If a conventional mower equipped with a side discharge chute is used, the following practices should be employed: When mowing near the shoreline, direct the chute away from the waterbody. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.

(e) Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in conjunction with ground covers in places where conditions aren't adequate for or conducive to growing quality turf. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, and shredded landscape clippings or a combination thereof.

(f) A layer of organic mulch 3" deep shall be specified on the landscape plans in plant beds and around individual trees in turfgrass areas. Use of byproduct or recycled mulch is recommended. Mulch is not required in annual beds. Mulch rings should extend to at least 3 feet around freestanding trees and shrubs. All mulch should be renewed periodically as needed to maintain a depth of 3". Mulches should be kept at least 6 inches away from any portion of a building or structure, or the trunks of trees. Plastic sheeting or other impervious materials shall not be used under mulched areas.

(g) No compost bin or pile shall be established within 5 feet of any property line or easement.

Fertilizer and Pesticide management:

The provisions of this section shall apply to all fertilizer applications within the City of Riviera Beach with the following exceptions:

(1) Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, F.S., as amended, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question; and

(2) Fertilizer applications for golf courses, parks, and athletic fields shall follow the provisions as indicated in Rule 5E-1.003(2)(d),F.A.C, as amended.

(a) Fertilizer Management

(1) All applications of fertilizer, other than by private homeowners on their own property, should be made in accordance with the most current version of the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida* and recommendations of the University of Florida Cooperative Extension Service.

(2) Private homeowners are encouraged to utilize the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program and the University of Florida IFAS Fact Sheet ENH-860.

(3) Fertilizers applied to turf and/or landscape plants shall be formulated and applied in accordance with requirements and directions as provided on the fertilizer bag and by Rule 5E-1003(2), F.A.C. Nitrogen or phosphorus fertilizer shall only be applied to turf or landscape plants during growth periods, not during dormant periods. These fertilizers shall not be applied except as provided for by the directions on the fertilizer

bag unless a soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.

(4) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Palm Beach County.

(5) Fertilizer shall not be applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, watercourse, lake, canal, or wetland or from the top of a seawall. Newly planted turf and/or landscape plants may be fertilized in this zone only for the first sixty day establishment period, but caution shall be used to prevent direct deposition of nutrients into the water.

(6) A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

(7) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

(8) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

(9) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(b) Pesticide Management

(1) All landscape applications of pesticides for hire should be made in accordance with State and Federal Law and with the most current version of the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida.*

(2) Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the University of Florida Cooperative Extension Service publications.

(3) When utilizing pesticides, all label instructions are state and federal law and must be adhered to. The Florida Department of Agriculture and Consumer Services is ultimately responsible for enforcement of pesticide laws.

Shoreline Considerations

Grading and design of property adjacent to bodies of water shall conform to Federal, State and Local regulations which may include but is not limited to the use of berms or retention ditches to intercept surface runoff of water and debris that may contain fertilizers or pesticides.

No grasses that require mowing shall be allowed within 6 feet of the water's edge, except where seawalls and bulkheads exist or where needed for erosion control. When mowing near the shoreline, direct the chute away from the water body. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas. See the most recent version of the Florida Waterfront Property Owners Guide for more information. Where water levels vary considerably, care must be taken in the selection of these plants.

Volunteer plants

Volunteer plants are part of a natural succession found within plant communities and help to provide shade, clean air and water management benefits. Any identified noninvasive plant, growing in a suitable location, without interfering or potentially interfering with utilities, lines-of-sight, or structures, shall be allowed to grow. A volunteer plant meeting the aforementioned description shall be maintained according to this ordinance.

Violations, Enforcement and Penalty

The Community Development Director or designee shall issue a stop work order to any person found in the act of cutting down, destroying, damaging, or removing vegetation or landscaping in violation of this landscape code. The steps involved are listed:

(1) A stop work order is issued by the City;

(2) The Code Enforcement Division will cite the property owner;

(3) The City requires a restoration plan or the correction of the violation(s), per the discretion of the Community Development Director, in accordance with this landscape code;

(4) The Community Development Director or designee accepts a restoration plan and/or the violation correction(s). If the violation is corrected, the Community Development Department will notify the Code Enforcement Administrator or designee;

(5) Work resumes, and permits can be issued.

(a) Violations for damaging, destroying or improperly pruning trees.

(1) Violations will be issued by the Code Enforcement Division for all violations of this landscape code, as provided below.

a. If a protected tree is improperly pruned severely enough to be classified as tree abuse, a maximum fine of $1000 per tree may be assessed by the Code Enforcement Special Master to the property owner and/or individual responsible for the infraction. Correcting improper pruning cuts on a tree may be required, if long-term benefits are expected. The cost of correcting improper cuts shall be incurred by the property owner and/or individual responsible for the infraction.

(b) Violations for removal of trees without a permit.

(1) Violations will be issued by the Code Enforcement Division if a protected tree, or tree required by a landscape plan, with a DBH greater than three inches is removed without permit. A minimum fine of $200 as well as a fine of $100 for each inch of tree trunk measured at DBH (or estimation thereof) may be assessed to the property owner and/or individual responsible for the infraction by the Code Enforcement Special Master.

(2) Violations will be issued by the Code Enforcement Division if any protected palm or palm tree required by a landscape plan is removed without a permit. A fine of $100 may be assessed for each foot of clear trunk and will be assessed to the property owner and/or individual responsible for the infraction by the Code Enforcement Special Master.

a. If the Community Development Director is unable to determine the number of protected trees removed, the owner shall correct the violation by paying a fine of up to $15,000.00 per acre, or fraction thereof, of the land cleared. The Code Enforcement Special Master shall assess this fine. No work shall proceed on the property until a restoration plan has been approved by the Community Development Department and the fine has been paid to the City.

b. A person aggrieved by an administrative order, determination or decision may appeal to the circuit court.

c. The City shall deem a separate offense to have been committed for each tree removed, damaged, or destroyed contrary to the provisions of this section.

d. In addition to other remedies and notwithstanding the existence of an adequate remedy at law, the City of Riviera Beach may seek injunctive relief in the circuit court to enforce the provisions of this section. The City shall be entitled to reasonable attorney's fees and costs, including applicable fees and costs in action where the City is successful in obtaining affirmative relief.

(3) A restoration plan is required. All violations of this landscape code involving the unauthorized removal of trees and vegetation shall require the landowner to file a restoration plan as provided for below. The primary consideration of the restoration plan shall be to return the affected portion of the site to its natural state. If this is impossible, it shall mitigate the negative effects of the violation over the entire site to the greatest extent possible. The Community Development Director or designee shall inspect the implementation of the plan, which may require any monetary guarantees deemed necessary to insure the maintenance and survival of the implemented restoration plan.

(4) A stop work order shall be issued for all sites in violation, upon which construction has been authorized. The City of Riviera Beach shall issue no further City permits for the subject property or project, or attendant inspections completed, until the owner corrects such violations, or the Community Development Director has accepted a restoration plan. This shall include the certificate of occupancy for the attendant structure.

(5) This landscaping code outlines criteria for the restoration plan. When the unauthorized removal of landscaping has occurred, the owner or developer shall submit a restoration plan to the Community Development Department within 30 days after the Code Enforcement Division has cited him or her for such violation. In evaluating a proposed restoration plan, the Community Development Director shall consider the following:

a. The cross-sectional area of trees removed, at DBH;

b. The specific aesthetic character of the materials removed;

c. The amount of native vegetation the owner has removed without the authorization of the Community Development Department;

d. Any special function of the material carried out as a screen or buffer; and

e. The amount of other natural materials preserved on the site and the opportunities for planting additional landscaping.

Hardship relief.

Where a landowner is unduly burdened by the strict application of this landscape code, said landowner may apply to the Community Development Director for hardship relief. Also, an administrative waiver in accordance with Sec. 20-127 of the City's Code of Ordinances may be granted by the Utility District Director, or designee, for individual water use requests if the applicant can demonstrate particular hardships and acceptable reasons for the requested waiver.

(a) Hardship.

The design and development of a renovation development, a vacant development, or any other parcel exhibiting a hardship may preclude a literal compliance with all the landscape design, installation and irrigation requirements of this ordinance.

(b) Reduction in Landscaping Permitted.
The Community Development Director may allow a reduction in required landscaping that may reasonably and economically accommodate a particular hardship.

(c) Criteria for Reduction.
A reduction in required landscaping may be allowed, subject to one or more the following criteria being applicable to a property or development:

(1) That existing property improvements, including buildings, parking or similar items, preclude complete compliance with required landscaping; or
(2) The reduction in required landscaping represents the smallest reduction possible; or
(3) The site, when vacant, possesses irregular boundaries, restrictive easements or similar circumstances that restrict the ability to install landscaping; or
(4) The site has been adversely affected by prior governmental action, such as expansion of public road right-of-way; or
(5) The hardship is not caused by the action of the property owner; or
(6) The reduction in landscaping is not based solely or principally on economic reasons.

Informational material.

From time to time, staff shall prepare and distribute informational material which is designed to educate the general public of the requirements set forth in this ordinance.

Conflicts and relationships to other laws.

(a) Whenever regulations or restrictions imposed by this ordinance conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state, local, or federal pollution control or environmental protection law or regulation.

(b) A deed restriction or covenant imposed by a homeowner's association may not prohibit or be enforced so as to prohibit any property owner from implementing Florida Friendly Landscaping on his or her land or create any requirement or limitation in conflict with any provision in Part II of Chapter 373, F.S., as amended, or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to Part II of Chapter 373, F.S., as amended.

APPENDIX - A (A.1 and A.2) - Prohibited vegetation.

Those plant species listed below are defined as Category 1 nuisance and invasive exotic vegetation by the Florida Exotic Pest Plant Council's (FLEPPC) 2009 Invasive Plant Species List (www.fleppc.org), and shall not be planted, maintained or permitted to remain on sites receiving site plan approval (including small-scale development). The following list is current as of the approval of this ordinance but is subject to change, historically updated by the FLEPPC every two years. Please refer directly to the FLEPPC for the current Category 1 list. The removal of prohibited plant species shall be in conjunction with any new land development request, site plan modification or building permit with a valuation over $2,500, unless the Community Development Director determines that the removal of the prohibited plant species places an undue burden on the property owner. Furthermore, the sale of prohibited plant species is not permitted within the City.

APPENDIX - A.1

(1) Rosary pea (Abrus precatorius).
(2) Earleaf acacia (Acacia auriculiformis).
(3) Mimosa, silk tree (Albizia julibrissin).
(4) Woman's tongue (Albizia lebbeck).
(5) Coral ardisia (Ardisia crenata).
(6) Asparagus fern (Asparagus densiflorus).
(7) Orchid tree (Bauhinia variegata).
(8) Bishopwood (Bischofia javanica).
(9) Santa Maria, Mastwood, Alexandrian Laurel (Calophyllum antillanum).
(10) Australian pine (Casuarina equisetifolia).
(11) Suckering Australian pine (Casuarina glauca).
(12) Camphor tree (Cinnamomum camphora).
(13) Taro, wild taro (Colocasia esculenta).
(14) Leather leaf (Colubrina asiatica).
(15) Carrotwood (Cupaniopsis anacardiodes).
(16) Winged yam (Dioscorea alata).
(17) Air potato (Dioscorea bulbifera).
(18) Water-hyacinth (Eichornia crassipes).
(19) Surinam cherry (Eugenia uniflora).
(20) Laurel fig (Ficus microcarpa).
(21) Hydrilla (Hydrilla verticillata).
(22) Green hygro (Hygrophila polysperma).
(23) West Indian marsh grass (Hymenachne amplexicaulis).
(24) Cogon grass (Imperata cylindrica).
(25) Water spinach (Ipomoea aquatica).
(26) Gold-Coast jasmine (Jasminum dichotomum).
(27) Brazilian jasmine (Jasminum fluminense).
(28) Lantana, shrub verbena (Lantana camara).
(29) Glossy privet (Ligustrum *lucidum)*
(30) Chinese privet, hedge privet (Ligustrum sinense).
(31) Japanese honeysuckle (Lonicera japonica).

(32) Peruvian primrosewillow *(Ludwigia peruviana).*
(33) Tropical American water grass *(Luziola subintegra).*
(34) Japanese climbing fern (Lygodium japonicum).
(35) Old world climbing fern (Lygodium microphyllum).
(36) Cat's claw vine (Macfadyena unguis-cati).
(37) Sapodilla *(Manilkara zapota).*
(38) Melaleuca, paper bark (Melalueca quinquenervia).
(39) Natal grass (*Melinis repens).*
(40) Catclaw mimosa (Mimosa pigra).
(41) Heavenly bamboo, nandina (Nandina domestica).
(42) Sword fern (Nephrolepis cordifolia).
(43) Asian sword fern (Nephrolepis multiflora).
(44) Burma reed, cane grass (Neyraudia renaudiana).
(45) Snowflake, (Nymphoides cristata).
(46) Sewer vine, onion vine (Paederia cruddasiana).
(47) Skunk vine (Paederia foetida).
(48) Torpedo grass (Panicum repens).
(49) Napier grass (Pennisetum purpureum).
(50) Water-lettuce (Pistia stratiotes).
(51) Strawberry guava (Psidium cattleianum).
(52) Guava (Psidium guajava).
(53) Kudzu (Pueraria montana).
(54) Downy rose-myrtle (Rhodomyrtus tomentosa).
(55) Natal grass (*Rhynchelytrum repens).*
(56) *Mexican Petunia (Ruellia brittoniana).*
(57) *Water spangles (Salvinia minima).*
(58) Chinese tallow tree, popcorn tree (Sapium sebiferum).
(59) Scaevola, half-flower, beach naupaka (Scaevola sericea).
(60) Schefflera, umbrella tree (Schefflera actinophylla).
(61) Brazilian pepper (Schinus terebinthifolius).
(62) Wrights nutrush (*Scleria lacustris).*
(63) Climbing cassia, Christmas cassia, Christmas senna (Senna pendula).
(64) Wetland nightshade, aquatic soda apple (Solanum tampicense).
(65) Tropical soda apple (Solanum varium).
(66) Arrowhead vine (*Syngonium podophyllum).*
(67) Jambolan plum, java plum (Syzigium cumini).
(68) Incised halberd fern (Tectaria incisa).
(69) Seaside mahoe (Thespesia populnea).
(70) Small-leaf spiderwort, green or white-flowered wandering jew (Tradescantia fluminensis).
(71) Para grass (Urochloa mutica).

APPENDIX - A.2

In addition to those species listed in appendix A.1 above, due to cold tolerance problems, intrusiveness into water/sewer lines, invasive growth habits and/or lack of wind resistance, the following species shall also be prohibited:

(1) Ficus (all species except Strangler fig (Ficus aurea), Shortleaf fig (Ficus citrifolia), Creeping fig (Ficus repens, Ficus pumila), Rusty fig (Ficus rubiginosa), and Moreton Bay Fig (Ficus macrophylla). Ficus benjamina is permitted only in single family residential areas if maintained as a hedge with a maximum height of fifteen feet.
(2) Norfolk Island pine (Araucaria heterophylla).
(3) Silk oak (Grevillea robusta).
(4) Eucalyptus (all species).
(5) Ear tree (*Enterolobium cyclocarpum)*
(*6)* *S*ea hibiscus, Mahoe (Hibiscus tiliaceus)
(7) African tulip tree *(Spathodea campanulata)*
(*8)* *Vera wood (Bulnesia arborea)*

APPENDIX – B – Native Vegetation

Those plant species listed below are defined as Native Florida Species, primarily within SFWMD's document, "WaterWise: South Florida Landscapes", available via (www.sfwmd.gov). The following list is not exhaustive and may be updated as necessary.

Native Shade Tree Species

(1) Ash, Pop (*Fraxinus caroliniana*).
(2) Birch, River (*Betula nigra*).
(3) Blackgum (*Nyssa sylvatica*).
(4) Buttonwood (*Conocarpus erectus*).
(5) Common Persimmon (*Diospyros virginiana*).
(6) Cypress, Bald (*Taxodium distichum*).
(7) Cypress, Pond (*Taxodium ascendens*).
(8) Elm, Florida (*Ulmus americana var. floridana*).
(9) Gumbo Limbo (*Bursera simaruba*).
(10) Hickory, Mockernut (*Carya tomentosa*).
(11) Hickory, Pignut (*Carya alba = Carya glabra*).
(12) Hornbeam, American (*Carpinus caroliniana*).
(13) Jamaican Dogwood (*Piscidia piscipula)*
(14) Magnolia, Southern (*Magnolia grandiflora*).
(15) Mahogany (*Swietenia mahagoni*).
(16) Maple, Red (*Acer rubrum).*
(17) Mastic (*Sideroxylon foetidissimum = Mastichodendron foetidissimum*).
(18) Mulberry, Red (*Morus rubra*).
(19) Oak, Laurel (*Quercus laurifolia*).
(20) Oak, Live (*Quercus virginiana*).
(21) Oak, Sand Live (*Quercus geminata*).
(22) Oak, Turkey (*Quercus laevis*).
(23) Oak, Water (*Quercus nigra*).
(24) Paradise Tree (*Simarouba glauca*).
(25) Pine, Loblolly (*Pinus taeda*).
(26) Pine, Long-leaf (*Pinus palustris*).
(27) Pine, Sand (*Pinus clausa*).

(28) Pine, Slash (*Pinus elliottii*).
(29) Pine, South Florida Slash (*Pinus elliottii var. densa*).
(30) Red Bay (*Persea borbonia*).
(31) Satinleaf (*Chrysophyllum oliviforme).*
(32) Seagrape (*Coccoloba uvifera*).
(33) Short Leaf Fig (*Ficus citrifolia*).
(34) Southern Catalpa (*Catalpa bignonioides).*
(35) Strangler Fig (*Ficus aurea*).
(36) Sugarberry (*Celtis laevigata*).
(37) Swamp Tupelo (*Nyssa sylvatica var. biflora*).
(38) Sweetgum (*Liquidambar styraciflua*).
(39) Sycamore (*Platanus occidentalis*).
(40) Tulip Tree (*Liriodendron tulipifera*).
(41) Wild Tamarind (*Lysiloma latisiliquum*).

Native Accent Tree Species

(1) Acacia, Sweet (*Acacia farnesiana*).
(2) Black-Calabash (*Amphitecna latifolia*).
(3) Blolly (*Guapira discolor*).
(4) Cedar, Southern Red (*Junipera virginiana = Juniperus silicicola*).
(5) Cherry Laurel (*Prunus caroliniana*).
(6) Crabwood (*Gymnanthes lucida*).
(7) Dogwood, Flowering (*Cornus florida*).
(8) East Palatka Holly (*Ilex x attenuata 'East Palatka'*).
(9) Fiddlewood (*Citharexylum spinosum = Citharexylum fruticosum*).
(10) Florida Soapberry (*Sapindus saponaria = Sapindus marginatus*).
(11) Geiger Tree (*Cordia sebestena*).
(12) Hercules' Club (*Zanthoxylim clava-herculis*).
(13) Hickory, Scrub (*Carya floridana*).
(14) Holly, American (*Ilex opaca*).
(15) Holly, Dahoon (*Ilex cassine*).
(16) Holly, Yaupon (*Ilex vomitoria*).
(17) Ironwood, Black (*Krugiodendron ferreum*).
(18) Joewood (*Jacquinia keyensis*).
(19) Lignum Vitae *(Guaiacum sanctum).*
(20) Loblolly Bay *(Gordonia lasianthus).*
(21) Mangrove, Black (*Avicennia germinans*).
(22) Mangrove, Red *(Rhizophora mangle).*
(23) Mangrove, White (*Laguncularia racemosa*).
(24) Oak, Chapman (*Quercus chapmanii*).
(25) Pigeon Plum (*Coccoloba diversifolia*).
(26) Pitch Apple, Autograph Tree (*Clusia rosea).*
(27) Plum, Flatwoods *(Prunus umbellata).*
(28) Pond Apple *(Annona glabra).*
(29) *Princewood (Exostema caribaeum)*
(30) Red Stopper (*Eugenia rhombea*).
(31) Redberry Stopper (*Eugenia confusa*).
(32) Redbud (*Cercis canadensis*).
(33) Silver Buttonwood (*Conocarpus erectus var. sericeus*).

(34) Spanish Stopper (*Eugenia foetida*).
(35) Strongbark (*Bourreria suculenta*).
(36) Summer Haw (*Crataegus flava*).
(37) Swamp Bay (*Persea palustris*).
(38) Sweetbay (*Magnolia virginiana*).
(39) Wild Cinnamon (*Canella alba*).
(40) Wild Dilly (*Manilkara bahamensis*).
(41) Wild Lime (*Zanthoxylum fagara*).
(42) Willow-leaved, Bustic (*Sideroxylon salicifolium = Dipholis salicifolia*).

Native Palm-Like Species

(1) Buccaneer Palm, Cherry Palm (*Pseudophoenix sargentii*).
(2) Cabbage Palm (*Sabal palmetto*).
(3) Dwarf Palmetto (*Sabal minor*).
(4) Florida Royal Palm (*Roystonea regia = R. elata*).
(5) Needle Palm (*Rhapidophyllum hystrix*).
(6) Paurotis Palm (*Acoelorrhaphe wrightii*).
(7) Saw Palmetto (*Serenoa repens*).
(8) Scrub Palmetto (*Sabal etonia*).
(9) Silver Palm (*Coccothrinax argentata*).
(10) Thatch Palm (*Thrinax parviflora*).
(11) Thatch Palm, Florida (*Thrinax radiata*).
(12) Thatch Palm, Key (*Thrinax morrisii*).

Native Shrub Species

(1) Adam's Needle (*Yucca filamentosa*).
(2) Apple, Seven-year (*Genipa clusifolia = Casasia clusifolia*).
(3) Bahama Coffee (*Psychotria ligustrifolia*).
(4) Bay Cedar (*Suriana maritima*).
(5) Beach Elder (*Iva imbricata*).
(6) Beautyberry (*Callicarpa americana*).
(7) Black Torch (*Erithalis fruticosa*).
(8) Blueberry, Shiny (*Vaccinium myrsinites*).
(9) Buckthorn, Tough (*Sideroxylon tenax = Bumelia tenax*).
(10) Buttonbush (*Cephalanthus occidentalis*).
(11) Caper, Jamaican (*Capparis cynophallophora*).
(12) Cassia, Bahama (*Senna mexicana var. chapmanii*).
(13) Christmas Berry (*Lycium carolinianum*).
(14) Coontie, Arrowroot (*Zamia integrifolia*).
(15) Coral Bean (*Erythrina herbacea*).
(16) Cotton, Wild (*Gossypium hirsutum*).
(17) Eastern Gamagrass (*Tripsacum dactyloides*).
(18) Elderberry (*Sambucus canadensis*).
(19) Firebush (*Hamelia patens*).
(20) Florida Boxwood (*Schaefferia frutescens*).
(21) Florida Flame Azalea (*Rhododendron austrinum*).
(22) Florida Gamagrass (*Tripsacum floridanum*).
(23) Florida Privet (*Forestiera segregata*).

(24) Florida-Anise (*Illicium floridanum*).
(25) Gallberry (*Ilex glabra*).
(26) Green Cocoplum (*Chrysobalanus icaco*).
(27) Holly, Dwarf Yaupon (*Ilex vomitoria 'Nana'*).
(28) Inkberry (*Scaevola plumieri*).
(29) Lyonia, Rusty (*Lyonia ferruginea*).
(30) Maidenbush (*Savia bahamensis*).
(31) Marlberry (*Ardisia escallonioides*).
(32) Myrsine (*Rapanea punctata*).
(33) Oakleaf Hydrangea (*Hydrangea quercifolia*).
(34) Pinxter Azalea (*Rhododendron canescens*).
(35) Possum Haw (*Viburnum nudum*).
(36) Red Tip Cocoplum (*Chrysobalanus icaco 'Red Tip'*).
(37) Rough Velvet Seed (*Guettarda scabra*).
(38) Sea Lavender (*Argusia gnaphalodes (= A. volubilis)*).
(39) Silver Buttonwood (*Conocarpus erectus var. sericeus*).
(40) Simpson Stopper (*Myrcianthes fragrans*).
(41) Softleaf Coffee (*Psychotria sulzneri*).
(42) Spanish Bayonet (*Yucca aloifolia*).
(43) Spicewood (*Calyptranthes pallens*).
(44) Swamp Mallow (*Hibiscus coccineus*).
(45) Sweetspire, Virginia (*Itea virginica*).
(46) Tetrazygia (*Tetrazygia bicolor*).
(47) Tropical Sea Oxeye Daisy (Borrichia arborescens).
(48) Varnish Leaf (*Dodonaea viscosa*).
(49) Walter's Viburnum (*Viburnum obovatum*).
(50) Wax Myrtle (*Myrica cerifera*).
(51) White Indigo Berry (*Randia aculeata*).
(52) Wild Coffee (*Psychotria nervosa*).
(53) Wild Olive (*Osmanthus americanus*).
(54) Wild Rosemary (*Conradina canescens*).
(55) Wild Sage, Buttonsage (*Lantana involucrata*).
(56) Yellow Anise (*Illicium parviflorum*).
(57) Yellow Necklace Pod (*Sophora tomentosa var. truncata*).

Native Groundcover and Grass Species

(1) Aster, Stokes (*Stokesia laevis*).
(2) Black-eyed Susan (*Rudbeckia hirta*).
(3) Blanket Flower (*Gaillardia pulchella*).
(4) Blue Flag Iris (*Iris hexagona*).
(5) Blue Porterweed (*Stachytarpheta jamaicensis*).
(6) Blue-eyed Grass (*Sisyrinchium angustifolium*).
(7) Butterfly Weed (*Asclepias tuberosa*).
(8) Cardinal Flower (*Lobelia cardinalis*).
(9) Cinnamon Fern (*Osmunda cinnamomea*).
(10) Climbing Aster (*Aster carolinianus = Symphyotrichum carolinianum*).
(11) Common Tickseed (*Coreopsis leavenworthii*).
(12) Dotted Horsemint (*Monarda punctata*).
(13) Giant Leather Fern (*Acrostichum danaeifolium*).

(14) Giant Sword Fern (*Nephrolepis biserrata*).
(15) Golden Creeper (*Ernodea littoralis*).
(16) Gopher Apple (*Licania michauxii*).
(17) Green Eyes (*Berlandiera subacaulis*).
(18) Iris, Virginia (*Iris virginica*).
(19) Lizard's Tail (*Saururus cernuus*).
(20) Lopsided Indiangrass (*Sorghastrum secundum*).
(21) Paint Brush (*Carphephorus corymbosus*).
(22) Quailberry (*Crossopetalum ilicifolium*).
(23) Powderpuff (*Mimosa strigillosa*).
(24) Prickly Pear Cactus (*Opuntia humifusa*).
(25) Purple Coneflower (*Echinacea purpurea*).
(26) Purple Lovegrass (*Eragrostis spectabilis*).
(27) Rain Lily (*Zephyranthes atamasco*).
(28) Royal Fern (*Osmunda regalis*).
(29) Sage, Lyre-Leaved (*Salvia lyrata*).
(30) Sage, Tropical Red (*Salvia coccinea*).
(31) Saltgrass (*Distichlis spicata*).
(32) Shrub Verbena (*Lantana depressa*).
(33) Smooth Water-Hyssop (*Bacopa monnieri*).
(34) Snowberry (*Chiococca alba = C. pinetorum*).
(35) Southern Shield Fern (*Thelypteris kunthii*).
(36) Wild Columbine (*Aquilegia canadensis*).
(37) Wild Petunia (*Ruellia caroliniensis*).
(38) Wiregrass (*Aristida stricta = A. beyrichiana*).
(39) Yellow Canna (*Canna flaccida*).
(40) Yellowtop (*Flaveria linearis*).

Native Groundcover and Grass Species Appropriate for Costal Dune Areas
(Note: species appropriate for dune areas may also be suitable for inland landscape design.)

(1) Baybean (*Canavalia rosea*).
(2) Beach Morning Glory (*Ipomoea imperati = I. stolonifera*).
(3) Beach Sunflower (*Helianthus debilis*).
(4) Beach Peanut (*Okenia hypogaea*).
(5) Bitter Panicgrass (*Panicum amarum*).
(6) Muhly Grass (*Muhlenbergia capillaris*).
(7) Railroad Vine (*Ipomoea pes-caprae*).
(8) Saltgrass (*Distichlis spicata*).
(9) Saltmeadow Cord Grass (*Spartina patens*).
(10) Sand Cord Grass, Switchgrass (*Spartina bakeri*).
(11) Seacoast Marshelder (*Iva imbricata*).
(12) Seashore Dropseed (*Sporobolus virginicus*).
(13) Seashore Paspalum (*Paspalum vaginatum*).
(14) Seaside Gentian (*Eustoma exaltatum*).
(15) Seaside Goldenrod (*Solidago sempervirens*).
(16) Sea Oats (*Uniola paniculata*).
(17) Sea Oxeye Daisy (*Borrichia frutescens*).
(18) Sea Purslane (*Sesuvium portulacastrum*).
(19) Sea Rocket (*Cakile lanceeolata*).

(20) Spider Lily (*Hymenocallis latifolia*).
(21) Verbena, Beach (*Glandularia (Verbena) maritima*).

Native Vine Species

(1) Blue Jacquemontia (*Jacquemontia pentanthos*).
(2) Coral Honeysuckle (*Lonicera sempervirens*).
(3) Corky-stem Passion Flower (*Passiflora suberosa*).
(4) Crossvine (*Bignonia capreolata*).
(5) Muscadine Grape (*Vitis rotundifolia*).
(6) Passion Flower (*Passiflora incarnata*).
(7) Trumpet Vine (*Campsis radicans*).
(8) Virginia Creeper (*Parthenocissus quinquefolia*).
(9) Yellow Jessamine (*Gelsemium sempervirens*).

SECTION 2. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 3. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 4. 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, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall become effective immediately upon its passage on second and final reading.

SECTION 6. Specific authority is hereby granted to codify this Ordinance.

PASSED AND APPROVED on the first reading this 6TH day of JUNE, 2012.

PASSED AND ADOPTED on second and final reading this 20TH day of JUNE, 2012.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

APPROVED:

THOMAS A. MASTERS
MAYOR

BILLIE E. BROOKS
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

DAWN S. PARDO
CHAIR PRO TEM

CEDRICK A. THOMAS
COUNCILPERSON

JUDY L. DAVIS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

1ST READING		2ND & FINAL READING	
MOTIONED BY:	J. DAVIS	MOTIONED BY:	J. DAVIS
SECONDED BY:	S. LOWE	SECONDED BY:	S. LOWE
B. BROOKS	AYE	B. BROOKS	AYE
D. PARDO	AYE	D. PARDO	AYE
C. THOMAS	AYE	C. THOMAS	AYE
J. DAVIS	AYE	J. DAVIS	AYE
S. LOWE	AYE	S. LOWE	AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. R

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/29/12

ORDINANCE NO. 4015

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE III ENTITLED "FIREFIGHTERS' PENSION PLAN", CHAPTER 14, ENTITLED "BOARD OF TRUSTEES CREATED, POWERS, DUTIES" BY AMENDING SECTION 14-47, SUBSECTION (1) OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Firefighters' Pension Fund has recommended and approved amendments to the existing Code of Ordinances to allow for the investment in real estate; and

WHEREAS, the investment consultant to the Board of Trustees has highly recommended the investment in real estate.

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

SECTION 1. That Chapter 14 Article III. Entitled "Firefighter's Pension Plan", Section 14-47, "Board of Trustees' Created, Powers, Duties" of the Riviera Beach Code of Ordinances is hereby amended by deleting the ~~stricken through~~ language and adding the following underlined language, as follows:

Sec. 14-47. Board of trustees, created, powers, duties.

***

The board of trustees may:

(1) Invest the assets of the Firefighters' Pension Fund as authorized by F.S. Chapter 175, ~~except~~ including but not limited to real estate, which may be in the form of commingled ownership. The Board of Trustees may invest not more than five percent of its assets in the common stock or capital stock of any one issuing company, nor exceed five percent of the outstanding capital stock of that

company, nor shall the aggregate of its investments in common stock at cost exceed 60 percent of the assets of the fund.

* * * *

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the section of this ordinance may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the validity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. 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, be and the same are hereby repealed to the extent of the conflict.

SECTION 5. Specific authority is hereby granted to codify this ordinance.

SECTION 6. This ordinance shall be in full force and effect upon final passage and adoption.

PASSED AND APPROVED on first reading this 1ST day of AUGUST, 2012.

PASSED AND ADOPTED on second and final reading this 15TH day of AUGUST, 2012.

APPROVED:

THOMAS A. MASTERS
MAYOR

MUNICIPAL SEAL

ATTEST:

CARRIE E. WARD, MMC
CITY CLERK

BILLIE E. BROOKS
CHAIRPERSON

DAWN S. PARDO
CHAIR PRO TEM

JUDY L. DAVIS
COUNCIL MEMBER

CEDRICK A. THOMAS
COUNCIL MEMBER

SHELBY L. LOWE
COUNCIL MEMBER

ORDINANCE NO. 4015
PAGE 4

1st READING		2ND & FINAL READING	
MOTIONED BY:	C. THOMAS	**MOTIONED BY:**	D. PARDO
SECONDED BY:	D. PARDO	**SECONDED BY:**	J. DAVIS
B. BROOKS	AYE	**B. BROOKS**	AYE
D. PARDO	AYE	**D. PARDO**	AYE
J. DAVIS	AYE	**J. DAVIS**	AYE
C. THOMAS	AYE	**C. THOMAS**	OUT
S. LOWE	AYE	**S. LOWE**	AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan

PAMALA H. RYAN, CITY ATTORNEY

DATE_____

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.

August 15, 2012
DATE

CARRIE E. WARD, MMC
CITY CLERK

ORDINANCE NO. 4016

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II ENTITLED "GENERAL EMPLOYEES", CHAPTER 14, ENTITLED "PENSIONS AND RETIREMENT PROGRAMS" BY AMENDING SECTION 14-24 ENTITLED "RETIREMENT BENEFITS" SUBSECTION (d) (2) OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, early retirement eligibility is defined in the code as attaining age fifty (50) with ten (10) years of continuous services; and

WHEREAS, early retirement is referred in the preretirement death section of the code as attaining age fifty (50) with fifteen (15) years of continuous service which is in conflict with the definition of early retirement; and

WHEREAS, this conflict must be corrected by deleting the erroneous language from the preretirement death section of the Code of Ordinance; and

WHEREAS, the change will have no affect on the cost of the plan.

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

SECTION 1. That Section 14-24 entitled "Retirement benefits" of Article II, Chapter 14 of the Riviera Beach Code of Ordinances is hereby amended by deleting the ~~stricken through~~ language as follows:

Sec 14-24. Retirement benefits.

(d) Preretirement death.

(2) Nonservice-incurred . If any member shall die prior to retirement from causes not attributable to active duty or services, as of the time of death, had met the eligibility requirements for early retirement ~~(age 50 and 15 years' continuous services);~~ in such event, the member's accrued retirement benefit, determined in the same manner as though such member had lived and elected early retirement, shall be payable for a period of ten (10) years certain to the member's designated beneficiary.

* * * *

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of the ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the section of this ordinance may be renumbered to accomplish such intentions.

SECTION 3 If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the validity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. That all section or parts of section 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 the extent of such conflict.

SECTION 5. Specific authority is hereby granted to codify this ordinance.

SECTION 6. This ordinance shall be in full force upon its final passage and adoption.

PASSED and APPROVED of first reading this 1ST day of AUGUST 2012.

PASSED AND ADOPTED on second and final reading this 15TH day of AUGUST 2012.

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APPROVED:

THOMAS A. MASTERS
MAYOR

MUNICIPAL SEAL

ATTEST:

CARRIE E. WARD, MMC/AAE
CITY CLERK

BILLIE E. BROOKS
CHAIRPERSON

DAWN S. PARDO
CHAIR PRO TEM

CEDRICK A. THOMAS
COUNCILPERSON

JUDY L. DAVIS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA H. RYAN
CITY ATTORNEY

DATE: 7/18/12

1st READING		2nd & FINAL READING	
Motioned by:	C. THOMAS	**Motioned by:**	J. DAVIS
Seconded by:	S. LOWE	**Seconded by:**	D. PARDO
B. BROOKS	AYE	**B. BROOKS**	AYE
D. PARDO	AYE	**D. PARDO**	AYE
C. THOMAS	AYE	**C. THOMAS**	OUT
J. DAVIS	AYE	**J. DAVIS**	AYE
S. LOWE	AYE	**S. LOWE**	AYE

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.

August 15, 2012
DATE

Carrie E. Ward, MMC/AAE, City Clerk

ORDINANCE NO. 4017

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA, AMENDING CHAPTER 22, OF THE CODE OF ORDINANCES ENTITLED "BUILDINGS AND BUILDING REGULATIONS", ARTICLE II, ENTITLED "BUILDING AND TECHNICAL CODES", BY UPDATING AND REVISING SECTION 22-33, ENTITLED "SCHEDULE OF PERMIT FEES"; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166, provides the City with the authority to collect fees necessary to conduct municipal government; and

WHEREAS, the City Council last amended the Permit Fee Schedule in 2009 via Ordinance No. 3063; and

WHEREAS, the City Council of the City of Riviera Beach desires to amend the Schedule of Permit Fees.

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

SECTION 1. That Section 22-33 "Schedule of Permit Fees", Article II "Building and Technical Codes", Chapter 22 "Buildings and Building Regulations", of the Riviera Beach Code of Ordinances, is hereby amended by deleting the ~~stricken through~~ and adding the underlined language, as follows; (this includes repealing Exhibit A, approved via Ordinance No. 3063, which amended the fee schedule in 2009 but was not codified due to length):

Sec. 22-33. - Schedule of permit fees.

(a) Permit fees shall be based on the ~~estimated value~~ valuation of work, as defined by the most current building valuation data provided by the International Code Council, as amended. The valuation of work shall be utilized with the fee schedule listed in subsection (b) of this section in order to determine the total fee due. ~~And multiplied by the following specified percentage rates.~~ Primary or master permits will include the cost of all sub-permits, provided the necessary information is completely detailed on the plans that are submitted for permit and the total cost of such improvements is included in the estimated value. ~~(Reference: Current Building Valuation Data as listed in the International Code Council publication, quarterly). Due to the length and context of the schedule, it shall be maintained and may be reviewed at the office of the city clerk.~~

(b) *Fee Schedule*. Base permit fees will utilize a tiered permit fee calculation, meaning that defined valuation of work thresholds carry specific fee percentages due. This tiered system is cumulative, so multiple tiers may apply to a single building permit as well as other applicable fees which are added together to calculate the total permit fee due. Fees are listed below in Table 1: Building Fee Schedule.

~~EXHIBIT A (Ordinance No. 3063)~~

~~Percentage Rate~~	~~Estimated Value~~	~~Fee Amount~~
~~Minimum Building Permit Fee~~		~~$50.00~~
~~2%~~	~~$0.00 – $100,000~~	~~Up to $2,000~~
~~1%~~	~~$100,001 – $250,000.00~~	~~Up to an additional $1,500~~
~~0.5%~~	~~$250,001.00 – $1,000,000.00~~	~~Up to an additional $3,750~~
~~0.25%~~	~~$1,000,001.00 plus~~	~~Up to an additional $7,250~~

~~Street Excavation~~	~~$500.00~~
~~Moving Building~~	~~500.00~~
~~Building Demolition~~	~~200.00~~
~~Interior Demolition~~	~~2% or $50.00, whatever is greater~~
~~Construction Trailers~~	~~200.00~~
~~Copies per page~~	~~0.15~~
~~Business Tax Receipt Inspection~~	~~50.00~~
~~Failure to call for final inspection each permit~~	~~50.00~~
~~Reinspection Fee~~	~~50.00~~
~~Temporary Electrical Power Fee~~	~~50.00~~
~~City agents assigned as resident inspectors:~~	
~~Threshold buildings per hour~~	~~35.00~~
~~Residential projects per hour~~	~~30.00~~
~~Plan Digitizing Fee~~	
~~Residential Single Family~~	~~25.00~~
~~Commercial per Million Dollars of Value~~	~~50.00~~

~~Fire rescue plan review and inspection:~~
~~additional cost of $2.50 per $1,000, minimum fee of $25~~

~~Engineer plan review and inspection:~~
~~additional cost of $2.50 per $1,000, minimum fee of $50~~

TABLE-1: - BUILDING FEE SCHEDULE

- **Base Permit Fees (Tiered System):**

Minimum Permit Fee (up to $1,000 of work valuation): $75.00

- OR -

Tier 1: For the First $2,500 (must be over $1,000): $100.00
And if the valuation of work is greater than $2,500, see tier 2;

Tier 2: From $2,500 to $10,000 (total in addition to tier above): x 2.5%
And if the valuation of work is greater than $10,000, see tier 3;

Tier 3: From $10,000 to $100,000 (total in addition to tiers above): x 2.25%
And if the valuation of work is greater than $100,000, see tier 4;

Tier 4: From $100,000 to $500,000 (total in addition to tiers above): x 2%
And if the valuation of work is greater than $500,000, see tier 5;

Tier 5: From $500,000 to $1,000,000 (total in addition to tiers above): x 1.5%
And if the valuation of work is greater than $1,000,000, see tier 6;

Tier 6: From $1,000,000 to $10,000,000 (total in addition to tiers above): x 1.25%
And if the valuation of work is greater than $1,000,000, see tier 7;

Tier 7: Greater than $10,000,000 (total in addition to tiers above): x 1%

Additional fees listed below are charged as applicable in addition to any base permit fees.

- **Review Fees:**

Applicable review fees (see below) are added to the above referenced permit fees.

Fire rescue plan review and inspection:
x .003 of the total valuation of work, (minimum fee of $30).

Engineer plan review and inspection:
x .0025 of the total valuation of work (minimum fee of $50).

Training Surcharge:
x 1% of the total permit fee (minimum fee of $1).

State Surcharges:
x 3% of the total base permit fee (minimum fee of $4).

- **Various Permit Fees:**

Applicable various permit fees listed below are added to abovementioned review fees.

Street Excavation	$500.00
Moving Building	500.00
Building Demolition	200.00
Interior Demolition	2% of valuation or $50.00, whatever is greater
Construction Trailers	200.00
Copies per page	0.15
Business Tax Receipt Inspection	50.00
Certificate of Use Inspection	50.00
Failure to call for final inspection, each permit:	50.00
Reinspection Fee	50.00
Plan Revision Fee	50.00
Plan Digitizing Fee:	
Residential Single Family	25.00
Commercial per Million Dollars of Value	50.00

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 4. 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, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Specific authority is hereby granted to codify this Ordinance.

SECTION 6. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND APPROVED on the first reading this 15th day of AUGUST, 2012.

PASSED AND ADOPTED on second and final reading this 5th day of SEPTEMBER, 2012.

APPROVED:

THOMAS A. MASTERS
MAYOR

BILLIE E. BROOKS
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

DAWN S. PARDO
CHAIR PRO TEM

ABSENT
CEDRICK A. THOMAS
COUNCILPERSON

JUDY L. DAVIS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

1ST READING		2ND & FINAL READING	
MOTIONED BY:	D. PARDO	MOTIONED BY:	J. DAVIS
SECONDED BY:	J. DAVIS	SECONDED BY:	D. PARDO
B. BROOKS	AYE	B. BROOKS	AYE
D. PARDO	AYE	D. PARDO	AYE
C. THOMAS	OUT	C. THOMAS	ABSENT
J. DAVIS	AYE	J. DAVIS	AYE
S. LOWE	AYE	S. LOWE	AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 9/5/12

ORDINANCE NO. 4018

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA; AMENDING ARTICLE IV ENTITLED "POLICE OFFICERS PENSION PLAN", SEC. 14-75 ENTITLED "BOARD OF TRUSTEES, CREATED, POWERS, DUTIES," SUBSECTION (a) OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES RELATING TO THE POLICE PENSION PLAN BY PROVIDING FOR AN INCREASE IN TRUSTEE TERMS AND CREATING NEW SECTIONS (i) AND (ii) REQUIRING TRUSTEE CERTIFICATION; PROVIDING FOR CODIFICATION, SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 185.05(1)(a), Florida Statutes provides that Pension Board trustees terms may increase from two (2) to four (4) years;

WHEREAS, the Police Pension Board recommends that Section 14-75 of the Riviera Beach Code of Ordinances be amended to increase the term of the elected and appointed Police Pension Board of Trustees to serve four (4) year terms; and

WHEREAS, the City Council has decreed that all pension board trustees be required to become certified within two (2) years of initial appointment or election as a trustee; and

WHEREAS, in order to comply with the two (2) year certification, Section 14-75 of the Code of Ordinance must be amended; and

WHEREAS, the Police Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has to receive and consider; and

WHEREAS, the City Council deems it to be in the pubic interest to provide this revision to the pension plans for its police officers.

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

SECTION 1. That Chapter 14, Article IV, Section 14-75(a), of the Riviera Beach Code of Ordinances is hereby amended by deleting the ~~stricken through~~ language and adding underlined language as follows:

Section 14-75. Board of Trustees; created, powers, duties.

(a) There is hereby created a board of trustees of the city police pension fund. The board of trustees shall consist of five (5) members. Two (2) of such members, unless otherwise prohibited by law, shall be legal residents of the city and shall be appointed by the city council. Two (2) of such members shall be police officers and shall be elected by a majority of the police officers who are members of this pension fund. The fifth member shall be chosen by a majority of the previous four (4) members, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board of trustees as its fifth member. The fifth member shall have the same rights as each of the other four (4) members appointed or elected as herein provided and may succeed him or herself in office. Each resident member shall serve as trustee for a period of ~~two~~ four (4) years, unless sooner replaced by the city council at whose pleasure the trustee shall serve, and may succeed him or herself as a trustee. Each elected police officer member shall serve as trustee for a period of ~~two~~ four (4) years, unless the member sooner leaves the employment of the city as a police officer, whereupon the police officers shall choose the police officer trustee's successor in the same manner as an original elected officer trustee. Each police officer may succeed him or herself in office. Each trustee shall attend educational opportunities and attain appropriate certification within two (2) years of initial appointment or election to the position of trustee. Such certification shall be maintained during the trustees' tenure as a trustee.

(i) In the event that the appointed trustee does not obtain and maintain certification as stated in subsection (a) of this section, the City Council shall be notified by the board, and such trustee may be removed by the City Council.

(ii) In the event that an elected trustee does not obtain and maintain certification, as stated in subsection (a) of this section, the board shall conduct a vote to determine if the trustee should be removed and if so decided shall request a new election be conducted to replace such trustee.

Said elected trustee to be removed shall not be eligible for re-election at the subsequent election.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. 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, be and the same are hereby repealed to extent of such conflict.

SECTION 5. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

SECTION 6. Specific authority is hereby granted to codify this ordinance.

PASSED AND APPROVED on first reading this 15TH day of AUGUST, 2012.

PASSED AND ADOPTED on second and final reading this 5TH day of SEPTEMBER, 2012.

APPROVED:

THOMAS A. MASTERS
MAYOR

(MUNICIPAL SEAL)

ATTEST:

CARRIE E. WARD, MMC
CITY CLERK

BILLIE E. BROOKS
CHAIRPERSON

DAWN S. PARDO
CHAIR PRO TEM

JUDY L. DAVIS
COUNCILPERSON

ABSENT
CEDRICK A. THOMAS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA H. RYAN, CITY ATTORNEY

DATE: 9/5/10

ORDINANCE NO. 4018
PAGE 5

1ST READING		2ND & FINAL READING	
MOTIONED BY: S. LOWE		MOTIONED BY: J. DAVIS	
SECONDED BY: C. THOMAS		SECONDED BY: D. PARDO	
B. BROOKS	AYE	B. BROOKS	AYE
D. PARDO	AYE	D. PARDO	AYE
J. DAVIS	AYE	J. DAVIS	AYE
C. THOMAS	AYE	C. THOMAS	ABSENT
S. LOWE	AYE	S. LOWE	AYE

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.

Sept. 5, 2012
DATE

CARRIE E. WARD, MMC
CITY CLERK

ORDINANCE NO. 4019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 FIXING THE MILLAGE RATE OF 8.9980 MILLS THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assessment of ad valorem taxes requires the establishment of a rate of taxation.

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

SECTION 1: That for the fiscal year beginning October 1, 2012 and ending September 30, 2013, the adjusted valuation on all real property and tangible business personal property within the City of Riviera Beach is hereby determined to be and is fixed as follows:

(a) Real Property and Tangible Business Personal Property on which tax can be extended, exclusive of exempt homestead property, $2,984,416,026*

* Subject to final approval of the Value Adjustment Board

SECTION 2: That for the fiscal year beginning October 1, 2012 and ending September 30, 2013, a tax of 8.9980 mills, which is 2.13 % less than the rolled-back rate of 9.1937 mills, on the dollar shall be, and is levied and shall be collected on all real property and tangible business personal property within the City of Riviera Beach, Florida, not specifically designated as homestead property or owned by the municipality and/or expressly exempted by the laws of the Constitution of the State of Florida for the purpose of raising funds for the improvements and government of the City, and for the payment of its obligations and expenses, and for the purpose of carrying out the purpose and duties granted and imposed by the City Charter and Code. Said real property and tangible business personal property being specifically set forth as Items A in Section 1 hereof and valued in the amount of $2,984,416,026 subject to final approval of the Value Adjustment Board.

SECTION 3: As provided by Section 200.065 (5) Florida Statutes, upon notification from the Property Appraiser of any aggregate change in the certified assessment roll, the City Manager is hereby authorized to certify to the Property Appraiser, within three (3) days of notification, an adjusted millage rate which shall be such that taxes computed by applying the adopted rate against the certified taxable value are equal to the taxable value on the roll to be extended.

SECTION 4: The millage rate is 8.9980 mills which is less than the rolled-back rate of 9.1937 mills by 2.13 percent.

SECTION 5: If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portion of this ordinance.

SECTION 6: 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 and the same are hereby repealed to extent of such conflict.

SECTION 7: This ordinance shall be in full force and effective October 1, 2012 upon its passage and adoption.

PASSED AND APPROVED on the first reading this 4TH day of SEPTEMBER, 2012.

PASSED AND ADOPTED on second and final reading this 19TH day of SEPTEMBER, 2012.

ORDINANCE NO. 4019
PAGE 3

APPROVED:

THOMAS A. MASTERS
MAYOR

BILLIE E. BROOKS
CHAIRPERSON

DAWN PARDO
CHAIR PRO TEM

ATTEST:

CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

CEDRICK A. THOMAS
COUNCILPERSON

JUDY DAVIS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 4019
PAGE 4

1ST READING		2ND & FINAL READING	
MOTIONED BY:	D. PARDO	MOTIONED BY:	C. THOMAS
SECONDED BY:	J. DAVIS	SECONDED BY:	D. PARDO
B. BROOKS	AYE	B. BROOKS	AYE
D. PARDO	AYE	D. PARDO	AYE
C. THOMAS	ABSENT	C. THOMAS	AYE
J. DAVIS	AYE	J. DAVIS	AYE
S. LOWE	ABSENT	S. LOWE	AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 9/19/12

ORDINANCE NO. 4020

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager has prepared and submitted to the City Council a Budget Estimate of the expenditures and revenues of all City departments, divisions, and offices for the fiscal year commencing October 1, 2012 and ending September 30, 2013, copies of such estimates having been made available to the newspapers in the City, on the City's website, and to the municipal library that is open to the public; and

WHEREAS, the City Council has met in workshop sessions and held public hearings to ascertain the amount of money that must be raised to conduct the affairs of the municipality for the Fiscal Year 2012/2013 so that the business of the municipality may be conducted on a balanced budget and on sound business principles; and

WHEREAS, it has been determined that the amount necessary to be raised by ad valorem taxes and other taxes upon all of the property, real and personal, within the corporate limits of the City of Riviera Beach will be sufficient to run the General Fund operations of the City.

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

SECTION 1: The attached schedule shows the appropriations made for the municipal operations of the City of Riviera Beach, Florida for Fiscal Year 2012/2013.

SECTION 2: That the appropriations shown in the attached schedule are made based on the following anticipated sources of revenue for the Fiscal Year 2012/2013.

SECTION 3: This ordinance is an ordinance of precedence and all other ordinances in conflict with it are held null and void insofar as they pertain to these appropriations. The appropriations are the anticipated expenditure requirements for the City, but are not mandatory should efficient administration of City departments, divisions and offices or altered economic conditions indicate that a curtailment in certain expenditures is necessary or desirable for the general welfare of the City.

SECTION 4: The City Manager is directed to prepare and file with the City Clerk a statement of the proposed expenditures and estimated revenues for the Fiscal Year 2012/2013, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 2012 through September 30, 2013".

SECTION 5: The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from Fiscal Year 2011/2012.

SECTION 6: The City Manager is hereby authorized to invite or advertise for bids for the purchase of any material, equipment, or service provided by the budget for which formal bidding is required; such bids to be returnable to the City Council or City Manager in accordance with Charter or Code provisions.

SECTION 7: If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portion of this ordinance.

SECTION 8: This ordinance shall be effective October 1, 2012 and shall not be delivered to the Municipal Code Corporation for inclusion in the Code Book.

PASSED AND APPROVED on the first reading this 4th day of September, 2012.

PASSED AND ADOPTED on second and final reading this 19th day of September, 2012.

APPROVED:

THOMAS A. MASTERS
MAYOR

BILLIE E. BROOKS
CHAIRPERSON

DAWN PARDO
CHAIR PRO TEM

ATTEST:

CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

CEDRICK A. THOMAS
COUNCILPERSON

JUDY DAVIS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 4020
PAGE 4

1ST READING		2ND & FINAL READING	
MOTIONED BY:	J. DAVIS	MOTIONED BY:	C. THOMAS
SECONDED BY:	D. PARDO	SECONDED BY:	J. DAVIS
B. BROOKS	AYE	B. BROOKS	AYE
D. PARDO	AYE	D. PARDO	AYE
C. THOMAS	ABSENT	C. THOMAS	AYE
J. DAVIS	NAY	J. DAVIS	AYE
S. LOWE	ABSENT	S. LOWE	AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Valencia G. Fisher

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 9/19/12

ORDINANCE NO. 4021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MODIFYING AND UPDATING THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2012/2013 THROUGH 2016/2017; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City's Comprehensive Plan shall contain a Capital Improvements Element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities.; and

WHEREAS, Florida Statutes Section 163.3177 states that the Capital Improvement Element of the Comprehensive Plan must be reviewed by the local government on an annual basis; and

WHEREAS, a summary of the Five Year Capital Projects Plan which complies with Florida Statute 163.3177 is amended and attached as "Exhibit A".

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

SECTION 1: The City Council modifies and updates the City's Five Year Capital Projects Plan for Fiscal Years 2012/2013 through 2016/2017 by amending Exhibit A, which is required to be reviewed annually and modifications to update the 5-year capital improvement schedule must be adopted by Ordinance.

SECTION 2: 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 other than the part declared invalid.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

SECTION 4: This Ordinance shall take effect upon its final passage and approval by the City Council.

ORDINANCE NO. 4021
PAGE 2

PASSED AND **APPROVED** on the first reading this 19TH day of SEPTEMBER, 2012.

PASSED AND **ADOPTED** on second and final reading this 3RD day of OCTOBER, 2012.

THOMAS A. MASTERS
MAYOR

BILLIE E. BROOKS
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

ABSENT
DAWN S. PARDO
CHAIR PRO TEM

CEDRICK A. THOMAS
COUNCILPERSON

JUDY L. DAVIS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 4021
PAGE 3

1ST READING

MOTIONED BY: C. THOMAS

SECONDED BY: S. LOWE

B. BROOKS	AYE
D. PARDO	AYE
C. THOMAS	AYE
J. DAVIS	AYE
S. LOWE	AYE

2ND & FINAL READING

MOTIONED BY: J. DAVIS

SECONDED BY: S. LOWE

B. BROOKS	AYE
D. PARDO	ABSENT
C. THOMAS	AYE
J. DAVIS	AYE
S. LOWE	AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 10/3/12