

ORDINANCE NO. 4082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 "SIGNS", ARTICLE III "CONSTRUCTION AND INSTALLATION STANDARDS", OF THE CITY'S CODE OF ORDINANCES, IN ORDER TO ESTABLISH THE BOUNDARY OF THE MARINA UPLAND AREA SIGN OVERLAY DISTRICT AND TO CREATE STANDARDS FOR THE INSTALLATION AND USE OF SIGNS WITHIN THE MARINA UPLAND AREA SIGN OVERLAY DISTRICT; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the approved Marina District Master Plan acknowledges that the Marina District Upland Area is a unique redevelopment location, requiring distinctive signage and way-finding elements; and

WHEREAS, creation of an overlay district to provide additional design standards for signage within the Marina Upland Area will help establish the Marina Upland Area as a distinctive destination point within the City (overlay map attached as Exhibit 'A'); and

WHEREAS, amendments to the existing sign design and installation standards, described within the City's Code of Ordinances, are required in order to establish new sign regulations within the Marina Upland Area Sign Overlay District; and

WHEREAS, on May 12, 2016, the Planning and Zoning Board reviewed and unanimously recommended that the City Council approve proposed amendments to the City's Sign Code which would provide the opportunity for unique signage within the Marina District Upland Area; and

WHEREAS, the City Council desires to create the Marina Upland Area Sign Overlay District along with standards for the installation and use of signs within said district and has determined that the enactment of this Ordinance is appropriate and furthers the interests of the City, its residents and stakeholders.

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

SECTION 1. The foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

SECTION 2. That Chapter 28 "Signs", Article III, "Construction and Installation Standards" is amended as follows, with additions underlined and deletions shown in ~~strikethrough~~ format:

Sec. 28-126. – Marina Upland Area Sign Overlay District.

(a) Objectives of this section:

- (1) Promote the use and redevelopment of the Marina Upland Area, in association with the Marina District Master Plan, by providing for a variety of unique sign options.
- (2) Allow the installation of signs which provide for way-finding and facilitate the efficient flow of pedestrian and vehicular traffic within the Marina Upland Area.

(b) For the purposes of this section, the Marina Upland Area Sign Overlay District shall be defined as follows. Beginning at the northwest point of the intersection of Broadway and East 17th Street, travel east to Avenue "C", south down Avenue "C" to the northernmost property line of Bicentennial Park, east to the Intracoastal Waterway, south to the southernmost Municipal Marina property line, west along the southernmost Municipal Marina property line to Avenue "C", south along Avenue "C" to East 11th Street, west along East 11th Street to the westernmost right-of-way line for Broadway, north along said line to West 13th Street, west along the southernmost boundary of 13th Street to the western boundary of Avenue "E", north to the northern boundary of West 13th Street, east along the northern boundary of West 13th Street to Broadway, then north to the point of beginning; [see Figure (b)(1)].

[For Codification Purposes Only: Insert Figure (b)(1), "Marina Upland Area Sign Overlay District Map".]

(c) The sign types described and defined below, may be permissible within the Marina Upland Area Sign Overlay District, in addition to all other signage types in accordance with Chapter 28 "Signs".

- (1) Landmark Sign; one prominent master development sign, not to exceed 25 feet in height and 10 feet in width, shall be permitted within the Marina Upland Area Sign Overlay District.
- (2) Vehicular Directional Sign; signage not to exceed 10 feet in height nor 10 feet in width, typically providing for site identification and way-finding along roadways or right-of-way.
- (3) Monument Sign; signage not to exceed 10 feet in height nor 10 feet in width, typically providing information about or identification of a specific location or facility at the same location where the sign is constructed.

- (4) Pedestrian Wall Sign; wall signage not to exceed 20 square feet in area; adaptable signage typically intended for pedestrian way-finding of Marina District Upland Area amenities.
 - (5) Regulatory Sign; typically uniform traffic signage required to protect the health, safety and welfare of the general public which shall meet all applicable code requirements, and when possible, fit within the character of the Marina District Upland Area by use of ornamental features and color schemes.
 - (6) Parking Sign; signage not to exceed 8 feet in height nor 5 feet in width, typically identifying available vehicular parking areas.
 - (7) Pedestrian Sign; signage not to exceed 15 feet in height nor 6 feet in width, providing for pedestrian way-finding and identification of on-site amenities.
 - (8) Other Signs; other similar signage may be permitted so long as the height and width dimensions proposed do not exceed the aforementioned limitations.
- (d) Except as stated above, signs within the Marina District Upland Area shall meet all other sign installation requirements as provided within Chapter 28, "Signs", as amended from time to time.

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

SECTION 5. 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 6. That this Ordinance shall take effect immediately upon its final approval and adoption.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

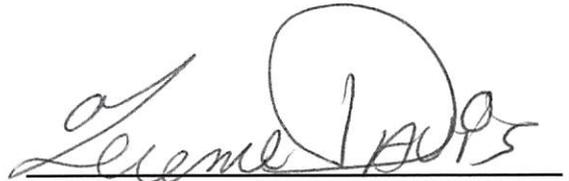
PASSED AND APPROVED on the first reading this 15th day of
JUNE, 2016.

PASSED AND ADOPTED on second and final reading this 6th day of
JULY, 2016.

APPROVED:

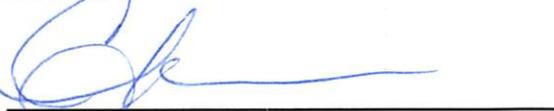


THOMAS A. MASTERS
MAYOR



TERENCE D. DAVIS
CHAIRPERSON

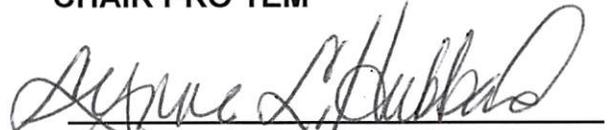
ATTEST:



CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK



KaSHAMBA L. MILLER-ANDERSON
CHAIR PRO TEM



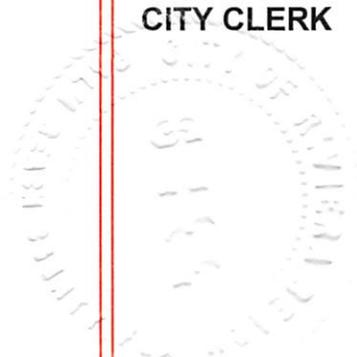
LYNNE L. HUBBARD
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON



1ST READING

MOTIONED BY: D. PARDO

SECONDED BY: K. MILLER-ANDERSON

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

2ND & FINAL READING

MOTIONED BY: D. PARDO

SECONDED BY: T. DAVIS JOHNSON

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, B.C.S.
CITY ATTORNEY

DATE: 7/5/16

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.

7-6-16
DATE



Claudene L. Anthony, Certified Municipal Clerk
City Clerk

ORDINANCE NO. 4083

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 31-546, "SWIMMING POOLS", IN ORDER TO CREATE STANDARDS FOR INSTALLATION AND USE OF SWIMMING POOLS IN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Section 31-546 of the City's Code of Ordinances, which provides general requirements and setbacks for swimming pools, was last amended in 1982; and

WHEREAS, since 1982, advancements have occurred in both construction techniques and safety standards associated with swimming pools; and

WHEREAS, amendments to the City's swimming pool regulations are necessary in order to incorporate the aforementioned swimming pool industry advancements; and

WHEREAS, on June 23, 2016, the Planning and Zoning Board reviewed and unanimously recommend that the City Council approve proposed amendments to the City's swimming pool regulations; and

WHEREAS, the City Council desires to create new standards for the installation and use of swimming pools and has determined that the enactment of this Ordinance is appropriate and furthers the interests of the City, its residents and stakeholders.

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

SECTION 1. The foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

SECTION 2. That Chapter 31, "Zoning", Article VI, "Supplemental District Regulations", Section 31-546, "Swimming Pools", is amended as follows, with additions underlined and deletions shown in ~~strikethrough~~ format:

Sec. 31-546. – Swimming pools.

Swimming pools, ~~as accessory uses,~~ shall meet the following requirements:

~~(1) Pool setbacks:~~

- ~~a. The water line shall be a minimum of five feet from any building wall or post supporting a roof structure.~~
- ~~b. If not enclosed, water's edge shall be a minimum of seven feet from side or rear of property line.~~
- ~~c. If enclosed, water's edge shall be a minimum of ten feet from side or rear of property line.~~

~~(2) Screen enclosure setbacks:~~

- ~~a. Side setbacks shall be as specified in the district.~~
- ~~b. Enclosure shall be a minimum of seven feet from rear property line.~~

~~(3) General requirements:~~

- ~~a. All open swimming pools must be fenced by a minimum four-foot high fence.~~
- ~~b. There shall be a minimum three-foot deck surrounding the perimeter of the water's edge.~~

(a) This section applies to swimming pools in all districts, except where otherwise specified. Swimming pools, accessory to a primary site use, may be open, enclosed, or covered by a screen enclosure, and shall only occupy a required rear or side yard, providing that the following conditions are satisfied:

(1) Rear yard setback. A minimum seven foot setback from the rear property line to swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or a screen enclosure associated with a swimming pool shall be provided, however, swimming pool decks may extend to the property line and be connected to a permitted dock and its related decking when abutting a body of water. There shall be a minimum seven foot setback from the rear property line to the water's edge of a swimming pool or to the waterline of the catch basin of an infinity edge pool. For oceanfront properties located east of North Ocean Drive, this setback shall be measured from the 1997 Coastal Construction Control Line.

(2) Side yard setback. A minimum seven foot setback from the side property line to a swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or a screen enclosure associated with a swimming pool shall be provided. There shall be a seven foot minimum setback from side property

line to the water's edge of a swimming pool or to the waterline of the catch basin of an infinity edge pool.

- (3) Corner properties within residential districts. For corner lots a twelve and one-half foot setback from the front property line and from the side lot line facing the street to the swimming pool, deck, platform or screen enclosure shall be provided. For corner lots with radial corners, the front setback and the side setback facing the street shall be taken from the midpoint of the curve of the corner of the property.
- (4) Residential locations with two fronts, or through lots. Lots with two fronts shall be permitted to place a pool and pool deck, with a minimum ten foot setback from the property line, at the functional rear of the house.
- (5) Walk space. A walk space at least 20 inches wide shall be provided between walls, fences or screen enclosures and the water's edge of a swimming pool.
- (6) Safety barrier. Every swimming pool shall be protected by a safety barrier, as required by the Florida Building Code, as amended from time to time.
- (7) Visual barrier. Swimming pools, when visible from any public street or alley, shall be screened from public view by an opaque landscape hedge, wall or fence, not less than five feet in height. A hedge shall be planted and maintained so as to form a continuous dense row of greenery, with plants spaced not less than 24 inches on center, in three gallon containers or larger when planted.
- (8) Drainage. If a patio or paved area is provided adjacent to or surrounding a pool, it shall be designed to drain away from the pool, but shall not drain onto adjacent properties. An exception to this rule may apply to perimeter flow pools.
- (9) Pool equipment. Pool equipment shall not be permitted within a required setback.
- (10) Commercial swimming pools. The minimum size of all commercial swimming pools shall be 450 square feet with a minimum width of 15 feet. A walkway, no less than four feet in width, is required around the swimming pool, exclusive of coping. Commercial swimming pools shall satisfy all applicable Florida Building Code requirements, as amended from time to time, and also any applicable requirements provided by a governmental agency having jurisdiction.

ORDINANCE NO.4083

PAGE 4 of 6

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

SECTION 5. 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 6. That this Ordinance shall take effect immediately upon its final approval and adoption.

[THIS SECTION INTENTIONALLY LEFT BLANK]

PASSED AND APPROVED on the first reading this 20th day of July, 2016.

PASSED AND ADOPTED on second and final reading this 3rd day of August, 2016

APPROVED:



THOMAS A. MASTERS
MAYOR

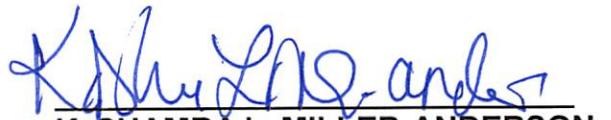


TERENCE D. DAVIS
CHAIRPERSON

ATTEST:



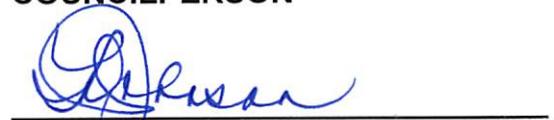
CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK



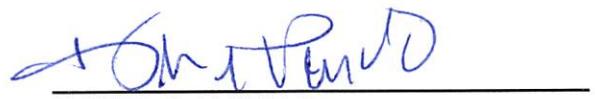
KASHAMBA L. MILLER-ANDERSON
CHAIR PRO TEM



LYNNE L. HUBBARD
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON

ORDINANCE NO.4083
PAGE 6 of 6

1ST READING

MOTIONED BY: D. PARDO

SECONDED BY: T. DAVIS JOHNSON

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

2ND & FINAL READING

MOTIONED BY: L. HUBBARD

SECONDED BY: T. DAVIS JOHNSON

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY


ANDREW DEGRAFFENREIDT, III
CITY ATTORNEY

DATE: 7/29/2016