

ORDINANCE NO. 2922

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CREATING A NEW ZONING DISTRICT ENTITLED "RESORT HOTEL", IN CHAPTER 31 OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 7, 2001 the City adopted the 2001 updated Comprehensive Plan; and

WHEREAS, the 2001 updated Comprehensive Plan contained a new land use category entitled "Resort Hotel"; and

WHEREAS, Florida Statutes chapter 163.3194 requires the City to adopt Land Development Regulations implementing the Comprehensive Plan Land Use Designations; and

WHEREAS, on August 8, 2002 the Planning and Zoning Board considered the new Resort Hotel Zoning District which implements the Resort Hotel land use category; and

WHEREAS, the City of Riviera Beach is desirous of adopting regulations to implement a new zoning district entitled "Resort Hotel" (RH), to provide regulations consistent with the Comprehensive Plan Resort Hotel designation.

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

Section 1. Chapter 31 of the City of Riviera Beach Code of Ordinances is hereby amended to include the following:

DIVISION 25. RH: RESORT HOTEL DISTRICT

Sec. 31-526. Purpose.

This category is primarily resort commercial in character and is intended to promote resort and tourist related activities in a high quality environment through aesthetically oriented property development standards.

Sec. 31-527. Definitions.

(a) **Resort Hotel:** May have meeting room facilities, a restaurant open to the

public, and each resort suite or each resort unit may be individually owned and/or offered for hotel rental or timeshare purposes.

(b) **Resort Suite:** A Resort Hotel Suite shall be two resort units each having a door directly accessible to the common area hallway and may have an interior door connecting both resort units. A resort suite may include a kitchen facility and have multiple bedrooms.

(c) **Resort Unit:** A Resort Hotel Unit shall have only one door directly accessible to the common area hallway. A resort hotel unit may include kitchen facilities and have multiple bedrooms. A resort hotel unit is synonymous with the term "room".

(d) **High-rise structure:** Any structure 3 stories in height or more.

Sec. 31-528. Use regulations.

(a) Uses permitted. The following uses are permitted in the RH zoning district:

- (1) Hotels, Motels, Resort Hotels, Timeshares.
- (2) Restaurants, and shops and meeting facilities accessory to hotels or motels, which uses shall not have signs or displays visible from the public street.
- (3) Private clubs as accessory to the resort/hotel uses.
- (4) Multiple family dwellings, condominiums.
- (5) Home occupations.
- (6) Any use commonly accessory to the above uses.

(b) Uses prohibited. No commercial use, building or structure, except that which provides for access to the public beach, shall be permitted east of the 1979 coastal construction setback line.

Sec. 31-529. Property development standards.

The property development standards in the Resort Hotel district are as follows:

- (1) Minimum/maximum density:
 - a. Multifamily dwellings, condominiums: minimum permitted density shall be 17 dwelling units per acre; maximum

permitted density shall be 20 residential dwelling units per acre, including the density bonus referred to in subsection (2) of this section.

- b. The base density for hotels, motels and resort hotels shall be 30 resort suites per acre, 60 resort units per acre. When the Minority Employment and Affordable Housing Opportunity Plan (MEAHOP) bonus provision is used, the maximum permitted density for hotels, motels and resort hotels shall be 40 resort suites per acre, 80 resort units per acre.
- (2) Bonus density: the bonus density shall be as established in the Minority Employment and Affordable Housing Opportunities Plan Chapter of the Land Development Code.
 - (3) Density Calculation:
 - a. Total land area from the east right-of-way of S.R. 703 (A1A) to the mean high water line shall be computed at 100 percent of the total dry land area between those two points.
 - b. Total area of wetlands, marshes and lagoons, etc., shall not be computed for gross density purposes.
 - c. No area of submerged land on Lake Worth shall be computed for gross density purposes.
 - (4) Maximum building height: 20 stories or 200 feet, excluding mechanical facilities, ornamental towers and antennas, which shall not exceed twenty feet in additional height.
 - (5) Minimum building setbacks:
 - a. Front:
 1. Main structures more than two stories in height, 100 feet.
 2. Main structures two stories or less in height, 50 feet.
 3. Accessory structures, e.g., parking garages, recreational decks, boiler and generator rooms, etc., 50 feet. For properties on Lake Worth, the front yard shall be 30 feet. This regulation does not apply to ornamental walls and gatehouses, which shall be set back five feet from the front property line.

- b. Side:
 - 1. Ten percent of the lot width or 20 feet, whichever is greater, shall be maintained for all structures excluding accessory structures two stories or less.
 - 2. The accessory structures, e.g., parking garages, recreational decks, boiler and generator rooms, etc., which are two stories or less shall be set back a minimum of 20 feet.
 - c. Rear: 15 percent of the lot depth, but not to exceed 100 feet.
 - d. Ocean: 25 feet from the crest of the dune.
 - e. High-rise setback: all buildings in excess of two stories shall provide two feet additional setback from each property line (with exception of ocean side setback line) for each additional story of height.
- (6) Maximum lot coverage: 50 percent of aggregate site area as computed in subsection (3) of this section, for all structures inclusive of accessory structures, i.e., parking garages, recreational decks, boiler and generator rooms, etc.
- (7) Maximum north/south building width: 110 feet for main high-rise structures. For the purposes of this regulation, all structures 10 stories or less in height shall not be considered as part of the main high-rise building.
- (8) Distance Between High-rise Structures: 100 feet for main high-rise buildings in excess of 10 stories.
- (9) Minimum recreation facilities and amenities:
- a. Outdoor: one swimming pool, one tennis court and designated area for sunning, picnics, etc., for occupants of project.
 - b. Indoor: one multipurpose room for parties, games or group assembly; one exercise room or sauna.

Sec. 31-530. Parking.

- (a) The required off-street parking requirements for an RH zoning district should conform to section 31-566 et seq.

- (b) Seventy-five percent of all required parking shall be placed under a permanent structure in a manner to effectively conceal such parking facility from the public right-of-way by landscaping and other means.
- (c) For bonus, see Minority Employment and Affordable Housing Opportunity Plan regulations Chapter.

Sec. 31-531. Landscaping.

In addition to the requirements of section 31-596 et seq., the following landscaping criteria shall be provided:

- (1) Twenty (20) percent of all gross vehicular use areas shall be landscaped.
- (2) Where wetlands are located within the site, there shall be a 25 foot wide native vegetative landscape buffer adjacent to the wetland area.
- (3) All property lines shall be provided with a landscape strip at least ten feet in width with one tree for every 20 linear feet, and shrubbery between each tree and ground cover and sod in remaining areas.
- (4) Where the dune has been destroyed or depleted of landscaping in a manner that does not afford a natural protection from the elements, the dune shall be rebuilt and replenished with native landscaping vegetation to provide the necessary protection. Re-establishing the dune shall be designed to align with the natural dune and contours found to the north and south of the subject property.
- (5) Modification of wetlands and buffer area along access road shall be permitted by special exception as outlined in section 23-86 et seq., to allow an environmentally sensitive driveway access to main facility and subordinate uses.

Sec. 31-532. Site plan review.

A site plan review shall be required for all development within the RH zoning district.

Sec. 31-533. Property within the Community Redevelopment Area.

All construction shall comply with the standards set forth in this Division 25, RESORT HOTEL DISTRICT except to the extent the standards are inconsistent with the Inlet Harbor City of Riviera Beach Redevelopment Plan, as amended.

Section 2. 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 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. Specific authority is hereby granted to codify this Ordinance.

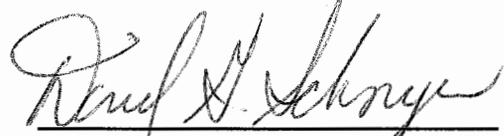
Section 6. This Ordinance shall take effect 10 days after adoption.

PASSED AND APPROVED on First Reading this 21st day of August 2002.

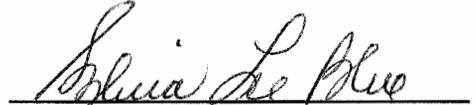
PASSED AND ADOPTED on Second Reading this 4th day of September 2002.

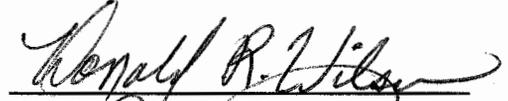
APPROVED:


MICHAEL D. BROWN, MAYOR


DAVID G. SCHNYER,
CHAIRPERSON

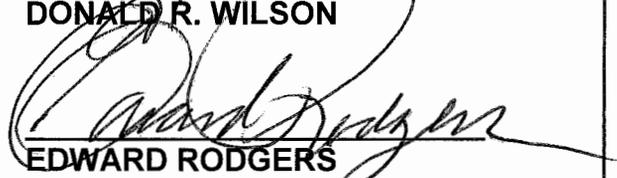
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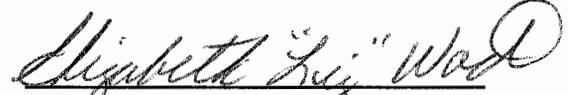

SYLVIA LEE BLUE,
CHAIRPERSON PRO-TEM


DONALD R. WILSON

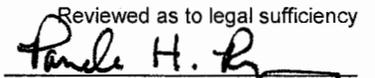
ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


EDWARD RODGERS


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	E. Wade _____	D. Wilson _____
SECONDED BY:	S. Blue _____	S. Blue _____
D. SCHNYER	_____ aye	_____ aye
S. BLUE	_____ aye	_____ aye
D. WILSON	_____ aye	_____ aye
E. WADE	_____ aye	_____ aye
E. RODGERS	_____ aye	_____ aye

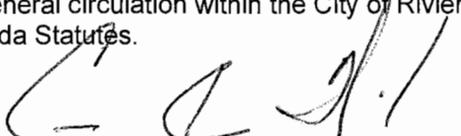
Reviewed as to legal sufficiency

City Attorney, City of Rivera Beach

Date: 8/13/02

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.

9/04/02
Date


Carrie E. Ward, CMC/AE, City Clerk

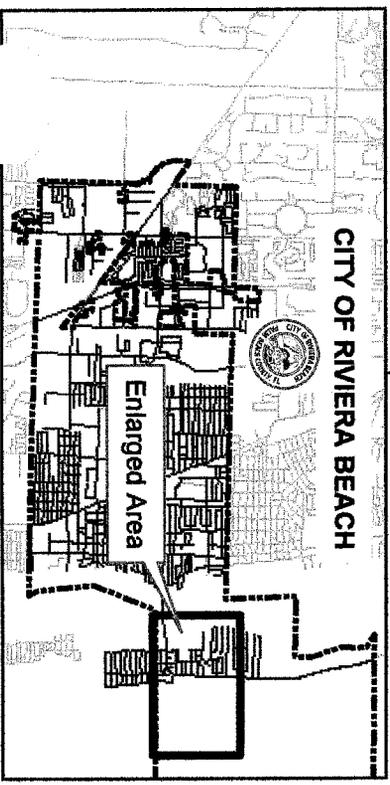
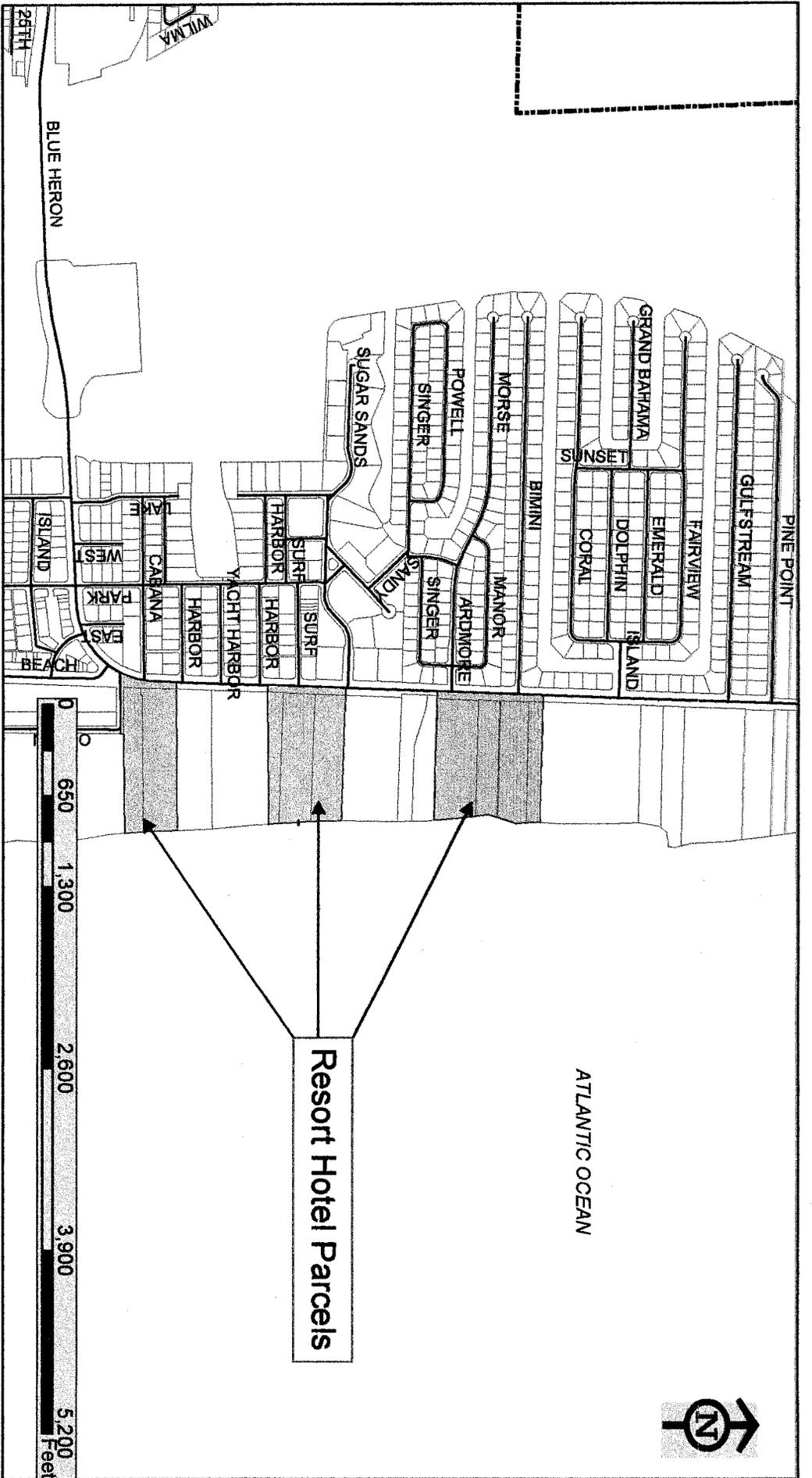
FUTURE LAND USE ELEMENT
Goals, objectives and policies
City of Riviera Beach Comprehensive Plan: Adopted November 7, 2001

OBJECTIVE 1.8: Future Land Use Categories

The City shall continue to ensure that its Land Development regulations are consistent with and further the provisions of the Comprehensive Plan, and shall incorporate densities and intensities of Future Land Use Categories into the Land Development Code.

- ***Resort Hotel: Up to 40 suites per acre;*** This category is primarily resort commercial in character and is intended to promote resort and tourist related activities. The highest density available is 40 suites (80 rooms) per acre, when the Minority Employment and Affordable Housing Opportunity Plan (MEAHOP) bonus provision is used, otherwise the density shall be 30 suites (60 rooms) per acre. This category is restricted to the areas between the two municipal beaches located on Singer Island east of A1A. A special Resort Hotel zoning district allowing resort/hotels/timeshares of up to 30 suites (60 rooms) per acre (40 suites, 80 rooms/acre with MEAHOP) with an accessory restaurant and accessory retail shall be adopted for a section of the Singer Island beachfront east of A1A between the two (2) public beaches. This density may be increased to 60 suites per acre for Resort Hotel land use parcels within the Community Redevelopment Area on Singer Island.

Condominiums may be permitted under this category at a density of 17 dwelling units per acre or a maximum of 20 dwelling units per acre if the Minority Employment and Affordable Housing Opportunity Plan (MEAHOP) bonus provision is used."



**LOCATION MAP
RH REZONING**

Map Created on August 7, 2002
by the City of Riviera Beach Community Development

D:\projects\planning & zoning\RH REZONING\location map_RH REZONING

Legend	
	Parcel Boundary
	Street Center Line
	RH Parcels
	Municipal Boundary

ORDINANCE NO. 2923

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT AND AMENDING THE FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING A COMMUNITY FACILITIES FUTURE LAND USE DESIGNATION TO APPROXIMATELY 15.1 ACRES OF LAND LOCATED SOUTH OF 13TH STREET BETWEEN OLD DIXIE HIGHWAY AND BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO AMEND THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida "Local Government Comprehensive Planning and Land Development Regulation Act" of 1985 provides procedures to amend the adopted Comprehensive Plan; and,

WHEREAS, the subject properties are designated for a new Community High School; and,

WHEREAS, schools are only permitted in the City of Riviera Beach Community Facilities Future Land Use designation category; and,

WHEREAS, Policy 1.12.3 in the Future Land Use Element has been clarified to define the location of schools; and,

WHEREAS, on August 8, 2002, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change at a Public Hearing, and forwarded a recommendation to the City Council; and

WHEREAS, on August 21, 2002, the City Council sitting as the Local Governing Body, reviewed the request and recommendations and conducted a Public Hearing and first reading of this ordinance; and,

WHEREAS, pursuant to Florida Statutes 163.3184, entitled "Process for Adoption of Comprehensive Plan or Plan Amendment," the City transmits this amendment to the Florida Department of Community Affairs for review and comment.

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

Section 1. The Future Land Use Element policy 1.12.3 is hereby amended to define the location of schools "away from" as follows:

Policy 1.12.3: All proposed school sites shall be located away from industrial uses, major arterial roadways, railroads, airports, seaports, and similar land uses to avoid noise, odors, dust, and traffic impacts and hazards. School sites may be located away from the above areas and hazards by providing onsite buffering including but not limited to: open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield, protect, or block noise, lights or other nuisances.

Section 2. The Future Land Use Map of the City of Riviera Beach is hereby amended to assign a Community Facilities Land Use Designation to approximately 15.1 acres of land located south of 13th Street between Old Dixie Highway and Broadway;

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Subject Parcels			Land Use Change	Amended Land Use	
No.	PCN	ACRES	Legal Description	From	To
1	56434233060080260	0.30	RIVIERA LTS 26 TO 29 INC BLK 8	Commercial	CF
2	56434233060080230	0.21	RIVIERA LTS 23 TO 25 INC BLK 8	Commercial	CF
3	56434233060080300	0.13	RIVIERA TRGLR TR LYG S OF LT 23 IN DB713P428 BLK 8	Commercial	CF
4	56434233060080050	0.31	RIVIERA LTS 5 TO 8 INC BLK 8	Commercial	CF
5	56434233060080092	0.07	RIVIERA W 65 FT OF LTS 9 & 10 BLK 8	Commercial	CF
6	56434233060080091	0.08	RIVIERA E 75 FT OF LTS 9 & 10 BLK 8	Commercial	CF
7	56434233060080111	0.08	RIVIERA W 1/2 OF LTS 11 & 12 BLK 8	Commercial	CF
8	56434233060080112	0.08	RIVIERA E 1/2 OF LTS 11 & 12 BLK 8	Commercial	CF
9	56434233060080130	0.15	RIVIERA LTS 13 & 14 BLK 8	Commercial	CF
10	56434233060080150	0.30	RIVIERA LTS 15 TO 18 INC BLK 8	Commercial	CF
11	56434233060080190	0.17	RIVIERA LTS 19 TO 21 INC BLK 8	Commercial	CF
12	56434233060080220	0.08	RIVIERA LT 22 BLK 8	Commercial	CF
13	56434233060090400	0.24	RIVIERA LTS 40 TO 42 INC BLK 9	MultiFamily	CF
14	56434233060090380	0.16	RIVIERA LTS 38 & 39 BLK 9	MultiFamily	CF

15	56434233060090290	0.80	RIVIERA LT 29 TO 37 INC BLK 9	MultiFamily	CF
16	56434233060090240	0.32	RIVIERA LTS 24 THRU 28 BLK 9	Commercial	CF
17	56434233060090050	0.16	RIVIERA LTS 5 & 6 BLK 9	MultiFamily	CF
17.5	56434233070090031	0.02	REPL OF PT OF RIVIERA N 5 FT OF LT 3 BLK 9	MultiFamily	CF
18	56434233070090032	0.17	REPL OF PT OF RIVIERA LT 3 /LESS N 5 FT/ BLK 9	MultiFamily	CF
19	56434233070090040	0.19	REPL OF PT OF RIVIERA LT 4 BLK 9	MultiFamily	CF
20	56434233070090070	0.19	REPL OF PT OF RIVIERA LT 7 BLK 9	MultiFamily	CF
21	56434233070090080	0.19	REPL OF PT OF RIVIERA LT 8 BLK 9	MultiFamily	CF
22	56434233070090090	0.19	REPL OF PT OF RIVIERA LT 9 BLK 9	MultiFamily	CF
23	56434233060090190	0.41	RIVIERA LTS 19 TO 23 INC BLK 9	MultiFamily	CF
24	56434233070100030	0.32	REPL OF PT OF RIVIERA LT 3 BLK 10	MultiFamily	CF
25	56434233070100040	0.20	REPL OF PT OF RIVIERA LT 4 BLK 10	MultiFamily	CF
26	56434233070100050	0.20	REPL OF PT OF RIVIERA LT 5 BLK 10	MultiFamily	CF
27	56434233070100060	0.20	REPL OF PT OF RIVIERA LT 6 BLK 10	MultiFamily	CF
28	56434233070100070	0.20	REPL OF PT OF RIVIERA LT 7 BLK 10	MultiFamily	CF
29	56434233060100130	0.08	RIVIERA, LT 13 BLK 10	MultiFamily	CF

30	56434233070100080	0.08	REPL OF PT OF RIVIERA LT 8 BLK 10	MultiFamily	CF
31	56434233060100150	0.17	RIVIERA, LTS 15 & 16 BLK 10	MultiFamily	CF
37	56434233060200170	0.17	RIVIERA LTS 17 & 18 & W 1/2 OF 15 FT ALLEY E OF & ADJ THERETO BLK 20	Commercial	CF
38	56434233060200190	0.25	RIVIERA LTS 19 & 20 & W 1/2 OF 15 FT ALLEY E OF & ADJ TO BLK 20 & REPL OF RIVIERA PB24P41 LT 21 & N 1/2 OF 15 FT ALLEY SOF & W 1/2 OF 15 FT ALLEY W OF	Commercial	CF
39	56434233070200150	0.71	REPL OF PT OF RIVIERA LT 15 & E 1/2 OF 15 FT ALLEY W OF & ADJ THERETO & N 1/2 OF 15 FT ALLEY S OF & ADJ TO LT 15, LT 22, S 1/2 OF 15 FT ALLEY N OF LT 22 & W 1/2 OF 15 FT	Commercial	CF
40	56434233060200240	0.15	RIVIERA LTS 24 & 25 & W 1/2 OF 15 FT ALLEY E OF & ADJ THERETO BLK 20	Commercial	CF
41	56434233060200130	0.17	RIVIERA LTS 13 & 14 & N 1/2 OF 15 FT ALLEY LYG SLY THEREOF & ADJ THERETO BLK 20	Commercial	CF
42	56434233060200100	0.26	RIVIERA LTS 10 TO 12 INC & N 1/2 OF 15 FT ALLEY LYG SLY THEREOF & ADJ THERETO BLK 20	MultiFamily	CF
43	56434233060200290	0.17	RIVIERA LTS 29 & 30 & S 1/2 OF 15 FT ALLEY N OF & ADJ THERETO BLK 20	MultiFamily	CF
44	56434233060200080	0.17	RIVIERA LTS 8 & 9 & N 1/2 OF 15 FT ALLEY NOW ABANDONED LYG SLY THEREOF & ADJ THERETO BLK 20	MultiFamily	CF
45	56434233070200310	0.17	REPL OF PT OF RIVIERA LT 31 & S 1/2 OF 15 FT ALLEY N OF & ADJ THERETO BLK 20	MultiFamily	CF
46	56434233060200010	0.66	RIVIERA LTS 1 TO 7 INC, N 1/2 OF 15 FT ABND ALLEY S OF & ADJ & W 15 FT OF ABND WEST PARK DR E OF & ADJ THERETO BLK 20	MultiFamily	CF
47	56434233060200330	0.17	RIVIERA LTS 33 & 34 & S 1/2 OF 15 FT ALLEY NOW ABANDONED NLY THEREOF & ADJ THERETO BLK 20	MultiFamily	CF

48	56434233060200350	0.26	RIVIERA LTS 35 TO 37 INC & S 1/2 OF 15 FT ABND ALLEY N OF & ADJ THERETO BLK 20	MultiFamily	CF
49	56434233070200380	0.22	REPL OF PT OF RIVIERA LT 38, S 1/2 OF 15 FT ABND ALLEY N OF & ADJ & W 15 FT OF ABND WEST PARK DR E OF & ADJ THERETO BLK 20THERETO BLK 20	MultiFamily	CF
70	56434233060210110	0.16	RIVIERA LTS 11 & 12 BLK 21	MultiFamily	CF
71	56434233060210290	0.16	RIVIERA LTS 29 & 30 BLK 21	MultiFamily	CF
76	56434233060210090	0.16	RIVIERA LTS 9 & 10 BLK 21	MultiFamily	CF
77	56434233060210310	0.16	RIVIERA LTS 31 & 32 BLK 21	MultiFamily	CF
78	56434233060210050	0.32	RIVIERA LTS 5 TO 8 INC BLK 21	MultiFamily	CF
79	56434233060210330	0.31	RIVIERA, LTS 33 & 34 BLK 21	MultiFamily	CF
82	56434233060210030	0.16	RIVIERA LTS 3 & 4 BLK 21	MultiFamily	CF
83	56434233060210361	0.14	RIVIERA N 20 FT OF E 20 FT OF LT 36 &N 56.50 FT OF LTS 37 TO 40 INCBLK 21	MultiFamily	CF
84	56434233060210371	0.19	RIVIERA SLY 83.50 FT OF LTS 37 TO 40INC BLK 21	MultiFamily	CF
85	56434233060210010	0.16	RIVIERA LTS 1 & 2 BLK 21	MultiFamily	CF
87	56434233060220180	0.16	RIVIERA LTS 18 & 19 BLK 22	MultiFamily	CF
88	56434233060220200	0.34	RIVIERA LOTS 20 TO 23 INC BLK 22	MultiFamily	CF
89	56434233060220160	0.16	RIVIERA LTS 16 & 17 BLK 22	MultiFamily	CF

91	56434233060220140	0.17	RIVIERA LTS 14 & 15 BLK 22	MultiFamily	CF
92	56434233060220240	0.15	RIVIERA LTS 24 & 25 BLK 22	MultiFamily	CF
94	56434233060220110	0.22	RIVIERA LTS 11 TO 13 INC BLK 22	MultiFamily	CF
95	56434233060220260	0.16	RIVIERA LTS 26 & 27 BLK 22	MultiFamily	CF
97	56434233060220080	0.24	RIVIERA LTS 8 TO 10 INC BLK 22	MultiFamily	CF
98	56434233060220280	0.17	RIVIERA LTS 28 & 29 BLK 22	MultiFamily	CF
100	56434233060220060	0.16	RIVIERA LTS 6 & 7 BLK 22	MultiFamily	CF
101	56434233060220300	0.16	RIVIERA LTS 30 & 31 BLK 22	MultiFamily	CF
102	56434233060220040	0.16	RIVIERA LTS 4 & 5 BLK 22	MultiFamily	CF
103 104	56434233060220010	0.90	RIVIERALT 1 (LESS ELY 42.09 FT SR 5/SKYPASS R/W), LTS 2, 3, 32 THRU37 & LT 38 (LESS ELY 51.79 FT SR 5/SKYPASS R/W)	MultiFamily	CF

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Section 3. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

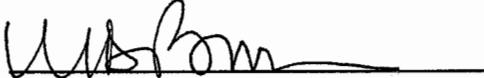
Section 4. The Director of Community Development is hereby authorized and directed to update the City's Future Land Use Map by assigning the Community Facilities Land Use designation as described by this Ordinance.

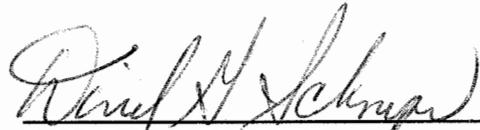
Section 5. That the effective date of this plan amendment shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND APPROVED on First Reading this 21st day of August 2002.

PASSED AND ADOPTED on Second Reading this 18th day of December 2002.

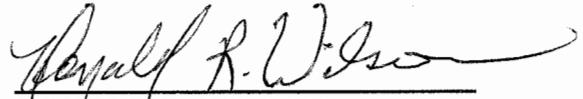
APPROVED:


MICHAEL D. BROWN,
MAYOR


DAVID G. SCHNYER,
CHAIRPERSON

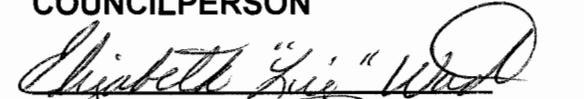
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SYLVIA LEE BLUE,
CHAIR PRO-TEM


DONALD R. WILSON
COUNCILPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


ELIZABETH "LIZ" WADE
COUNCILPERSON


EDWARD RODGERS
COUNCILPERSON

1st Reading

2nd & Final Reading

MOTIONED BY:

E. Wade

D. Wilson

SECONDED BY:

D. Wilson

S. Blue

D. SCHNYER

aye

aye

S. BLUE

aye

aye

D. WILSON

aye

aye

E. WADE

aye

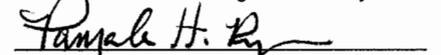
aye

E. RODGERS

aye

aye

Reviewed as to legal sufficiency


PAMALA HANNA RYAN, CITY ATTORNEY
Date: 12/18/02

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.

12-18-02
Date



Carrie E. Ward, Master Municipal Clerk
City Clerk



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
 Governor

STEVEN M. SEIBERT
 Secretary

November 4, 2002

The Honorable Michael D. Brown, Mayor
 City of Riviera Beach
 600 West Blue Heron Boulevard
 Riviera Beach, Florida 33404

Dear Mayor Brown:

The Department has completed its review of the proposed comprehensive plan amendment for the City of Riviera Beach (DCA No. 02-1), received on September 9, 2002. The amendment involves changes to the Future Land Use Map of the Comprehensive Plan. Based on Chapter 163, Florida Statutes (F. S.), we have prepared the attached report, outlining our findings concerning the amendment. It is particularly important that the City address the objections set forth in our review report so that the issues raised in the report can be successfully resolved prior to adoption. We have also included copies of local, regional and state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt, the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal of the comprehensive plan amendment.

The Department offers recommendations in its report to assist your City in allowing flexibility in land use decisions if so desired, while ensuring consistency of your Comprehensive Plan with Chapter 163, F.S. and Rule 9J-5, Florida Administrative Code, (F.A.C.). We are available to assist the City in responding to our report. Please contact Ken Metcalf, Regional Planning Administrator, at (850) 922-1807, or Caroline Knight, Planner, at (850) 922-1773, if we may be of further assistance.

Sincerely,

H.E. "Sonny" Timmerman
 Director, Division of Community Planning

HET/ck

Enclosures: Objections, Recommendations and Comments Report
 Review Agency Comments

cc: Mary McKinney, Director of Community Development, City of Riviera Beach
 Michael J. Busha, AICP, Executive Director, Treasure Coast Regional Planning Council

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
 Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
 Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
 2796 Overseas Highway, Suite 212
 Marathon, FL 33050-2227
 (850) 260-2402

COMMUNITY PLANNING
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
 (850) 488-2356

EMERGENCY MANAGEMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
 (850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
 (850) 488-7958

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR
THE CITY OF RIVERA BEACH
AMENDMENT 02-1

November 4, 2002
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Rivera Beach proposed Comprehensive Plan Amendment (DCA 02-1) pursuant to Section 163.3184, F.S.

Objections relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The City of Rivera Beach should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the City of Rivera Beach considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form a basis for determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies, other agencies, organizations and individuals. These comments are advisory to the Department and may not form a basis for Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this report, the City of Rivera Beach has 60 days in which to adopt, adopt with changes, or determine not to adopt, the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Michael Busha, AICP, Executive Director of the Treasure Coast Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(c), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event no names and addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT
CITY OF RIVERA BEACH (DCA No. 02-1)**

I. CONSISTENCY WITH CHAPTER 163, F.S., AND RULES 9J-5 & 9J-11, F.A.C.

The Department has completed its review of the proposed amendment to the City of Rivera Beach Comprehensive Plan (DCA No. 02-1). The amendment affects the Future Land Use Map. The Department has the following objection:

Objection: Future Land Use Map (FLUM)

The proposed amendment is internally inconsistent with Future Land Use Element Policy 1.12.3 of the City's Comprehensive Plan because the City proposes to locate the school adjacent to a railroad and the Port of Palm Beach. Policy 1.12.3 requires: *All proposed school sites shall be located away from industrial uses, major arterial roadways, railroads, airports, seaports, and similar uses to avoid noise, odors, dust, and traffic impacts and hazards.*

[Rule 9J-5.005(5)(a), F.A.C., and Section 163.3177(2), F.S.]

Recommendation:

The City should either not adopt the proposed amendment or should modify Future Land Use Element Policy 1.12.3 to ensure the FLUM change is internally consistent with the siting policy. The City should further define "away" in order to provide measurable guidelines for school location with reference to hazardous/noxious uses. If the City intends to adopt the proposed FLUM change, then it would be appropriate to amend Policy 1.12.3 to define "away" and to address buffering or other mitigation procedures necessary to maintain sufficient safeguards.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

The proposed comprehensive plan amendment does not adequately address and further the land use goal and policies of the State Comprehensive Plan, Chapter 187, F.S., regarding encouraging efficient development and redevelopment activities.

Recommendation:

The City should revise the proposed amendment to be consistent with the State Comprehensive Plan (see specific objections, comments and recommendations included in this report).

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Dr. Rockefeller Herisse
City of Riviera Beach Community Redevelopment Agency
2001 Broadway, Suite 300
Riviera Beach, Florida 33404

RECEIVED

October 11, 2002

OCT 21 2002

RIVIERA BEACH COMMUNITY
REDEVELOPMENT AGENCY

Re: DHR No. 2002-009286 / Date Received by DHR: October 1, 2002
Cultural Resource Assessment Survey of the Riviera Beach Harbor High School Site
Riviera Beach, Palm Beach County

Dear Dr. Herisse:

Our office received the referenced survey in accordance with Chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

The *Cultural Resource Assessment Survey of the Riviera Beach Harbor High School Site* resulted in the identification of no archaeological sites, one previously recorded historic resource (8PB8266), and 33 newly recorded historic resources (8PB11291-11321, 8PB11325, 8PB11360). Thirty-two properties (8PB8266, 8PB11291-11320, 8PB11325) that were included in the survey are considered ineligible for listing in the *National Register*, due either to their loss of integrity, common design, or lack of significant historical associations. The Boys & Girls Club (8PB11321) and the Municipal Code Enforcement Office and Drug Court (8PB11360) are considered potentially eligible for listing in the *National Register of Historic Places*. Based on the information provided, this office concurs with this determination and finds the submitted report complete and sufficient.

If there are any questions concerning our comments or recommendations, please contact Sarah Jalving, Historic Sites Specialist, by electronic mail at sjalving@mail.dos.state.fl.us or at 850-245-6333 or SunCom 205-6333. Thank you for your interest in protecting Florida's historic properties.

Sincerely,


Janet Snyder Matthews, Ph.D., Director, and
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6435

Archaeological Research
(850) 245-6444 • FAX: 245-6436

Historic Preservation
(850) 245-6333 • FAX: 245-6437

Historical Museums
(850) 245-6400 • FAX: 245-6433

Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

Tampa Regional Office
(813) 272-3843 • FAX: 272-2340



Florida Department of Transportation

GOVERNOR

3400 WEST COMMERCIAL BOULEVARD
FORT LAUDERDALE, FLORIDA 33309-3421
DIRECTOR of PLANNING AND PRODUCTION

THOMAS F. BARRY, JR.
SECRETARY

September 23, 2002

Mr. Ray Eubanks; Planning Manager
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100



Dear Mr. Eubanks:

SUBJECT: Proposed Comprehensive Plan Amendments ORC Review
Local Government: City of Riviera Beach
DCA Amendment # 02-1

The Department has reviewed the proposed comprehensive plan amendments for the City of Riviera Beach. Enclosed are objections, recommendations, and comments regarding the proposed amendments.

Thank you for the opportunity to participate in the review process. If you have any comments or questions about this letter, please contact me at (954) 777-4490.

Sincerely,

Gerry O'Reilly, P.E.
District Director
Planning and Production

GO:TS

Enclosure

- cc: B. Romig, FDOT Central Office
- K. Metcalf, DCA
- N. Bungo, FDOT 4
- L. Merritt, FDOT 4
- L. Hymowitz, FDOT 4

**DISTRICT 4, DEPARTMENT OF TRANSPORTATION
OBJECTIONS, RECOMMENDATIONS & COMMENTS**

RESPONSIBLE DIVISION/BUREAU:	<u>Planning Department</u>
NAME OF LOCAL GOVERNMENT:	<u>City of Riviera Beach</u>
DATE PLAN RECEIVED FROM LOCAL GOVERNMENT:	<u>09/06/02</u>
DATE MEMORANDUM RECEIVED FROM DCA:	<u>09/09/02</u>
REQUIRED RETURN DATE FOR COMMENTS:	<u>10/07/02</u>

ELEMENT:

Future Land Use Element
DCA Amendment # 02-1

RULE DEFICIENCY: 9J-5-015(2)(b) 9J-5.019(4)(c)7 and 11

The subject amendment proposes to change the future land use designation of various parcels totaling approximately 12 acres, to Community Facility land use designation to provide for a new High School, located south of the proposed realigned 13th Street. Access to the school will occur along this roadway, which provides direct access to the Port of Palm Beach.

OBJECTION: The Department is concerned that conflicts will occur between the high school traffic and Port passengers. Furthermore, the City has not indicated that coordination with the Port of Palm Beach has occurred pursuant to Intergovernmental Coordination Element Policy 1.1.7.

RECOMMENDATION: The City should address strategies, agreements and other mechanisms that demonstrate necessary areawide coordination to avoid potential traffic conflicts resulting from similar school hours and Cruise line schedules. Such strategies should demonstrate coordination will occur between the Port of Palm Beach and the School District. The City should identify policies that support this coordination.

REVIEWED BY: Terry Scheckwitz, AICP PHONE: 954-777-4490

REVIEWED BY: Larry Hymowitz, AICP PHONE: 954-777-4490

REVIEWED BY: Nancy Bungo PHONE: 954-777-4490



Kimley-Horn
and Associates, Inc.

Memorandum

4431 Embarcadero Drive
West Palm Beach, Florida
33407

To: Mary McKinney, AICP
From: Frederick Schwartz, P.E. *FWS*
Date: November 18, 2002
Revised December 3, 2002
Re: 13th Street Capacity Analysis
City of Riviera Beach, Florida
040576003

Kimley-Horn and Associates, Inc. was retained to perform a capacity analysis for the ultimate design of 13th Street as a four lane, divided roadway to determine if sufficient capacity exists to build a new public high school along the south side of 13th Street, east of Old Dixie Highway. This evaluation considered traffic conditions expected on 13th Street with full buildout of the Community Redevelopment Area (CRA) land use program. Access to the proposed school site was assumed from 13th Street.

The analysis of the new high school assumed a 2,500-student enrollment to be consistent with the enrollments at other nearby high schools in Palm Beach Gardens and West Palm Beach. A summary of the assumptions and findings from our analysis are summarized below.

Trip Generation, Distribution and Assignment

The trip generation potential for the high school was calculated using rates and equations contained in the Institute of Transportation Engineers' *Trip Generation*, Sixth Edition. Land Use 530 High School was used as the basis for determining expected project traffic. Table 1 summarizes the daily and peak hour trips associated with the proposed project (see attached).

High school traffic was assigned to 13th Street based on a select zone analysis using the 2025 Palm Beach County FSUTMS model. A survey of existing and future residential development surrounding the proposed high school was done to supplement the modeling analysis. Based on this exercise, 58% of the students were assumed to come from the west, 41% of the students were assumed to come



Kimley-Horn
and Associates, Inc.

Ms. Mary McKinney, Revised December 3, 2002, Page 2

from the east from US 1 and 1% of the students were assumed to come from the residential area directly east of the high school site.

Background Traffic

In this analysis, background traffic is defined as all other traffic on the roadway exclusive of project traffic associated with the proposed high school. Background traffic expected on 13th Street was determined using the 2025 Palm Beach County FSUTMS model and land use data prepared for buildout of the CRA. A model correction factor of 0.87 from the Florida Department of Transportation was applied to background traffic produced by the model. Based on this exercise, the average daily background traffic volume anticipated on 13th Street at buildout of the CRA land use program is 24,621 vehicles. The average daily volume calculated from the model was converted to peak hour background traffic volumes using a K-factor of 0.093 in accordance with the adopted Palm Beach County Traffic Performance Standards. Figure 1 shows the daily and peak hour background traffic on 13th Street.

Capacity Analysis

Total traffic volumes (project + background) were compared to Level of Service D thresholds for daily and peak hour periods defined in the Palm Beach County Traffic Performance Standards to determine if sufficient capacity will exist to build the proposed high school. For this analysis, 13th Street was assumed as a four lane, divided facility with a daily capacity of 32,500 vehicles and a peak hour capacity of 3,020 vehicles. Figure 1 illustrates the anticipated traffic volumes on 13th Street with buildout of the proposed high school and CRA land use program.

Cruise Ship Traffic

Among the reasons for reconstructing 13th Street was access to the Port of Palm Beach. It will provide a continuous east west connection between Australian Avenue and US 1. More specifically, it will allow traffic destined to the Cruise Ship Terminal an alternative to US 1 by using Australian Avenue or Dixie Highway to access 13th Street and the Port. However, US 1 is still considered the route of preference to the main entrance to the Cruise Ship Terminal.

Peak hour traffic of the school will not conflict with the cruise ship traffic. The present schedule of cruise ships is as follows:

- Day cruise leaves at 10 o'clock in the morning and returns at 5 o'clock in the evening
- Evening cruise leaves at 7 o'clock in the evening and returns at midnight

Clearly, traffic associated with the evening cruise will not conflict with the high school traffic. Assuming that traffic associated with the day cruise arrives within an hour before the departure (between 9:00 and 10:00), it would not conflict with the school traffic, which would peak closer to 8 o'clock. And traffic after the 5



Kimley-Horn
and Associates, Inc.

Ms. Mary McKinney, Revised December 3, 2002, Page 3

o'clock return of the day cruise would be well after the dismissal of the high school.

Conclusion

Based on the above analysis, sufficient capacity will exist on 13th Street, between Old Dixie Highway and US 1 to accommodate traffic from the proposed 2,500-student high school and future development of the CRA. Furthermore, cruise ship traffic will not conflict with high school traffic because most of it will use US 1 and because of different peak hours.

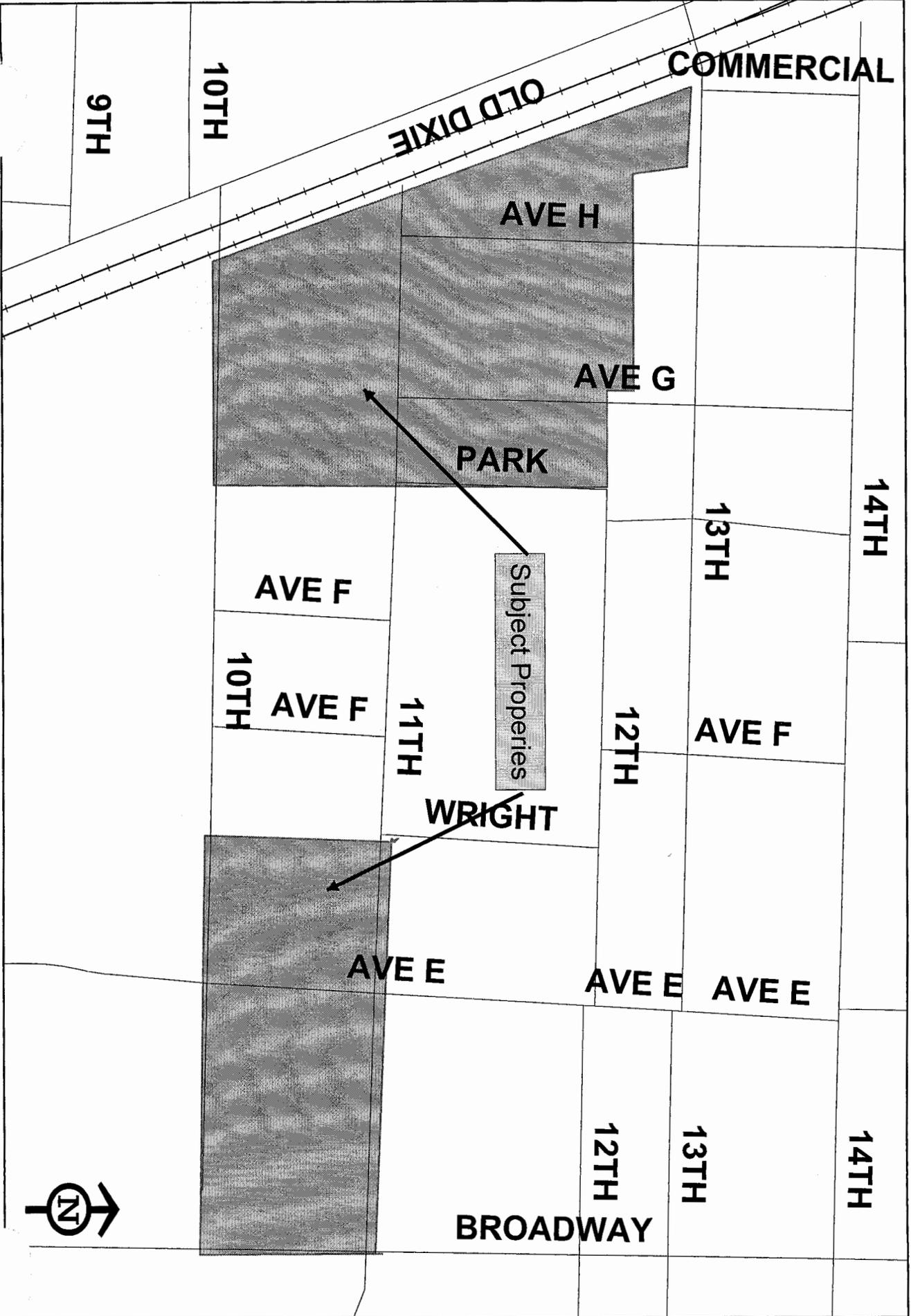
Please contact me if you have any questions regarding these findings.

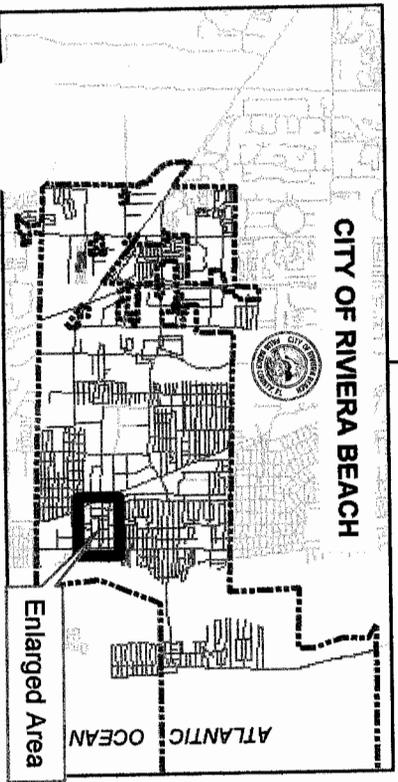
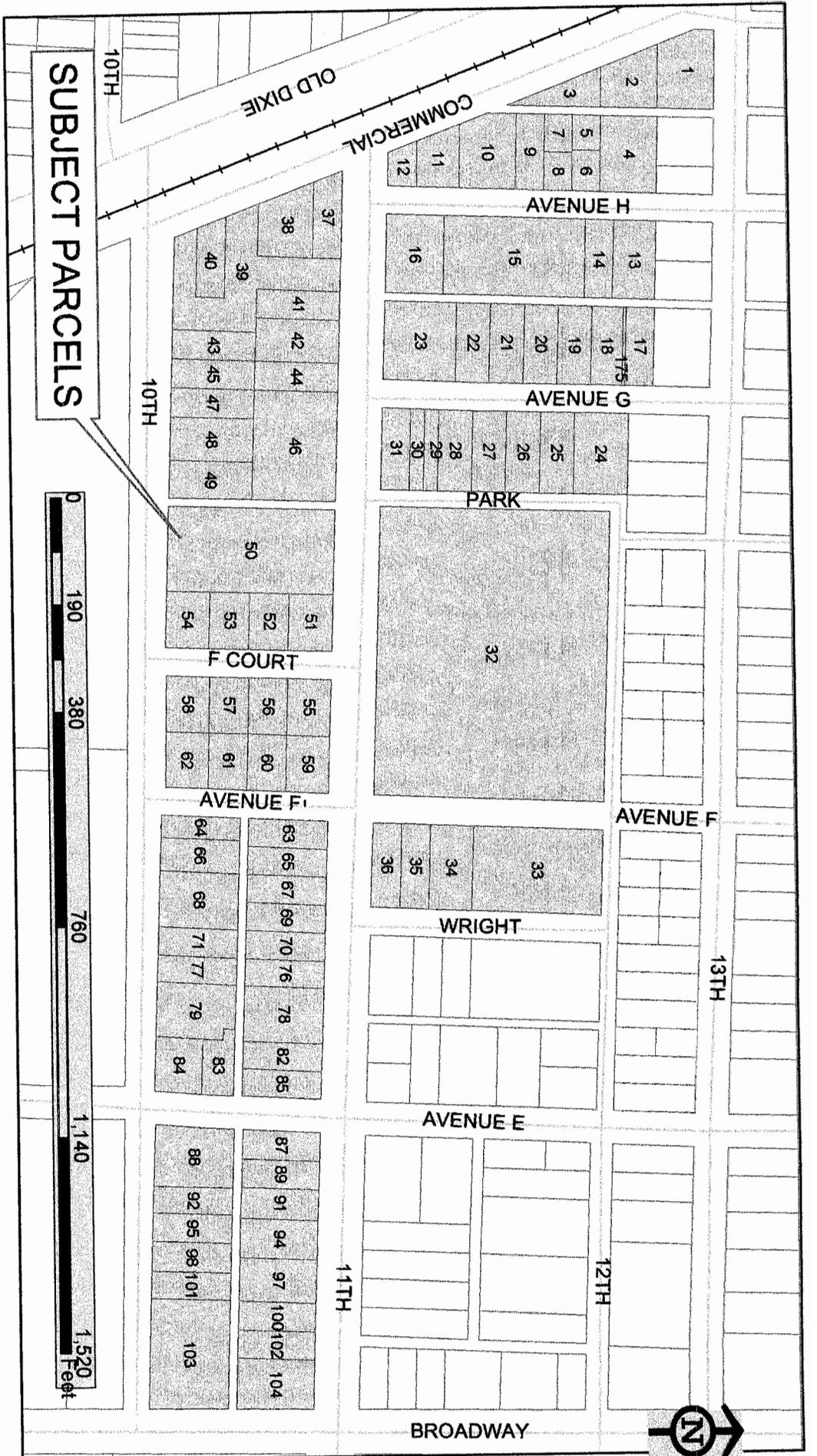
FWS/EKR/lem

Attachments

Cc: Paul Cherry -- Kimley-Horn and Associates, Inc.

PROPOSED COMMUNITY FACILITIES LAND USE AMENDMENT: SUBJECT PROPERTIES





**LOCATION MAP
PROPOSED COMMUNITY FACILITY
FUTURE LAND USE & ZONING**

Map Created on December 11, 2002
by the City of Riviera Beach, Dept. of Community Development

D:\projects\planning & zoning/newschool/location map_harbor_high school.mxd

Legend

- Parcel Boundary
- Street Center Line
- Municipal Boundary
- Proposed CF

ORDINANCE NO. 2924

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF COMMUNITY FACILITY "CF" TO APPROXIMATELY 19.8 ACRES OF LAND FOR PROPERTIES LOCATED SOUTH OF 13TH STREET BETWEEN OLD DIXIE HIGHWAY AND BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving more than ten (10) contiguous acres which changes the actual zoning map designation of parcels; and

WHEREAS, the subject properties are designated for a new community high school; and

WHEREAS, schools are only permitted in the City of Riviera Beach Community Facility Zoning Classification; and

WHEREAS, on August 8, 2002, the Planning and Zoning Board reviewed the proposed zoning change and forwarded a recommendation to the City Council; and

WHEREAS, on August 21, 2002, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance.

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

Section 1. The Zoning Map of the City of Riviera Beach is hereby amended to assign a Community Facility zoning classification to 19.8 acres of land located south of 13th Street between Old Dixie Highway and Broadway;

Subject Parcels				Amended Zoning District	
No.	PCN	ACRES	Legal Description	From	To
1	56434233060080260	0.30	RIVIERA LTS 26 TO 29 INC BLK 8	Limited Industrial	CF
2	56434233060080230	0.21	RIVIERA LTS 23 TO 25 INC BLK 8	Limited Industrial	CF
3	56434233060080300	0.13	RIVIERA TRGLR TR LYG S OF LT 23 IN DB713P428 BLK 8	Limited Industrial	CF
4	56434233060080050	0.31	RIVIERA LTS 5 TO 8 INC BLK 8	Limited Industrial	CF
5	56434233060080092	0.07	RIVIERA W 65 FT OF LTS 9 & 10 BLK 8	Limited Industrial	CF
6	56434233060080091	0.08	RIVIERA E 75 FT OF LTS 9 & 10 BLK 8	Limited Industrial	CF
7	56434233060080111	0.08	RIVIERA W 1/2 OF LTS 11 & 12 BLK 8	Limited Industrial	CF
8	56434233060080112	0.08	RIVIERA E 1/2 OF LTS 11 & 12 BLK 8	Limited Industrial	CF
9	56434233060080130	0.15	RIVIERA LTS 13 & 14 BLK 8	Limited Industrial	CF
10	56434233060080150	0.30	RIVIERA LTS 15 TO 18 INC BLK 8	Limited Industrial	CF
11	56434233060080190	0.17	RIVIERA LTS 19 TO 21 INC BLK 8	Limited Industrial	CF
12	56434233060080220	0.08	RIVIERA LT 22 BLK 8	Limited Industrial	CF
13	56434233060090400	0.24	RIVIERA LTS 40 TO 42 INC BLK 9	RM-15	CF
14	56434233060090380	0.16	RIVIERA LTS 38 & 39 BLK 9	RM-15	CF

15	56434233060090290	0.80	RIVIERA LT 29 TO 37 INC BLK 9	RM-15	CF
16	56434233060090240	0.33	RIVIERA LTS 24 THRU 28 BLK 9	Limited Industrial	CF
17	56434233060090050	0.16	RIVIERA LTS 5 & 6 BLK 9	RS-6 Single Family	CF
17.5	56434233070090031	0.02	REPL OF PT OF RIVIERA N 5 FT OF LT 3 BLK 9	RS-6 Single Family	CF
18	56434233070090032	0.18	REPL OF PT OF RIVIERA LT 3 /LESS N 5 FT/ BLK 9	RS-6 Single Family	CF
19	56434233070090040	0.19	REPL OF PT OF RIVIERA LT 4 BLK 9	RS-6 Single Family	CF
20	56434233070090070	0.19	REPL OF PT OF RIVIERA LT 7 BLK 9	RS-6 Single Family	CF
21	56434233070090080	0.19	REPL OF PT OF RIVIERA LT 8 BLK 9	RS-6 Single Family	CF
22	56434233070090090	0.19	REPL OF PT OF RIVIERA LT 9 BLK 9	RS-6 Single Family	CF
23	56434233060090190	0.41	RIVIERA LTS 19 TO 23 INC BLK 9	Limited Industrial	CF
24	56434233070100030	0.32	REPL OF PT OF RIVIERA LT 3 BLK 10	RS-6 Single Family	CF
25	56434233070100040	0.20	REPL OF PT OF RIVIERA LT 4 BLK 10	RS-6 Single Family	CF
26	56434233070100050	0.20	REPL OF PT OF RIVIERA LT 5 BLK 10	RS-6 Single Family	CF
27	56434233070100060	0.20	REPL OF PT OF RIVIERA LT 6 BLK 10	RS-6 Single Family	CF
28	56434233070100070	0.20	REPL OF PT OF RIVIERA LT 7 BLK 10	RS-6 Single Family	CF
29	56434233060100130	0.08	RIVIERA, LT 13 BLK 10	RS-6 Single Family	CF
30	56434233070100080	0.08	REPL OF PT OF RIVIERA LT 8 BLK 10	RS-6 Single Family	CF

31	56434233060100150	0.17	RIVIERA, LTS 15 & 16 BLK 10	RS-6 Single Family	CF
34	56434233060180100	0.26	RIVIERA LTS 10 TO 12 INC BLK 18	RMH-15	CF
35	56434233060180130	0.17	RIVIERA LTS 13 & 14 BLK 18	RMH-15	CF
36	56434233060180150	0.17	RIVIERA LTS 15 & 16 BLK 18	RMH-15	CF
37	56434233060200170	0.17	RIVIERA LTS 17 & 18 & W 1/2 OF 15 FT ALLEY E OF & ADJ THERETO BLK 20	Limited Industrial	CF
38	56434233060200190	0.25	RIVIERA LTS 19 & 20 & W 1/2 OF 15 FT ALLEY E OF & ADJ TO BLK 20 & REPL OF RIVIERA PB24P41 LT 21 & N 1/2 OF 15 FT ALLEY SOF & W 1/2 OF 15 FT ALLEY W OF	Limited Industrial	CF
39	56434233070200150	0.71	REPL OF PT OF RIVIERA LT 15 & E 1/2 OF 15 FT ALLEY W OF & ADJ THERETO & N 1/2 OF 15FT ALLEY S OF & ADJ TO LT 15, LT 22, S 1/2 OF 15 FT ALLEY N OF LT 22 & W 1/2 OF 15 FT	Limited Industrial	CF
40	56434233060200240	0.15	RIVIERA LTS 24 & 25 & W 1/2 OF 15 FT ALLEY E OF & ADJ THERETO BLK 20	Limited Industrial	CF
41	56434233060200130	0.17	RIVIERA LTS 13 & 14 & N 1/2 OF 15 FT ALLEY LYG SLY THEREOF & ADJ THERETO BLK 20	Limited Industrial	CF
42	56434233060200100	0.26	RIVIERA LTS 10 TO 12 INC & N 1/2 OF 15 FT ALLEY LYG SLY THEREOF & ADJTHERETO BLK 20	Limited Industrial	CF
43	56434233060200290	0.17	RIVIERA LTS 29 & 30 & S 1/2 OF 15 FT ALLEY N OF & ADJ THERETO BLK 20	Limited Industrial	CF
44	56434233060200080	0.17	RIVIERA LTS 8 & 9 & N 1/2 OF 15 FT ALLEY NOW ABANDONED LYG SLY THEREOF & ADJ THERETO BLK 20	Limited Industrial	CF
45	56434233070200310	0.17	REPL OF PT OF RIVIERA LT 31 & S 1/2 OF 15 FT ALLEY N OF & ADJ THERETO BLK 20	Limited Industrial	CF
46	56434233060200010	0.66	RIVIERA LTS 1 TO 7 INC, N 1/2 OF 15 FT ABND ALLEY S OF & ADJ & W 15 FT OF ABND WEST PARK DR E OF & ADJ THERETO BLK 20	Limited Industrial	CF

47	56434233060200330	0.17	RIVIERA LTS 33 & 34 & S 1/2 OF 15 FT ALLEY NOW ABANDONED NLY THEREOF & ADJ THERETO BLK 20	Limited Industrial	CF
48	56434233060200350	0.26	RIVIERA LTS 35 TO 37 INC & S 1/2 OF 15 FT ABND ALLEY N OF & ADJ THERETO BLK 20	Limited Industrial	CF
49	56434233070200380	0.22	REPL OF PT OF RIVIERA LT 38, S 1/2 OF 15 FT ABND ALLEY N OF & ADJ & W 15 FT OF ABND WEST PARK DR E OF & ADJ THERETO BLK 20 THERETO BLK 20	Limited Industrial	CF
50	56434233200020000	1.02	RIVIERA REPL NO 2 PARCEL 2	Limited Industrial	CF
51	56434233070280010	0.18	REPL OF PT OF RIVIERA LT 1 BLK 28	RS-6 Single Family	CF
52	56434233070280020	0.16	REPL OF PT OF RIVIERA LT 2 BLK 28	RS-6 Single Family	CF
53	56434233070280030	0.16	REPL OF PT OF RIVIERA LT 3 BLK 28	RS-6 Single Family	CF
54	56434233070280040	0.18	REPL OF PT OF RIVIERA LT 4 BLK 28	RS-6 Single Family	CF
55	56434233070290080	0.18	REPLAT OF PART OF RIVIERA LT 8 BLK 29	RS-6 Single Family	CF
56	56434233070290070	0.16	REPL OF PT OF RIVIERA LT 7 BLK 29	RS-6 Single Family	CF
57	56434233070290060	0.16	REPL OF PT OF RIVIERA LT 6 BLK 29	RS-6 Single Family	CF
58	56434233070290050	0.17	REPL OF PT OF RIVIERA LT 5 BLK 29	RS-6 Single Family	CF
59	56434233070290010	0.18	REPL OF PT OF RIVIERA LT 1 BLK 29	RS-6 Single Family	CF
60	56434233070290020	0.16	REPL OF PT OF RIVIERA LT 2 BLK 29	RS-6 Single Family	CF
61	56434233070290030	0.16	REPL OF PT OF RIVIERA LT 3 BLK 29	RS-6 Single Family	CF

62	56434233070290040	0.17	REPL OF PT OF RIVIERA LT 4 BLK 29	RS-6 Single Family	CF
63	56434233060210190	0.16	RIVIERA LTS 19 & 20 BLK 21	RMH-15	CF
64	56434233060210210	0.13	RIVIERA LT 21 & W 15 FT OF LT 22 BLK 21	RMH-15	CF
65	56434233060210170	0.16	RIVIERA LTS 17 & 18 BLK 21	RMH-15	CF
66	56434233060210221	0.19	RIVIERA E 10 FT OF LT 22 & LTS 23 & 24 BLK 21	RMH-15	CF
67	56434233060210150	0.16	RIVIERA LTS 15 & 16 BLK 21	RMH-15	CF
68	56434233060210250	0.32	RIVIERA LTS 25 TO 28 INC BLK 21	RMH-15	CF
69	56434233060210130	0.16	RIVIERA LTS 13 & 14 BLK 21	RMH-15	CF
70	56434233060210110	0.16	RIVIERA LTS 11 & 12 BLK 21	RMH-15	CF
71	56434233060210290	0.16	RIVIERA LTS 29 & 30 BLK 21	RMH-15	CF
76	56434233060210090	0.16	RIVIERA LTS 9 & 10 BLK 21	RMH-15	CF
77	56434233060210310	0.16	RIVIERA LTS 31 & 32 BLK 21	RMH-15	CF
78	56434233060210050	0.32	RIVIERA LTS 5 TO 8 INC BLK 21	RMH-15	CF
79	56434233060210330	0.31	RIVIERA, LTS 33 & 34 BLK 21	RMH-15	CF
82	56434233060210030	0.16	RIVIERA LTS 3 & 4 BLK 21	RMH-15	CF
83	56434233060210361	0.14	RIVIERA N 20 FT OF E 20 FT OF LT 36 & N 56.50 FT OF LTS 37 TO 40 INC BLK 21	RMH-15	CF
84	56434233060210371	0.19	RIVIERA SLY 83.50 FT OF LTS 37 TO 40 INC BLK 21	RMH-15	CF

85	56434233060210010	0.16	RIVIERA LTS 1 & 2 BLK 21	RMH-15	CF
87	56434233060220180	0.16	RIVIERA LTS 18 & 19 BLK 22	RMH-15	CF
88	56434233060220200	0.34	RIVIERA LOTS 20 TO 23 INC BLK 22	RMH-15	CF
89	56434233060220160	0.16	RIVIERA LTS 16 & 17 BLK 22	RMH-15	CF
91	56434233060220140	0.17	RIVIERA LTS 14 & 15 BLK 22	CG	CF
92	56434233060220240	0.15	RIVIERA LTS 24 & 25 BLK 22	RMH-15	CF
94	56434233060220110	0.22	RIVIERA LTS 11 TO 13 INC BLK 22	RMH-15	CF
95	56434233060220260	0.16	RIVIERA LTS 26 & 27 BLK 22	RMH-15	CF
97	56434233060220080	0.24	RIVIERA LTS 8 TO 10 INC BLK 22	RMH-15	CF
98	56434233060220280	0.17	RIVIERA LTS 28 & 29 BLK 22	RMH-15	CF
100	56434233060220060	0.16	RIVIERA LTS 6 & 7 BLK 22	RMH-15	CF
101	56434233060220300	0.16	RIVIERA LTS 30 & 31 BLK 22	RMH-15	CF
102	56434233060220040	0.16	RIVIERA LTS 4 & 5 BLK 22	RMH-15	CF
103 104	56434233060220010	0.90	RIVIERALT 1 (LESS ELY 42.09 FT SR 5/SKYPASS R/W), LTS 2, 3, 32 THRU37 & LT 38 (LESS ELY 51.79 FT SR 5/SKYPASS R/W)	RMH-15	CF

Section 2. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 3. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 4. That the effective date of this Ordinance shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the Land Use amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier.

PASSED AND APPROVED on First Reading this 21st day of August 2002.

PASSED AND ADOPTED on Second Reading this 18th day of December 2002.

APPROVED:

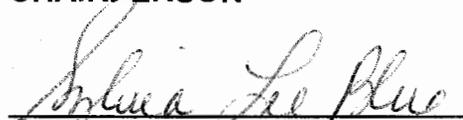


**MICHAEL D. BROWN,
MAYOR**



**DAVID G. SCHNYER,
CHAIRPERSON**

[MUNICIPAL SEAL]

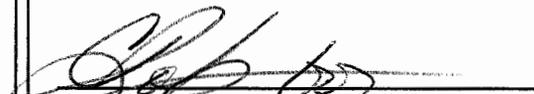


**SYLVIA LEE BLUE,
CHAIR PRO-TEM**



**DONALD R. WILSON
COUNCILPERSON**

ATTEST:



**CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK**

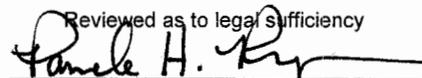


**ELIZABETH "LIZ" WADE
COUNCILPERSON**



**EDWARD RODGERS
COUNCILPERSON**

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>E. Wade</u>	<u>D. Wilson</u>
SECONDED BY:	<u>D. Wilson</u>	<u>E. Wade</u>
D. SCHNYER	<u>aye</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
E. RODGERS	<u>aye</u>	<u>aye</u>

Reviewed as to legal sufficiency

PAMALA HANNA RYAN, CITY ATTORNEY
Date: 12/17/02

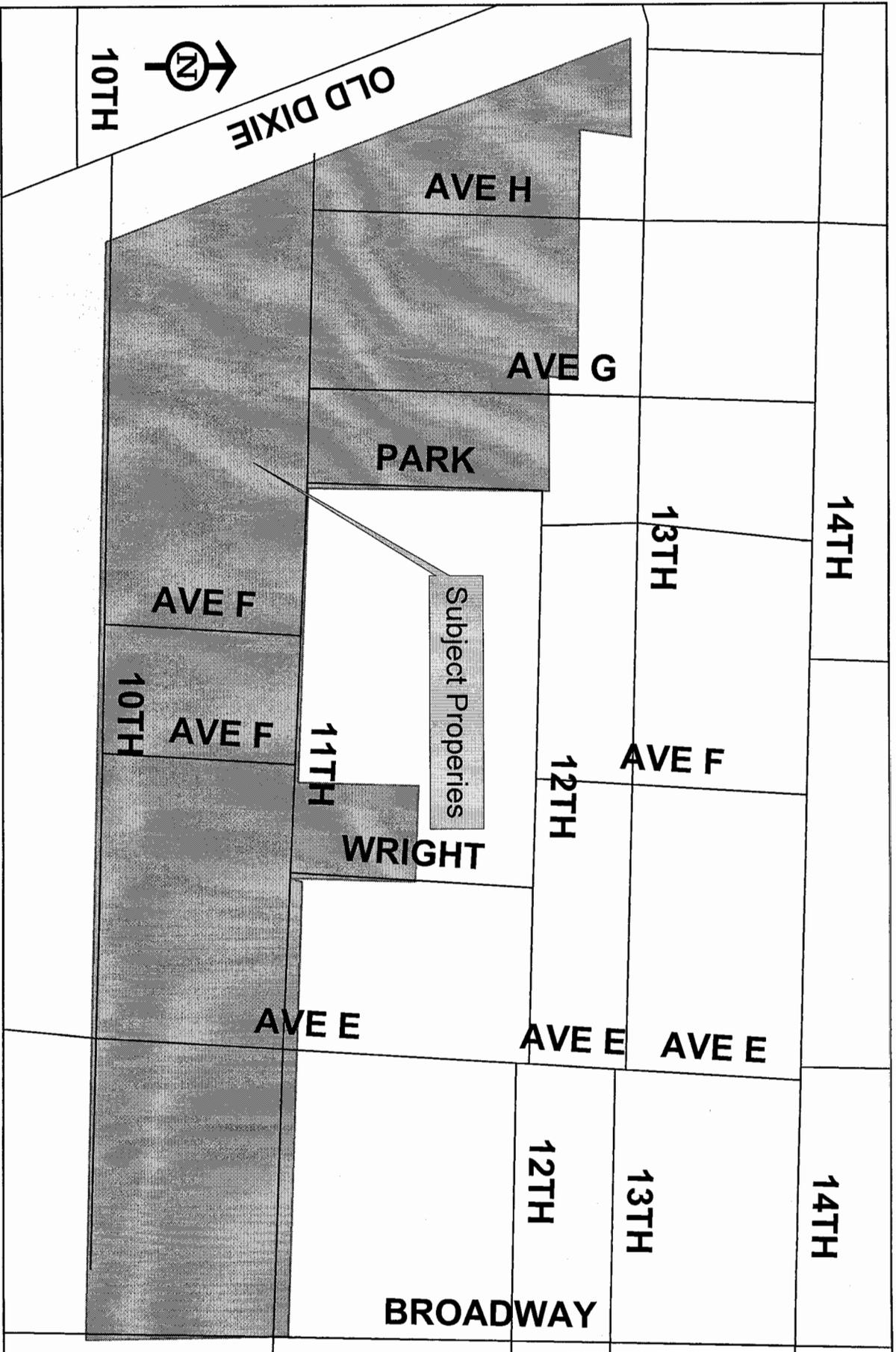
CERTIFICATION OF PUBLICATION

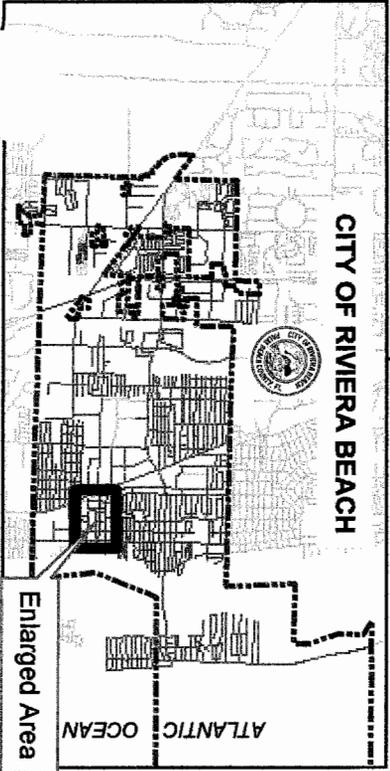
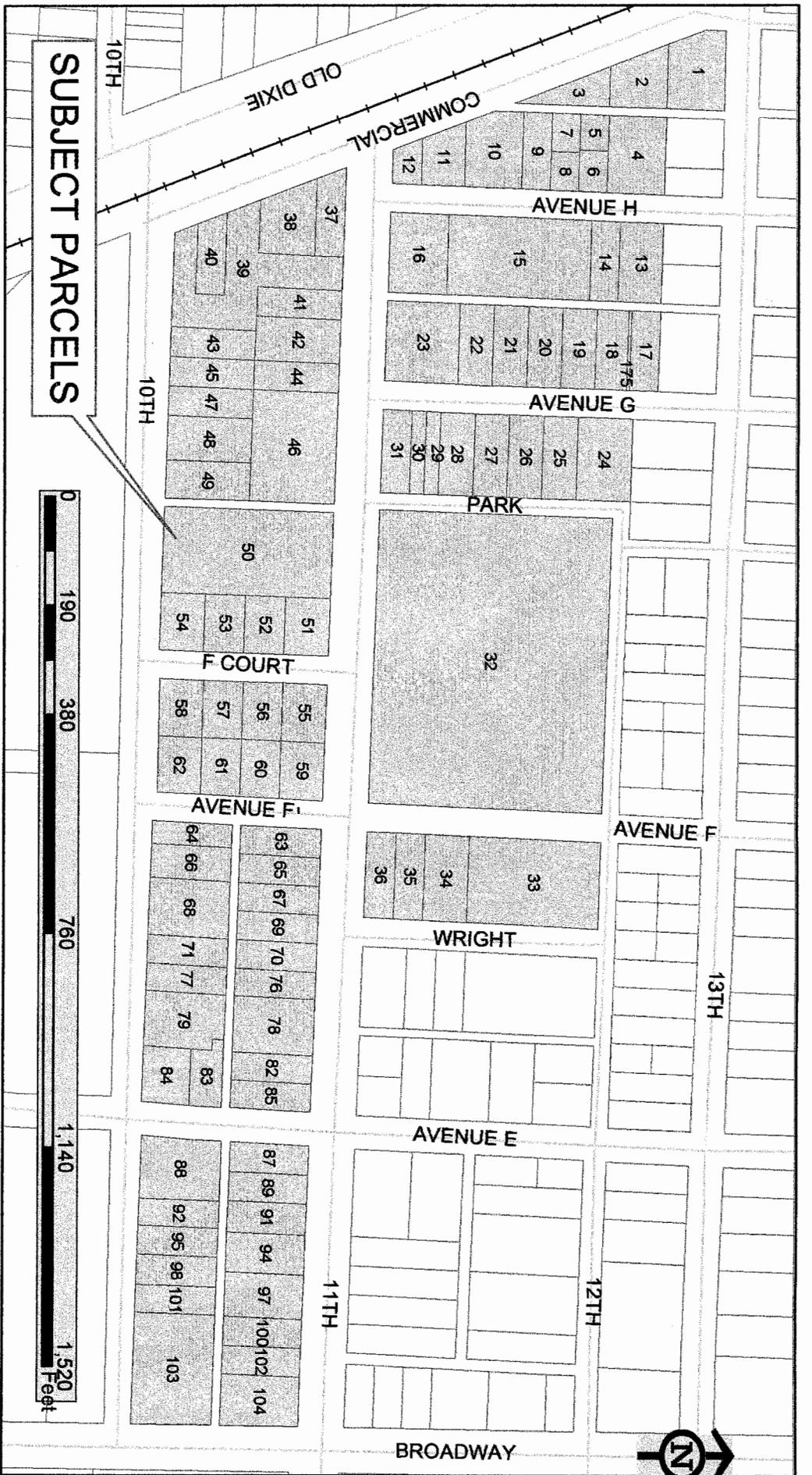
I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

12-18-02
Date


Carrie E. Ward, Master Municipal Clerk
City Clerk

PROPOSED COMMUNITY FACILITY ZONING AMENDMENT: SUBJECT PROPERTIES





**LOCATION MAP
PROPOSED COMMUNITY FACILITY
FUTURE LAND USE & ZONING**

Map Created on December 11, 2002
by the City of Riviera Beach, Dept. of Community Development

D:\projects\planning & zoning\newschooll\location map_harbor high school.mxd

Legend

- Parcel Boundary
- Street Center Line
- Municipal Boundary
- Proposed CF

ORDINANCE NO. 2925

AN ORDINANCE 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, 2002 AND ENDING SEPTEMBER 30, 2003 FIXING THE MILLAGE RATE OF 9.5 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 ONE

That for the fiscal year beginning October 1, 2002 and ending September 30, 2003, 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 homestead property, \$1,771, 643,025. *

* **Subject to final approval of the County Equalization Board**

SECTION TWO

That for the fiscal year beginning October 1, 2002 and ending September 30, 2003, a tax of nine point five (9.5) mills, which is greater than the rolled-back rate of 8.9669 mills by 5.9452%, 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 I hereof and valued in the amount of \$1,771,643,025 subject to final approval of the County Equalization Board.

PAGE 2

ORDINANCE NO. 2925

SECTION THREE

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 FOUR

The proposed millage rate is 9.5 mills which is greater than the rolled-back rate of 8.9669 mills by 5.9452 percent.

SECTION FIVE

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 SIX

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.

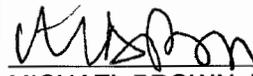
SECTION SEVEN

This ordinance shall be in full force and effect immediately upon its passage and adoption.

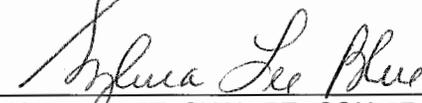
PASSED AND APPROVED on first reading this 4th day of SEPTEMBER, 2002.

PASSED AND ADOPTED on second and final reading this 18th day of SEPTEMBER, 2002.

APPROVED:

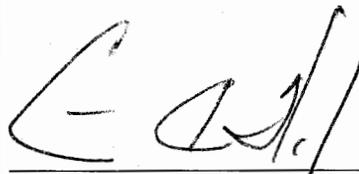

MICHAEL BROWN, MAYOR

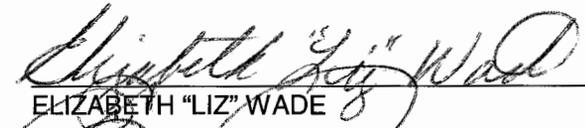

DAVID G. SCHNYER, CHAIRPERSON


SYLVIA LEE-BLUE, CHAIRPERSON PRO TEM

(MUNICIPAL SEAL)


DONALD R. WILSON


CARRIE E. WARD, CMC/AE,
CITY CLERK


ELIZABETH "LIZ" WADE

EDWARD RODGERS
COUNCIL MEMBERS

PAGE 4
ORDINANCE NO. 2925

MOTIONED BY: S. Blue

MOTIONED BY: D. Wilson

SECONDED BY: D. Wilson

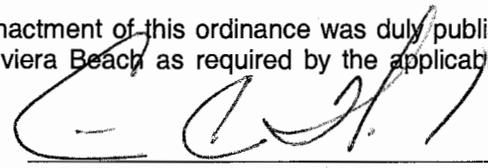
SECONDED BY: S. Blue

	1 ST READING	2 ND & FINAL READING
D. SCHYNER	<u>aye</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
E. RODGERS	<u>aye</u>	<u>aye</u>

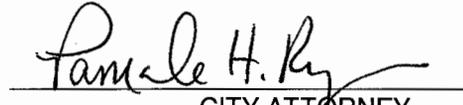
CERTIFICATE OF PUBLICATION

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 Statute.

9/02/02
DATE


CARRIE E. WARD, CMC/AE, CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/23/02

ORDINANCE NO. 2926

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2003; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING 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, 2002 and ending September 30, 2003, copies of such estimates having been made available to the newspapers in the city 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 2002-2003 fiscal year so that the business of the municipality may be conducted on a balanced budget and on sound business principles.

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.

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

Section One

The following appropriations are made for the municipal operations of the City of Riviera Beach, Florida for the fiscal year 2002-03.

FUNDS & DEPARTMENTS

GENERAL FUND

APPROPRIATIONS

Legislative

\$ 334,235

PAGE 2
ORDINANCE NO. 2926

Executive	5,012,239
Finance	1,086,270
City Clerk	375,132
Human Resources	595,074
City Attorney	379,120
Community Development	1,442,383
Police	10,398,301
Fire	7,087,733
Public Works	2,483,264
Recreation & Parks	2,491,311
Library	527,625
Purchasing	313,356
TOTAL GENERAL FUND	\$32,526,043

ENTERPRISE FUNDS

Water and Sewer Fund	12,439,816
Water and Sewer Renewal and Replacement Fund	510,138
Water and Sewer Construction Fund	160,000
Water and Sewer Debt Service Fund	1,422,993
Bond Construction Reserve Fund	2,535,000
Marina Fund	2,132,000
Marina Debt Service Fund	640,000
Marina Renewal and Replacement	105,000
Storm Water Utility	455,000

TOTAL ENTERPRISE FUNDS **\$ 20,399,947**

PAGE 3

ORDINANCE NO. 2926

OTHER FUNDS

Sales Tax	\$ 2,202,526
Advance Police Training	10,000
Universal Hiring Grant	284,423
Weed/Seed	225,000
Police Interlocal Agreements	278,106
Fire Safety Fair	7,000
Street Improvement Program Debt Service	979,889
Paving and Drainage Construction	254,800
Lot Cleaning	40,000
Liability Insurance Trust	4,585,871
Housing Trust Fund	135,000
Crime Prevention	2,000
Dare	3,500
Community Development Block Grant	412,000
Capital Improvement Fund	2,500,000
TOTAL OTHER FUNDS	\$ 11,920,115

Section Two

That the above appropriations are made based on the following anticipated sources of revenue for the 2002-2003 fiscal year:

<u>GENERAL FUND</u>	<u>REVENUE</u>
Taxes	\$20,389,931
Franchise Fees	2,535,913
Other Fees, Licenses and Permits	2,906,480
Grants and Other Government Shared Revenues	947,380
Fines and Forfeitures	293,000
Rents and Leases	68,200
Other Revenues	1,064,559
Interfund Transfers	3,820,580
Fund Balance	500,000
TOTAL GENERAL FUND	\$32,526,043

PAGE 4

ORDINANCE NO. 2926

ENTERPRISE FUNDS

Water and Sewer	\$ 12,439,816
Water and Sewer Renewal and Replacement	510,138
Water and Sewer Construction	160,000
Water and Sewer Debt Service	1,422,993
Bond Construction Reserve	2,535,000
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TOTAL ENTERPRISE FUNDS **\$ 20,399,947**

OTHER FUNDS

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Universal Hiring Grant	284,423
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Lot Cleaning Fund	40,000
Liability Insurance Trust	4,585,871
Housing Trust	135,000
Crime Prevention	2,000
Dare	3,500
Community Development Block Grant	412,000
Capital Improvement Fund	2,500,000

TOTAL OTHER FUNDS **\$ 11,920,115**

PAGE 5

ORDINANCE NO. 2926

Section Three

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 Four

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 2002-2003, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 2002 through September 30, 2003".

Section Five

The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from fiscal year 2001-2002.

Section Six

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 Seven

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 Eight

This ordinance shall be effective upon its passage by the City Council and shall not be delivered to the Municipal Code Corporation for inclusion in the Code Book.

PASSED AND APPROVED on first reading this 4th day of September, 2002.

PASSED AND ADOPTED on second and final reading this 18th day of September, 2002.

APPROVED:

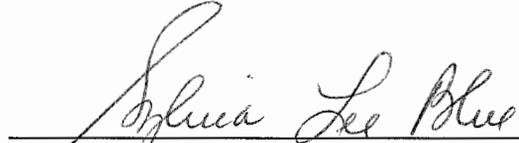


MICHAEL BROWN, MAYOR



DAVID G. SCHNYER, CHAIRPERSON

(MUNICIPAL SEAL)



SYLVIA LEE BLUE, CHAIR PRO-TEM



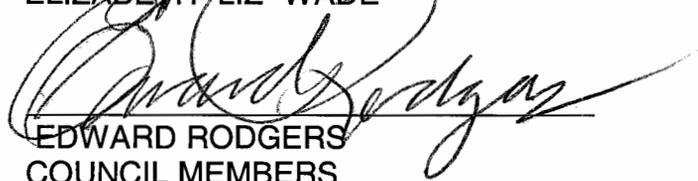
DONALD R. WILSON



ELIZABETH "LIZ" WADE



CARRIE E. WARD, CMC/AE
CITY CLERK



EDWARD RODGERS
COUNCIL MEMBERS

PAGE 7
ORDINANCE NO. 2926

MOTIONED BY: D. Wilson

MOTIONED BY: E. Wade

SECONDED BY: S. Blue

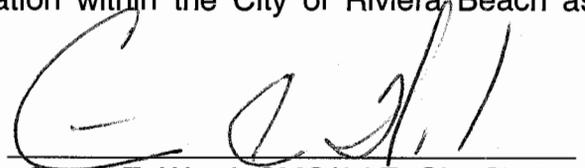
SECONDED BY: D. Wilson

	1st Reading	2nd & Final Reading
D. SCHNYER	<u>aye</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. WISLON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
E. RODGERS	<u>aye</u>	<u>aye</u>

CERTIFICATE 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 Statute.

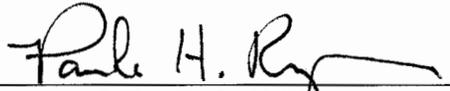
9/02/02
Date


Carrie E. Ward, CMC/AAE, City Clerk

PAGE 8

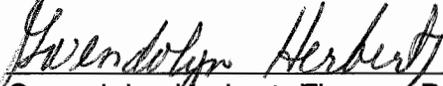
ORDINANCE NO. 2926

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

APPROVED AS TO FIGURES:



Gwendolyn Herbert, Finance Director



Jim Zingale
Executive Director

General Tax Administration
Child Support Enforcement
Property Tax Administration
Administrative Services
Information Services

October 11, 2002

Mr. William E. Wilkins, Manager
City of Riviera Beach
600 West Blue Heron Boulevard
Riviera Beach, Florida 33404

Re: Truth in Millage (TRIM) Certification

Dear Mr. Wilkins:

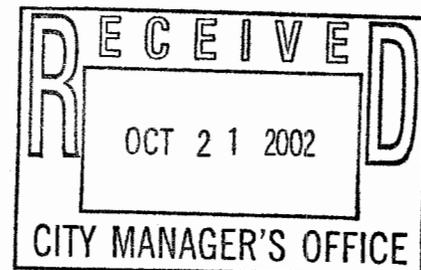
The Department of Revenue has reviewed the millage certification documents submitted by your taxing authority and determined that it meets the certification requirements of sections 200.065 and 200.068, Florida Statutes. The Department has found no violation of the requirements of section 200.065, F.S., and accordingly accepts your certification.

Sincerely,

A handwritten signature in cursive script that reads "John R. Everton".

John R. Everton, Director
Property Tax Administration Program

JRE/vs #60.31



ORDINANCE NO. 2927

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF RESORT HOTEL "RH" TO APPROXIMATELY 34 ACRES OF PROPERTY DESIGNATED RESORT HOTEL IN THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN: DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 7, 2001, the City of Riviera Beach adopted its 2001 Comprehensive Plan Update and created a new Land Use Category entitled "Resort Hotel"; and

WHEREAS, Florida State Statutes Chapter 163.3194, requires that all municipalities are required to adopt implementing zoning regulations for their adopted Comprehensive Plans; and

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance initiated by the municipality to change the actual zoning map designation of parcels; and

WHEREAS, on August 22, 2002, the Planning and Zoning Board acting as the local Planning Agency reviewed the proposed zoning change and forwarded a recommendation to the City Council; and

WHEREAS, on September 4, 2002, the City Council conducted a Public Hearing and first reading of this ordinance.

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

Section 1. The Zoning Map of the City of Riviera Beach is hereby amended to assign a "Resort Hotel" zoning classification to approximately 34 acres of land designated Resort Hotel in the Future Land Use Element of the 2001 Updated Comprehensive Plan.

Subject Parcels			Amended Zoning District	
No.	PCN	Legal Description	From	To
1	56434222050000010	PALM BEACH RACQUET CLUB SITE ALL OF PLAT & 22/23-42- 43, N 100 FT OF S 305 FT OF GOV LT 1 E OF SR 703	RMH-20	RH
2	56434226020010000	THE RUTLEDGE, ALL OF PLAT	RMH-20	RH
3	56434226040010000	BORRELLI TRACT ALL OF PLAT	RMH-20	RH
4	56434226030020000	JOHNSON TRACT PARCEL B	RMH-20	RH
5	5643422610000-0000	COMMANDER OCEAN RESORT I COND ALL UNITS WEEEEKS IN UNIT 407	RMH-20	RH
6	56434227030130120	YACHT HARBOR ESTATES LT 12 BLK 13	RMH-20	RH
7	56434227030130030	YACHT HARBOR ESTATES LT 3 /LESS S 10 FT IN OR1553 P286/ LT 4 & S 50 FT OF LT 5 BLK 13	RMH-20	RH
8	56434227030130010	YACHT HARBOR ESTATES LTS 1 & 2 & S 10 FT OF LOT 3 /LESS W 50 FT/ BLK 13	RMH-20	RH

Section 2. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 3. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 4. The effective date for the enactment of this Ordinance shall be immediately upon adoption.

Section 5. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

PASSED AND APPROVED on First Reading this 4TH day of SEPTEMBER 2002.

PASSED AND ADOPTED on Second Reading this 2ND day of OCTOBER 2002.

APPROVED:

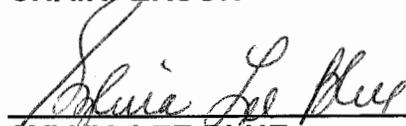


MICHAEL D. BROWN, MAYOR

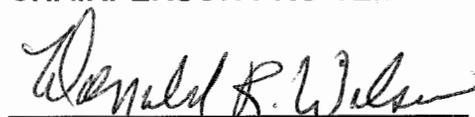


DAVID G. SCHNYER,
CHAIRPERSON

[MUNICIPAL SEAL]



SYLVIA LEE BLUE,
CHAIRPERSON PRO-TEM



DONALD R. WILSON

ATTEST:



CARRIE E. WARD, CMC/AE
CITY CLERK



ELIZABETH "LIZ" WADE



EDWARD RODGERS,
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY:

S. BLUE

S. BLUE

SECONDED BY:

D. WILSON

D. WILSON

D. SCHNYER

AYE

NAY

S. BLUE

AYE

AYE

D. WILSON

AYE

AYE

E. WADE

AYE

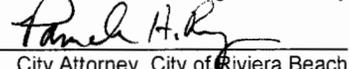
AYE

E. RODGERS

AYE

AYE

Reviewed as to legal sufficiency



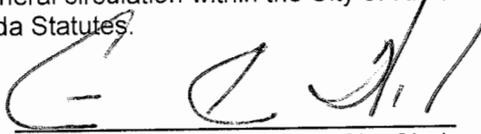
City Attorney, City of Riviera Beach

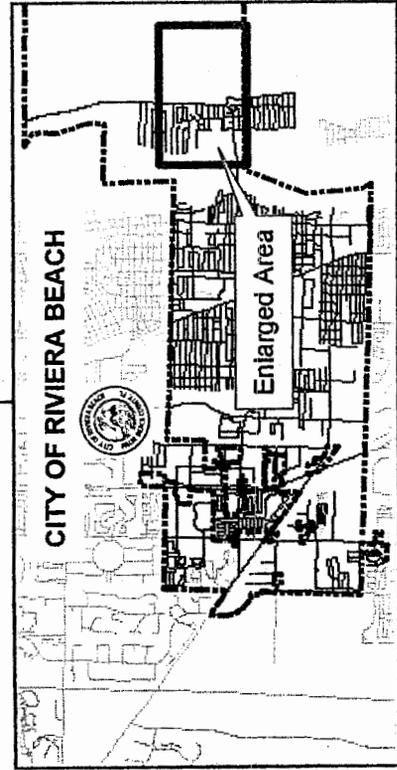
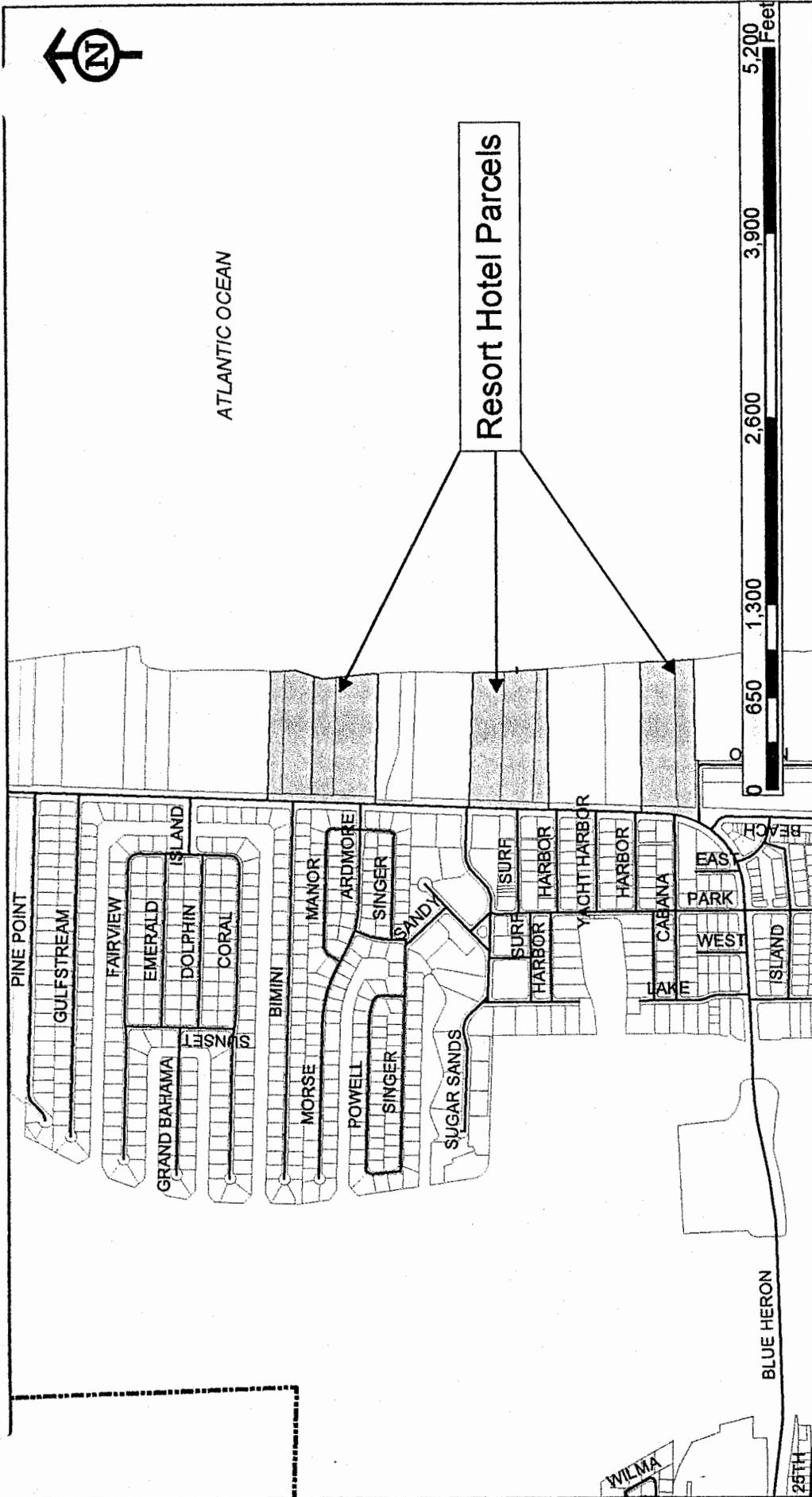
Date: 8/20/02

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.

9/04/02
Date


Carrie E. Ward, CMC/AE, City Clerk



**LOCATION MAP
RH REZONING**

- Legend
- Parcel Boundary
 - Street Center Line
 - RH Parcels
 - Municipal Boundary

Map Created on August 7, 2002
by the City of Riviera Beach Community Development
D:\projects\planning & zoning\RH REZONING\location map_RH REZONING

ORDINANCE NO. 2928

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING SECTION 14-72 (DEFINITIONS) OF ARTICLE IV, CHAPTER 14, OF THE CITY'S CODE OF ORDINANCES RELATING TO THE POLICE OFFICERS' PENSION PLAN TO PROVIDE THAT AN AWARD OR OTHER DISBURSEMENTS FOR BACKPAY SHALL BE CREDITED TO THE COMPUTATION PERIOD TO WHICH A BACKPAY AWARD PERTAINS (EARNED) RATHER THAN THE COMPUTATION PERIOD IN WHICH THE AWARD WAS MADE, PAID OR RECEIVED; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Administration Board of the Police Officers' Pension Plan has approved and now recommends to the City Council that it approves an amendment to the existing Code to clarify application of back pay awards; and

WHEREAS, the City Council deems it to be in the public interest to approve such an ordinance clarifying how awards(e.g., from settlements, lawsuits, arbitrations, etc.) and other disbursements(e.g., retroactive increases) of back pay should be treated in computing pension benefits for individual participants; and

WHEREAS, the Police Officers' Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered.

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

Section 1. That Section 14-72 (Definitions) of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words:

Average final compensation means the average annual compensation of a police officer during the highest two years of his last ten years of contributing service prior to retirement, termination or death, whichever occurs first. Provided, however that an award or other disbursements for back pay shall be credited to the computation period to which the award or disbursement pertains (would have been earned); not to the computation period in which the award or disbursement was made, paid, or received.

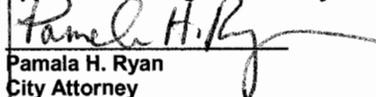
Section 2. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 3. If any word, phrase, clause, subsection or sections of this ordinance be for any reason held unconstitutional or 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 of this ordinance.

Section 5. That this ordinance shall be in full force and effective upon its final passage and adoption.

Approved as to legal sufficiency


Pamala H. Ryan
City Attorney

Date 9/11/02

ORDINANCE NO. 2928

PAGE -3-

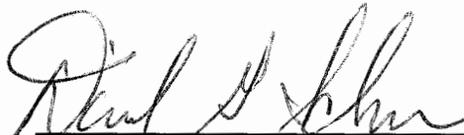
PASSED AND APPROVED on first reading this 4th day of September,
2002.

PASSED AND ADOPTED on second and final reading this 18th day of
September, 2002.

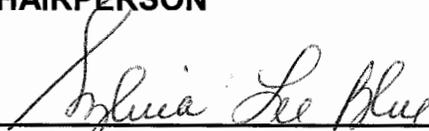
APPROVED:



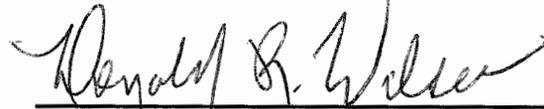
MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON



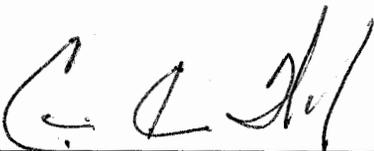
SYLVIA LEE BLUE
CHAIRPERSON PRO TEM



DONALD R. WILSON
COUNCIL MEMBER

MUNICIPAL SEAL

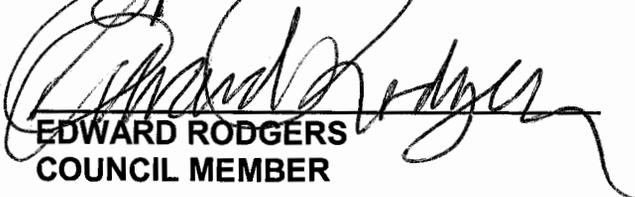
ATTEST:



CARRIE E. WARD, CMC/AE
CITY CLERK



ELIZABETH "LIZ" WADE
COUNCIL MEMBER



EDWARD RODGERS
COUNCIL MEMBER

ORDINANCE NO. 2928
PAGE 4

Motioned by: E. Wade
Seconded by: S. Blue

Motioned by: D. Wilson
Seconded by: E. Wade

1st READING

2nd READING

D. SCHNYER aye

aye

S. BLUE aye

aye

D. WILSON aye

aye

E. WADE aye

aye

E. RODGERS aye

aye

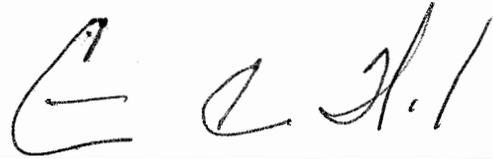
KRH:dp(8/23/02)

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.

8/04/02

DATE



Carrie E. Ward, CMC/AE, City Clerk

ORDINANCE NO. 2929

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 25 ENTITLED FLOOD PREVENTION AND PROTECTION, BY REPEALING ARTICLES I-III IN ITS ENTIRETY AND REPLACING IT WITH NEW ARTICLES I-VII ENTITLED "STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES"; "DEFINITIONS"; "GENERAL PROVISIONS"; "ADMINISTRATION"; "PERMIT PROCEDURES"; "VARIANCE PROCEDURES", "PROVISIONS FOR FLOOD HAZARD REDUCTION": TO THE CITY OF RIVIERA BEACH CODE OF ORDINANCES, PROVIDING PENALTY FOR VIOLATIONS, PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach is a participant in the National Flood Insurance Program; and

WHEREAS, in a recent visit, the Federal Emergency Management Agency identified revisions to be made to the City's Flood Prevention and Protection Ordinance; and

WHEREAS, the City desires to minimize the losses associated with flooding by regulating development in flood prone areas.

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

SECTION 1. Articles I-III, entitled "In General"; "Administration"; and "Flood Hazard Reduction" of Chapter 25, "Flood Prevention and Protection" is hereby repealed in the City of Riviera Beach Code of Ordinances.

SECTION 2. A new Chapter 25, entitled "Flood Prevention and Protection" of the City of Riviera Beach Code of Ordinances is hereby created with the following new articles, Articles I-VII entitled "STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES"; "DEFINITIONS"; "GENERAL PROVISIONS"; "ADMINISTRATION"; "PERMIT PROCEDURES"; "VARIANCE PROCEDURES"; "PROVISIONS FOR FLOOD HAZARD REDUCTION".

SECTION 3. Chapter 25 of the City of Riviera Beach Code of Ordinances shall read as follows:

FLOOD PREVENTION AND PROTECTION

**ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES.**

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of Florida has delegated the responsibility to local governmental units to adopt regulations designed to promote the health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Riviera Beach does hereby adopt the following floodplain management ordinance.

SECTION B. FINDINGS OF FACT.

- (1) The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, poses health and safety hazards, disrupts commerce and governmental services, requires extraordinary public expenditures for flood protection and relief, and impairs the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses and resulting problems are caused by the cumulative effect of obstructions in floodplains which increase flood heights and velocities, by occupancy of flood hazard areas, by uses vulnerable to floods and hazardous to other lands or that are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by enacting provisions designed to:

- (1) Restrict or prohibit uses which result in water or erosion hazards and damaging increases in erosion or in flood heights and velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration, damage or destruction of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert

floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) To protect human life, health and property;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding that are usually undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and street and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) To ensure that potential homebuyers are notified that property is in an area of special flood hazard.

ARTICLE II. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory structure (Appurtenant structure) means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure built for support, shelter or enclosure for occupancy or storage (Also see **Structure**).

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1 – V30, or VE or V.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction any structure for which the "start of construction" commenced

before the effective date of the floodplain management ordinance adopted by the City.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management ordinance adopted by the City.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a.) The overflow of inland or tidal waters;
- b.) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, flood data tables, and floodway data tables.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Administrator is the individual appointed to administer and enforce the floodplain management ordinance.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodway see **Regulatory Floodway**

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or

port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a building.

Historic Structure means any structure that is:

- a.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this ordinance.

Mangrove stand means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

Manufactured home means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

New Construction means any structure for which the "start of construction" commenced on or after the effective date of the floodplain management ordinance adopted by the City. The term also includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management ordinance adopted by the City.

Recreational vehicle means a vehicle that is:

- a.) Built on a single chassis;
- b.) 400 square feet or less when measured at the largest horizontal projection;
- c.) Designed to be self-propelled or permanently towable by a light duty truck; and
- d.) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent

land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (generally one foot).

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Special flood hazard area (SFHA) (see Area of Special Flood Hazard) means an area having special flood hazard and shown on a FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-30, or VE.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means all walled and roofed buildings, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred (also referred to as **Repetitive loss**).

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term also includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during a ten (10) year period in which the cumulative cost equals or exceeds 50 percent of the market value of the building (also referred to as cumulative substantial improvement).

For the purposes of this definition, **Substantial improvement** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or
- b.) Any alteration of a **Historic structure** provided that the alteration will not preclude the structure's continued designation as a **Historic structure**.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary and exceptional hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the zoning and building code jurisdiction of the City.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study for the City of Riviera Beach, dated September 30, 1982, with accompanying Flood Insurance Rate Map (FIRM) and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at the Office of the City Clerk.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance makes no representation that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1000.00 or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Building Official from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION.

**SECTION A. DESIGNATION OF FLOOD DAMAGE PREVENTION
ORDINANCE ADMINISTRATOR.**

The City Council of the City of Riviera Beach hereby appoints the Building Official to administer and implement the provisions of this ordinance and is herein also referred to as the "Floodplain Ordinance Administrator", the "Floodplain Management Administrator" and/or the "Administrator".

**SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN
MANAGEMENT ADMINISTRATOR.**

Duties of the Administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities, the State Floodplain Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse. *Data must be submitted to FEMA for map revision.*
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 5, Section (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 5, Section (2).
- (7) Review certified plans and specifications for compliance.
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Management Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

- (9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Floodplain Management Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.

ARTICLE V. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Floodplain Management Administrator on forms furnished by the Administrator prior to any development activities, and may include, but not necessarily be limited to, plans in duplicate, drawn to scale, showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of any of the former. Notwithstanding the foregoing, the following information shall be furnished to the Administrator:

- (1) Application Stage,
- a.) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 - b.) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
 - c.) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 7, Section B (2) and Section E (2); and
 - d.) Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

- (2) Construction Stage,

Upon placement of the lowest floor or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Management Administrator a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission, review, and acceptance of the certification by the Floodplain Management Administrator shall be at the permit holder's sole risk. (The Administrator shall review the lowest floor & flood-proofing elevation survey data submitted.) The permit holder, immediately and prior to any further work being performed, shall correct any and all deficiencies noted by such review. Failure to

submit the survey or failure to make required corrections, shall be cause to issue a stop-work order for the project.

ARTICLE VI. VARIANCE PROCEDURES.

SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD.

The City Council of the City of Riviera Beach shall serve as the Variance and Appeals Board.

SECTION B. DUTIES OF VARIANCE AND APPEALS BOARD.

The City Council shall hear requests for variances from the requirements of this ordinance and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Council may appeal such decision to the Circuit Court of Palm Beach County, as provided in Florida Statutes.

SECTION C. VARIANCE REVIEW.

In passing upon such applications, the City Council shall consider:

- (1) All technical evaluations, relevant factors, and standards as specified in this and other sections of this ordinance.
- (2) The danger that materials may be swept onto other lands resulting in injury to others;
- (3) The danger posed to life and property due to flooding or erosion damage;
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (5) The importance of the services provided by the proposed facility to the community;
- (6) The necessity to the facility of a waterfront location, where applicable;
- (7) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (8) The compatibility of the proposed use with existing and anticipated development;
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (11) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (12) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

SECTION D. CONDITIONS FOR VARIANCES.

- (1) Variances shall only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to the health, safety and welfare of the public, expense, nuisance, fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a "Historic Structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) Upon consideration of the factors listed in Article 6 and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (4) The Floodplain Management Administrator shall maintain the records of all appeal actions and variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

SECTION E. VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice signed by the Building Official said notice to include:

- (1) The difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor

elevation and may be increased as much as \$25 for \$100 of insurance coverage;
and

- (2) Warning that such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Management Administrator in the Office of the Clerk of the Circuit Court of Palm Beach County and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

ARTICLE VII. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and

- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

SECTION B. SPECIFIC STANDARDS.

In areas of special flood hazard, Zones AE, A1-30, and/or AH, where base flood elevation data have been provided as set forth in Article 3, Section B, the following provisions are also required:

- (1) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 7, Section B (3).
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or other non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to one (1) foot above the level of the base flood elevation. Non-residential buildings may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4.
- (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a.) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b.) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).

c.) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

d.) Where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

(4) Standards for Manufactured Homes and Recreational Vehicles.

a.) All manufactured homes placed or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in new manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

b.) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(i) The lowest floor of the manufactured home is at least one (1) foot above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the ground; and

(ii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

(iii) In an existing manufactured home park or subdivision in which any manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved thereafter must meet the standards of Article 7, Section B (4)(b)(i) and (ii) above.

c.) All recreational vehicles placed on sites must either:

(i) Be on the site for fewer than 180 consecutive days;

- (ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - (iii) Meet all the requirements for new construction, including anchoring and elevation requirements of Article 7, Section B (4)(a) or (b) (i), (ii) and (iii), above.
- (5) Floodways. Areas located within the special flood hazard areas as established in Article 3, Section B, are designated as floodways. Since floodways are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and have severe erosion potential, the following provisions shall apply:
- a.) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge; and
 - b.) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 7.
 - c.) The placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision is prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 7, Section A (2), and the elevation standards of Article 7, Section B (1) and the encroachment standards of Article 7, Section B (5) (a), are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, are areas where streams exist but where no base flood data has been provided, or where base flood data has been provided without floodways, the following provisions apply:

- (1) The Administrator shall act in accordance with the provisions of Article 4(B)(9) in order to administer the provisions of this Article.
- (2) In special flood hazard areas with base flood elevations (Zones AE and A1-30) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the

community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (3) If base flood elevations and floodway data are not available from outside sources, then in special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than 4 feet above the highest adjacent grade at the building site.

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than the 50 lots or 5 acres, whichever is the lesser.

SECTION E. STANDARDS FOR SUBDIVISION PROPOSALS (AO ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1'- 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to at least the flood depth number specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential structures shall:
 - a.) Have the lowest floor, including basement, elevated to at least the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade; or

- b.) Together with attendant utility and sanitary facilities, be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article 7, Section B (2).

SECTION F. COASTAL HIGH HAZARD AREAS.

Located within areas of special flood hazard areas established in Article 3, Section B are Coastal High Hazard Areas, designated as Zones V1 – V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:

- (1) All new construction and substantial improvements in Zones V1 – V30 and VE (V also if base flood elevation is available) shall be elevated on pilings and columns so that:
 - a.) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one (1) foot above the base flood elevation level; and
 - b.) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice and meet the provisions of Section F (1) (a) and (b) of this Article.
- (3) The Floodplain Management Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1 – V30 and VE and maintain a record of all such information.
- (4) All new construction shall be located landward of the reach of mean high tide.
- (5) All new construction and substantial improvements shall leave the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the

purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a.) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b.) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.
- (6) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- (7) The use of fill for structural support of buildings shall be prohibited.
- (8) Alteration of sand dunes and mangrove stands that would increase potential flood damage is prohibited.
- (9) All manufactured homes to be placed or substantially improved within Zones V1 – V30, V and VE including sites:
- a.) Outside of a manufactured home park or subdivision;
 - b.) In a new manufactured home park or subdivision;
 - c.) In an expansion to an existing manufactured home park or subdivision; or
 - d.) In an existing manufactured home park or subdivision in which a manufactured home has incurred “substantial damage” as the result of a flood;
- shall meet the standards of Article 7, Section F (1) though (8) and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V1 – V30, V, and VE on the FIRM meet the requirements of Article 7, Section B (4) (a) through (b).
- (10) Recreational vehicles placed on sites within Zones V1 – V30, V, and VE on the community’s FIRM must:

- a.) Be on the site for fewer than 180 consecutive days;
- b.) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c.) Meet the requirements of Article 5 and Article 7, Section B and Section F.

SECTION G. CRITICAL FACILITY.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

SECTION 4. 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 portions of this Ordinance.

SECTION 5. 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 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, be and the same are hereby repealed to extent of such conflict.

SECTION 7. That specific authority is hereby granted to codify this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED and APPROVED on First Reading this 4th day of
September, 2002.

PASSED and ADOPTED on Second and Final Reading this 18th day of
September, 2002.

APPROVED:

[Signature]
MICHAEL D. BROWN, MAYOR

{MUNICIPAL SEAL}

ATTEST:

[Signature]
CARRIE E. WARD, CMC/AAE
CITY CLERK

[Signature]
DAVID SCHNYER, CHAIRPERSON

[Signature]
SYLVIA LEE BLUE, CHAIRPERSON
PRO-TEM

[Signature]
DONALD WILSON

[Signature]
ELIZABETH "LIZ" WADE

[Signature]
EDWARD RODGERS
COUNCIL MEMBERS

1ST Reading

2ND & Final Reading

MOTIONED BY
SECONDED BY:

S. Blue
E. Wade

E. Wade
S. Blue

D. SCHYNER: _____
S. BLUE: _____
D. WILSON: _____
E. WADE: _____
E. RODGERS: _____

aye
aye
aye
aye
aye

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY

[Signature]
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 8/26/02

ORDINANCE NO. 2930

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE III ENTITLED "FIREFIGHTERS PENSION PLAN" OF THE CODE OF ORDINANCES BY REVISING SECTION 14-53 TO PROVIDE FOR CONFORMANCE TO FLORIDA STATE STATUTE CHAPTER 175, AND BY AMENDING SECTION 14-58 TO CORRECT A SCRIVENERS ERROR; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current language in Section 14-53 does not conform to Florida State Statute Chapter 175 and the new amendment has been prepared for conformity; and

WHEREAS, the conformity relates to Florida State Statute Chapter 175 that death pension benefits paid to a spouse of a firefighter who dies in the line of duty does not cease upon the spouse's remarriage; and

WHEREAS, a scrivener's error appears in Section 14-58; the amendment to Section 14-58 corrects the scrivener's error.

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

SECTION 1: That Article III, Chapter 14, entitled "Firefighters Pension Plan" of the Code of Ordinances is hereby amended to read as follows:

Sec. 14-53. Survivors' benefits. Upon the death of a member, benefits shall be paid in accordance with this section.

(1) *Death in line of duty.*

- a. *For members having less than ten years of credited service. If a member dies from injuries received while discharging his firefighting duties, leaving a spouse and/or a child or children, the following benefits shall be paid:*

1. A refund of contributions in accordance with section 14-51 to the surviving spouse;
2. Thirty-three and one-third of the member's total compensation for the year immediately prior to ~~his~~ the member's death to the surviving spouse until ~~her~~ the spouse's death or remarriage; and
3. Twenty-five percent of the member's total compensation for the year immediately prior to ~~his~~ the member's death to a surviving child or children, divided equally, until the last or youngest child marries or attains the age of 18 (21 if enrolled as a full-time student at an accredited college or university) years, whichever first occurs.

b. *For members having ten or more years of credited service.* If a member dies from injuries received while discharging his firefighting duties, leaving a spouse and/or a child or children, the following benefits shall be paid:

1. A refund of contributions in accordance with section 14-51 to the surviving spouse;
2. The greater of $33\frac{1}{3}$ percent of the member's total compensation for the year immediately prior to ~~his~~ the member's death or the accrued retirement benefit to the surviving spouse until ~~her~~ the spouse's death or remarriage; and
3. Twenty-five percent of the member's total compensation for the year immediately prior to ~~his~~ the member's death to a surviving child or children until the last or youngest child marries or attains the age of 18 (21 if enrolled as a full-time student at an accredited college or university) years, whichever first occurs.

(2) *Death not in line of duty.*

a. *For members having less than ten years of credited service.* If a member dies from injuries received not while discharging his firefighting duties, the following benefits shall be paid: a refund of contributions in accordance with section 14-51 to the surviving spouse or named beneficiary.

spouse or named beneficiary.

ORDINANCE NO. 2930

PAGE 3

- b. *For members having ten or more years of credited service.* If a member dies from injuries received not while discharging his firefighting duties, the following benefits shall be paid: the accrued retirement benefit to the member's surviving spouse until death or remarriage or other named beneficiary for ten years certain.

* * *

Sec. 14-58 Repeal or termination of fund.

In the event of the termination or partial termination of this plan, each affected participant's accrued pension benefit shall become nonforfeitable, i.e., 100 percent vested, to the extent funded. At such time, the fund shall be appropriated and distributed in accordance with F.S. Ch. 185.37. 175.

SECTION 2: That all sections or parts of sections of the Code of Ordinance, all Ordinances or parts of ordinances, and all resolutions or parts of resolution in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 3: That this ordinance shall be made a part of the Riviera Beach City Code and the provisions herein may be renumbered for such purpose.

SECTION 4: If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconditional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 5: Special authority is hereby granted to codify this Ordinance.

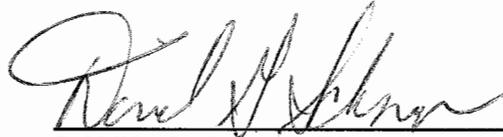
SECTION 6: That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

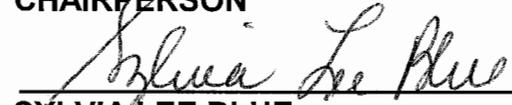
PASSED AND APPROVED on first reading this 18TH day of SEPT, 2002.

PASSED AND ADOPTED on second and final reading this 2ND day of OCT, 2002.

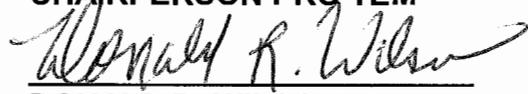
APPROVED:


MICHAEL D. BROWN,
MAYOR


DAVID G. SCHNYER
CHAIRPERSON


SYLVIA LEE BLUE
CHAIRPERSON PRO TEM

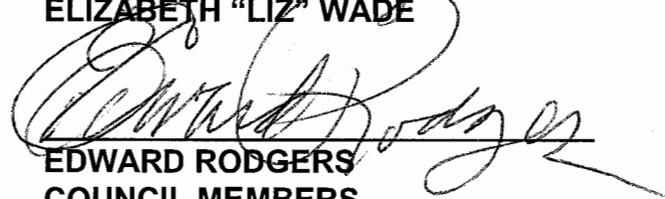
(MUNICIPAL SEAL)


DONALD R. WILSON


ELIZABETH "LIZ" WADE

ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK


EDWARD RODGERS
COUNCIL MEMBERS

MOTIONED BY: S. BLUE MOTIONED BY: S. BLUE

SECONDED BY: E. WADE SECONDED BY: E. WADE

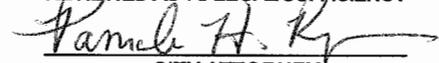
1ST READING

2ND & FINAL READING

D. SCHNYER AYE
S. BLUE AYE
D. WILSON AYE
E. WADE AYE
E. RODGERS AYE

AYE
AYE
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AYE

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE: 9/11/02

ORDINANCE NO. 2931

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 20, ARTICLE III ENTITLED "WATER" "DIVISION 2. RATES AND CHARGES" AND AMENDING ARTICLE IV ENTITLED "WASTEWATER DISPOSAL SYSTEM" "DIVISION 2. RATES AND CHARGES"; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the purpose of this proposed Ordinance is to set forth new water rates for fiscal years 2002/2003 through 2003/2004 and to amend Chapter 20 accordingly.

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 20, Article III entitled "Water" "Division 2. Rates and Charges" is hereby amended as follows:

* * * *

Sec. 20-36. Application for service

~~All applications for water service are to be made to the office of the utility billing division.~~

(a) Water and wastewater Service shall be furnished only upon signed application accepted by the City and the conditions of such application shall be binding upon the customer. To obtain service, applications must be made at the place(s) designated by the City.

(b) The provisions of Section 180.135, Florida Statutes, as amended from time to time, shall apply to rental properties. In the event that the occupant of a rental unit elects to be the customer of the City, customer will make application for service and provide a current original copy of a signed lease for the unit. The owner of a rental unit for which an occupant is the customer of the City shall be responsible for payment for utility service from the date that the occupant of the unit vacates the rental unit until a new occupant of the rental unit submits a completed application for

service with the City. Each applicant for utility service shall provide the City the correct name and address, or other legal description where service is to be rendered.

(c) Application for service required by firms, partnerships, associations, corporations and other entities shall be tendered only by authorized representatives of the entities. All authorized representatives may be required to provide verification of their identity and authorization from their principal.

(d) The City may withhold service from any customer who makes application for service from whom prior rates, fees, charges, and costs have not been paid in full to the date of the application. The City may withhold service from any customer who makes application for a location for which prior rates, fees, charges, and costs have not been paid in full to the date of the application. It is the responsibility of the applicant to make inquiry as to the delinquent status of the account and bring the account current as a condition precedent to continuation of service.

Sec. 20-37. Application constitutes agreement.

The provisions of this article and the rules and regulations concerning the waterworks City's water and wastewater facilities and rates shall be considered as part of the contract for services between the city and the property-owning patrons customers as well as nonproperty-owning customers of the water and wastewater facilities.

Sec. 20-63. Residential service charge schedule.

The charge schedule for residential use is as follows:

Residential (Single and Multiple)

	FY97	FY98	FY99	FY2000
(1) Readiness-to-Serve charge, Residential				
First unit	\$4.69	\$4.97	\$5.27	\$5.27
Additional units	4.69	4.97	5.27	5.27
(2) Usage, residential	Rate Per 1000 Gallons			
First 3,000 gallons	0.59	0.63	0.67	0.67
Next 3,000 gallons	1.06	1.12	1.19	1.19
Next 4,000 gallons	1.46	1.55	1.64	1.64
Next 5,000 gallons	1.73	1.83	1.94	1.94
Next 5,000 gallons	1.99	2.11	2.23	2.23
Over 20,000 gallons	2.26	2.39	2.53	2.53

The charge schedule for residential use is as follows:

Residential (Single and Multiple)

	<u>FY00/01</u>	<u>FY01/02</u>	<u>FY02/03</u>	<u>FY03/04</u>
(1) <u>Readiness-to-Serve charge, Residential</u>				
First unit	\$5.27	\$5.27	\$6.32	\$6.32
Additional units	5.27	\$5.27	\$6.32	\$6.32
(2) <u>Usage, residential</u>	<u>Rate Per 1000 Gallons</u>			
First 3,000 gallons	0.67	0.67	0.80	0.80
Next 3,000 gallons	1.19	1.19	1.43	1.43
Next 4,000 gallons	1.64	1.64	1.97	1.97
Next 5,000 gallons	1.94	1.94	2.33	2.33
Next 5,000 gallons	2.23	2.23	2.68	2.68
Over 20,000 gallons	2.53	2.53	3.04	3.04

Sec. 20-64. Commercial service charge schedule.

The charge schedule for commercial use is as follows:

	<u>FY97</u>	<u>FY98</u>	<u>FY99</u>	<u>FY2000</u>
(1) <u>Three-fourths inch meter</u>				
a. <u>Readiness-to-serve charge</u>	\$4.69	\$4.97	\$5.27	\$5.27
b. <u>Usage:</u>	<u>Rate Per 1000 Gallons</u>			
First 10,000 gallons	1.26	1.34	1.41	1.41
Next 20,000 gallons	1.53	1.62	1.71	1.71
Over 30,000 gallons	1.79	1.90	2.01	2.01
(2) <u>One inch meter</u>				
a. <u>Readiness-to-serve charge</u>	14.22	15.06	15.95	15.95
b. <u>Usage:</u>	<u>Rate Per 1000 Gallons</u>			
First 30,000 gallons	1.26	1.34	1.41	1.41
Next 60,000 gallons	1.53	1.62	1.71	1.71
Over 90,000 gallons	1.79	1.90	2.01	2.01

(3) One and one half
inch meter

a. Readiness to serve charge 28.44 30.13 31.92 31.92

b. Usage: Rate Per 1000 Gallons

First 60,000 gallons	1.26	1.34	1.41	1.41
Next 120,000 gallons	1.53	1.62	1.71	1.71
Over 180,000 gallons	1.79	1.90	2.01	2.01

(4) Two inch meter

a. Readiness to serve charge 56.87 60.25 63.82 63.82

b. Usage: Rate Per 1000 Gallons

First 120,000 gallons	1.26	1.34	1.41	1.41
Next 240,000 gallons	1.53	1.62	1.71	1.71
Over 360,000 gallons	1.79	1.90	2.01	2.01

(5) Three inch meter

a. Readiness to serve charge 93.91 99.48 105.37 105.37

b. Usage: Rate Per 1000 Gallons

First 600,000 gallons	1.26	1.34	1.41	1.41
Next 1,200,000 gallons	1.53	1.62	1.71	1.71
Over 1,800,000 gallons	1.79	1.90	2.01	2.01

(6) Four inch meter

a. Readiness to serve charge 187.82 198.96 210.76 210.76

b. Usage: Rate Per 1000 Gallons

First 900,000 gallons	1.26	1.34	1.41	1.41
Next 1,800,000 gallons	1.53	1.62	1.71	1.71
Over 2,700,000 gallons	1.79	1.90	2.01	2.01

(7) Six inch meter

a. Readiness to serve charge 363.73 385.30 408.15 408.15

b. Usage: Rate Per 1000 Gallons

First 1,200,000 gallons	1.26	1.34	1.41	1.41
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Next 2,400,000 gallons	1.53	1.62	1.71	1.71
Over 3,600,000 gallons	1.79	1.90	2.01	2.01

(8) Eight inch meter

a. Readiness-to-serve charge	632.24	669.74	709.45	709.45
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b. Usage: Rate Per 1000 Gallons

First 1,500,000 gallons	1.26	1.34	1.41	1.41
Next 3,000,000 gallons	1.53	1.62	1.71	1.71
Over 4,500,000 gallons	1.79	1.90	2.01	2.01

(9) Ten inch meter

a. Readiness-to-serve charge	1074.01	1137.70	1205.17	1205.17
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b. Usage: Rate Per 1000 Gallons

First 1,800,000 gallons	1.26	1.34	1.41	1.41
Next 3,600,000 gallons	1.53	1.62	1.71	1.71
Over 5,400,000 gallons	1.79	1.90	2.01	2.01

The charge schedule for commercial, hotel, and motel use is as follows:

	<u>FY00/01</u>	<u>FY01/02</u>	<u>FY02/03</u>	<u>FY03/04</u>
a. Readiness-to-serve charge per ERU	\$5.27	\$5.27	\$6.59	\$6.59

For each commercial user the Readiness-to-serve-charge per ERU shall be multiplied by the number of ERU's for each commercial user. ERU's for a commercial user shall be determined by the City based upon the commercial user's maximum monthly demand divided by 7,340 gallons per month.

b. Usage Per ERU:	Rate Per 1000 Gallons			
First 10,000 gallons	1.41	1.41	1.76	1.76
Next 20,000 gallons	1.71	1.71	2.14	2.14
Over 30,000 gallons	1.79	1.90	2.51	2.51

c. Transition: The following charge schedule shall apply for each commercial user until such time as the City has converted such user to the charge schedule in subsections (a) and (b) above.

FY00/01 FY01/02 FY02/03 FY03/04

(1) Three-fourths
inch meter

a. Readiness-to-serve charge	\$5.27	\$5.27	\$6.59	\$6.59
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b. Usage: Rate Per 1000 Gallons

First 10,000 gallons	1.41	1.41	1.76	1.76
Next 20,000 gallons	1.71	1.71	2.14	2.14
Over 30,000 gallons	1.79	1.90	2.51	2.51

(2) One inch meter

a. Readiness-to-serve charge	15.95	15.95	19.94	19.94
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b. Usage: Rate Per 1000 Gallons

First 30,000 gallons	1.41	1.41	1.76	1.76
Next 60,000 gallons	1.71	1.71	2.14	2.14
Over 90,000 gallons	2.01	2.01	2.51	2.51

(3) One-and-one half
inch meter

a. Readiness-to-serve charge	31.92	31.92	39.90	39.90
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b. Usage: Rate Per 1000 Gallons

First 60,000 gallons	1.41	1.41	1.76	1.76
Next 120,000 gallons	1.71	1.71	2.14	2.14
Over 180,000 gallons	2.01	2.01	2.51	2.51

(4) Two inch meter

a. Readiness-to-serve charge	63.82	63.82	79.78	79.78
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b. Usage: Rate Per 1000 Gallons

First 120,000 gallons	1.41	1.41	1.76	1.76
Next 240,000 gallons	1.71	1.71	2.14	2.14
Over 360,000 gallons	2.01	2.01	2.51	2.51

(5) Three inch meter

a. Readiness-to-serve charge	105.37	105.37	131.71	131.71
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b. Usage: Rate Per 1000 Gallons

First 600,000 gallons	1.41	1.41	1.76	1.76
Next 1,200,000 gallons	1.71	1.71	2.14	2.14
Over 1,800,000 gallons	2.01	2.01	2.51	2.51

(6) Four inch meter

a. Readiness-to-serve charge	210.76	210.76	263.45	263.45
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b. Usage: Rate Per 1000 Gallons

First 900,000 gallons	1.41	1.41	1.76	1.76
Next 1,800,000 gallons	1.71	1.71	2.14	2.14
Over 2,700,000 gallons	2.01	2.01	2.51	2.51

(7) Six inch meter

a. Readiness-to-serve charge	408.15	408.15	510.19	510.19
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b. Usage: Rate Per 1000 Gallons

First 1,200,000 gallons	1.41	1.41	1.76	1.76
Next 2,400,000 gallons	1.71	1.71	2.14	2.14
Over 3,600,000 gallons	2.01	2.01	2.51	2.51

(8) Eight inch meter

a. Readiness-to-serve charge	709.45	709.45	886.81	886.81
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b. Usage: Rate Per 1000 Gallons

First 1,500,000 gallons	1.41	1.41	1.76	1.76
Next 3,000,000 gallons	1.71	1.71	2.14	2.14
Over 4,500,000 gallons	2.01	2.01	2.51	2.51

(9) Ten inch meter

a. Readiness-to-serve charge	1205.17	1205.17	1506.46	1506.46
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b. Usage: Rate Per 1000 Gallons

First 1,800,000 gallons	1.41	1.41	1.76	1.76
Next 3,600,000 gallons	1.71	1.71	2.14	2.14

Over 5,400,000 gallons	2.01	2.01	2.51	2.51
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Sec. 20-65. Motels and hotel service charge schedule.

The charge schedule for motels and hotel use is as follows:

	FY97	FY98	FY99	FY2000
(1) Readiness to Serve	\$4.69	\$4.97	\$5.27	\$5.27
Additional units	4.69	4.97	5.27	5.27
(2) Usage, residential	Rate Per 1000 Gallons			
First 10,000 gallons	1.26	1.34	1.41	1.41
Next 20,000 gallons	1.53	1.62	1.71	1.71
Over 20,000 gallons	1.79	1.90	2.01	2.01

Sec. 20-66. Irrigation meter service charge schedule.

The service charge schedule for irrigation meters use is as follows:

	FY97	FY98	FY99	FY2000
(1) Readiness to serve charge	\$6.61	\$7.00	\$7.42	\$7.42
(2) Usage	Rate Per 1000 Gallons			
First 10,000 gallons	1.32	1.40	1.49	1.49
Next 10,000 gallons	1.73	1.83	1.94	1.94
Next 10,000 gallons	1.99	2.11	2.23	2.23
Next 10,000 gallons	2.26	2.39	2.53	2.53
Next 40,000 gallons	2.31	2.45	2.59	2.59
Next 70,000 gallons	2.45	2.59	2.75	2.75
Next 150,000 gallons	2.57	2.73	2.89	2.89
Next 150,000 gallons	2.71	2.87	3.04	3.04
Next 150,000 gallons	2.84	3.01	3.19	3.19
Next 150,000 gallons	2.98	3.15	3.34	3.34
Over 750,000 gallons	3.10	3.29	3.48	3.48

The service charge schedule for residential irrigation meters use is as follows:

	FY00/01	FY01/02	FY02/03	FY03/04
(1) Readiness-to-serve charge per ERU	\$7.42	\$7.42	\$6.32	\$6.32

For each irrigation meter the Readiness-to-serve-charge per ERU shall be multiplied by the number of ERU's for each irrigation meter. ERU's for an irrigation meter shall be determined by the City based upon the irrigation meter's maximum monthly demand divided by 7,340 gallons per month.

(2) Usage	Rate Per 1000 Gallons			
First 10,000 gallons	1.49	1.49	1.79	1.79
Next 10,000 gallons	1.94	1.94	2.33	2.33
Next 10,000 gallons	2.23	2.23	2.68	2.68
Next 10,000 gallons	2.53	2.53	3.04	3.04
Next 40,000 gallons	2.59	2.59	3.11	3.11
Next 70,000 gallons	2.75	2.75	3.30	3.30
Next 150,000 gallons	2.89	2.89	3.47	3.47
Next 150,000 gallons	3.04	3.04	3.65	3.65
Next 150,000 gallons	3.19	3.19	3.83	3.83
Next 150,000 gallons	3.34	3.34	4.00	4.00
Over 750,000 gallons	3.48	3.48	4.18	4.18

The service charge schedule for commercial irrigation meters use is as follows:

	FY00/01	FY01/02	FY02/03	FY03/04
(1) Readiness-to-serve charge per ERU	\$7.42	\$7.42	\$6.59	\$6.59

For each irrigation meter the Readiness-to-serve-charge per ERU shall be multiplied by the number of ERU's for each irrigation meter. ERU's for an irrigation meter shall be determined by the City based upon the irrigation meter's maximum monthly demand divided by 7,340 gallons per month.

(2) Usage	Rate Per 1000 Gallons			
First 10,000 gallons	1.49	1.49	1.86	1.86
Next 10,000 gallons	1.94	1.94	2.43	2.43
Next 10,000 gallons	2.23	2.23	2.79	2.79
Next 10,000 gallons	2.53	2.53	3.16	3.16
Next 40,000 gallons	2.59	2.59	3.24	3.24
Next 70,000 gallons	2.75	2.75	3.44	3.44
Next 150,000 gallons	2.89	2.89	3.61	3.61
Next 150,000 gallons	3.04	3.04	3.80	3.80
Next 150,000 gallons	3.19	3.19	3.99	3.99
Next 150,000 gallons	3.34	3.34	4.18	4.18
Over 750,000 gallons	3.48	3.48	4.35	4.35

Sec. 20-67. Hydrant Rentals.

The hydrant rental rate will apply to all hydrants the city maintains. The rate will be ~~\$22.45~~ \$28.06 per hydrant per month.

Sec. 20-68. Standby private fire protection systems.

The standby private fire protection system rate will include service to private fire hydrants, sprinkler systems, hose cabinets, standpipes or any other device used exclusively for fire protection. The ~~annual~~ monthly charge for unmetered private fire protection shall be:

<i>Fire lines (sprinklers)</i>	<i>Annual <u>Monthly</u> amount</i>	
2	\$55.00	<u>\$6.43</u>
3	\$13.78	
4	\$114.00	<u>\$20.22</u>
6	\$228.00	<u>\$26.65</u>
8	\$364.00	<u>\$42.55</u>
10	\$524.00	<u>\$61.25</u>

* * * *

Sec. 20-69. Rates outside the city limits.

The outside-city rates shall be 1 ¼ the inside-city rates on all services, including hydrants and fire lines, ~~unless otherwise agreed by contract.~~

Sec. 20-70. Basis for schedule charges

(a) ~~**Basis for commercial readiness-to-serve charge.** The readiness-to-serve charge for commercial consumers will be based on the meter size serving that consumer. The inverse rate will apply to the commercial water consumption. However, as the meter size increases, an increased volume of water is scheduled, at the lower rate per 1,000 gallons.]~~

(a) **Basis for commercial, hotel, and motel readiness-to-serve charge.** The readiness-to-serve charge for commercial consumers is based on the demand each commercial consumer can place on the utility system. A minimum of one (1) ERU shall be charged to each commercial consumer. The usage charges are adjusted based on each commercial users demand characteristics.

* * * *

Sec. 20-71. Billing deposits

(a) For each residential unit and each commercial unit, the minimum billing security deposit shall be as follows:

<i>Meter Size (in inches)</i>	<i>Minimum Residential</i>		<i>Minimum Commercial</i>	
¾ or smaller	\$46.00	<u>\$55.00</u>	\$86.00	<u>\$108.00</u>
1	92.00	<u>110.00</u>	128.00	<u>160.00</u>
1 ½	127.00	<u>152.00</u>	359.00	<u>449.00</u>
2	167.00	<u>200.00</u>	465.00	<u>581.00</u>
3	253.00	<u>304.00</u>	1,150.00	<u>1,438.00</u>
4	621.00	<u>745.00</u>	1,725.00	<u>2,156.00</u>
6	805.00	<u>966.00</u>	2,300.00	<u>2,875.00</u>
8	920.00	<u>1,104.00</u>	3,450.00	<u>4,313.00</u>
10	1,035.00	<u>1,242.00</u>	4,600.00	<u>5,750.00</u>

(b) Residential deposits and all Commercial account deposits shall equal the applicable minimum as stated in subsection (a) of this section or the sum of the most recent three active billing months for the service site, whichever is greater. If the site use is changed, the applicable minimum deposit schedule shall be used to calculate the deposit. These deposit requirements shall apply to all new utility accounts opened after July 20, 1988 November 20, 2002. In the event that a customer is delinquent in the timely payment of any utility billings prior to the turn-off date, the City may require the customer to provide an additional deposit equal to a second minimum deposit as a condition to continued utility service. In the event that there is a substantial increase in the water usage, the city reserves the right to increase the customers deposit in an amount equal to the customer's last three month active billing.

* * * *

(d) No Interest will be paid on deposits at an interest rate approximating the City's short-term investment rate. In computing the final bill for an account which is to be closed, the deposit will be credited to the account and the surplus will be returned to the customer.

* * * *

Sec. 20-72 Service connection charges.

The service connection charges are as follows:

<i>Meter Size (in inches)</i>	<i>Charge</i>	
¾ or smaller	\$215.00	<u>\$589.00</u>
1	255.00	<u>635.00</u>
1 ½	500.00	<u>815.00</u>
2	530.00	<u>860.00</u>
3	cost	
4	cost	
6	cost	
8	cost	
10	cost	

Sec. 20-73. Capital improvement charges.

(a) Except as otherwise provided by law, every property owner or developer whose property receives water service and/or sewer service from systems owned, supplied or served by the city shall pay to the city a water and sewer capital improvement charge prior to the issuance of a service or a building permit on each dwelling unit or equivalent residential unit. The water service per equivalent residential unit charge is ~~\$981.00~~ \$1,571.00.

(b) ~~An equivalent residential unit is defined as an individual user who, from the city water system, purchases not in excess of an average of 10,500 U.S. gallons of water per month.] The city will determine the initial number of equivalent residential units for each user. Where the determination of equivalent residential units for a single commercial unit is contested, the owner or developer may be granted the option of using the actual consumption of water at that location for the determination of equivalent residential units (actual consumption). This option must be requested by the owner and approved by the city council. Payments under this actual consumption basis shall include interest at ten percent per year, calculated from date of permit issuance to the date of payment. The payments under this actual consumption basis shall be due 30 days from each calculation and shall bring the equivalent residential units paid and credited to that location, equal to the percentages described on the following table:~~

Percentage of Total Equivalent Residential Units	<i>Calculation (in months after issuance of certificate of occupancy)</i>
25	3
50	6
100	12

~~An agreement will be signed and a lien filed until final payment is made. If payments are not made as agreed, the water and sewer service will be terminated. This agreement is not transferable.~~

An equivalent residential unit (ERU) is defined as an individual residential user who uses an average of 7,340 U.S. gallons of water per month. The City will determine the number of ERU's for each user. Each residence shall be considered one (1) ERU.

~~(c) Subsection (b) of this section shall apply to this section which applies to all commercial and industrial users and to any future class of users not established at this time, other than single family. * * *~~

~~* * * * *~~

~~(g) With respect to periodic reviews of commercial users for additional impact fees as called for in subsection © of this section, when the city council has legislatively found and determined that:~~

- ~~(1) The commercial user employs a minimum work force of at least 150 employees;~~
- ~~(2) The commercial users can empirically demonstrate that a minimum of 60 percent of those employees are in fact residents of the city;~~
- ~~(3) The commercial user can empirically demonstrate that the average salary of those persons employed who are residents of the city is at least \$18,000, per year; and~~
- ~~(4) Where the city council legislatively declares and finds that the waiver of such additional impact fees would in fact constitute a public purpose.~~

Sec. 20-74. Standby service charges.

The regular minimum charge, readiness-to-serve, remains the same for water and sewer service while the water is turned off, plus a ~~\$10.00~~ \$12.50 turn-off charge. When service is resumed, there is a turn-on charge of ~~\$10.00~~ \$12.50. Standby charges for the full number of units become effective upon requesting water and/or sewer services.

Sec. 20-75. Testing of meters.

The department of utilities shall have the right to test meters to determine their accuracy whenever it deems such action advisable. In addition, a user may demand a field test or recheck when in his the user's judgment the meter is not operating correctly. The ~~consumer~~ user shall pay a fee of \$30.00 for five-eighths-inch meter and for all other meters the charge is the actual cost incurred for such field test or recheck. If the accuracy or registration of the meter is found to be not more than 102 percent of the actual volume of water passing through the meter, this fee will not be refundable.

* * * *

Sec. 20-77. Additional fees and charges.

- (a) For processing of a returned or dishonored check in accordance with the state law, a fee shall be charged not to exceed ~~\$10.00~~ \$20.00 or five percent of the face value of the check, whichever is greater.
- (b) For turn-on service, emergency/repair service, or investigation service, requested after regular working hours, a fee of \$35.00 shall be charged.

* * * *

Sec. 20-82. Automatic rate increase.

~~Beginning October 1, 1994, and each fiscal year thereafter through the fiscal year beginning October 1, 1998, the water rates set forth in sections 20-63—20-68, 20-7—20-74 and 20-76 respectively herein, shall be automatically increased by four and two-tenths percent each year.~~

* * * *

Section 2: That Chapter 20, Article IV entitled "Wastewater Disposal System" "Division 2. Rates and Charges" is hereby amended as follows:

Sec. 20-183. Residential single- and multiple- unit sewer service.

* * * *

~~(c) *Readiness-to-serve charge.* The readiness-to-serve charge does not include any usage. The following are the readiness-to-serve charges:~~

	FY97	FY98	FY99	FY2000
(1) All single-unit accounts shall pay a monthly rate of	4.77	5.14	5.46	5.46
(2) All multiple units shall pay a monthly rate for the first unit in each building of	4.77	5.14	5.46	5.46

(3) ~~Each additional unit within each building shall pay a monthly rate of~~ ~~4.77~~ ~~5.14~~ ~~5.46~~ ~~5.46~~

(4) ~~Each unit where no water is furnished or metered shall pay a flat monthly rate of~~ ~~9.88~~ ~~10.64~~ ~~11.30~~ ~~11.30~~

(b) Readiness-to-serve charge. The readiness-to-serve charge does not include any usage. The following are the readiness-to-serve charges:

	<u>FY00/01</u>	<u>FY01/02</u>	<u>FY02/03</u>	<u>FY03/04</u>
(1) <u>All single-unit accounts shall pay a monthly rate of</u>	5.46	5.46	6.55	6.55

(2) <u>All multiple units shall pay a monthly rate for the each unit in each building of</u>	5.46	5.46	6.55	6.55
--	------	------	------	------

(3) <u>Each unit where no water is furnished or metered shall pay a flat monthly rate per unit of</u>	11.30	11.30	13.56	13.56
---	-------	-------	-------	-------

* * * *

(d) Usage. All sewer service will be charged on the basis of monthly metered water usage at the rate of \$1.25 ~~\$1.72~~ per 1,000 gallons up to a maximum usage of 10,000 gallons per unit.

Sec. 20-184. Commercial ~~single and multiple-unit~~ and hotel and motel sewer rate.

* * * *

~~(b) Monthly rate; readiness-to-serve charge.~~ The following are the readiness-to-serve charges:

	FY97	FY98	FY99	FY2000
(1) All single-unit accounts shall pay a monthly rate of	5.04	5.43	5.77	5.77
(2) All multiple units shall pay a monthly rate for the first unit in each building of	5.04	5.43	5.77	5.77
(3) Each additional unit within each building shall pay a monthly rate of	5.04	5.43	5.77	5.77

(b) Monthly rate; readiness-to-serve charge. The following are the readiness-to-serve charges:

	FY00/01	FY01/02	FY02/03	FY03/04
<u>(1) All commercial users accounts shall pay a monthly rate of times the same number of ERU's determined for water usage.</u>	<u>5.77</u>	<u>5.77</u>	<u>7.21</u>	<u>7.21</u>
<u>(2) All hotel and motel Users shall pay a monthly rate for each residential and commercial unit of</u>	<u>5.77</u>	<u>5.77</u>	<u>7.21</u>	<u>7.21</u>

* * * *

- (d) Usage. All sewer service will be charged on the basis of monthly metered water usage at the rate of ~~\$1.54~~ \$2.16 per 1,000 gallons.

* * * *

Sec. 20-188. Capital improvement charge.

- (a) Except as otherwise provided by law, every property owner or developer whose property receives water service and/or sewer service from systems owned, supplied or serviced by the city shall pay to the city a water and sewer capital improvement charge prior to the issuance of a building permit on each dwelling unit or equivalent residential unit for sewer service per equivalent residential unit of ~~\$784.00~~ \$1,116.00.

(b) ~~An equivalent residential unit is defined as an individual user who from the city water system purchases not in excess of an average of 10,500 U.S. gallons of water per month, and discharges not in excess of an average of 10,500 U.S. gallons of sewerage per month in the City sewer system.] An ERU has the same definition as set forth for water use above.~~

* * * *

Sec. 20-189. Standby service.

The regular minimum charge, readiness-to-serve, remains the same for water and sewer service while the water is turned off, plus a ~~\$10.00~~ \$12.50 turn-off charge. When service is resumed, there is a turn-on charge of ~~\$10.00~~ \$12.50. Standby charges for the full number of units become effective upon requesting water and/or sewer services.

* * * *

Sec. 20-196. Automatic rate increase.

~~Beginning October 1, 1994, and each fiscal year thereafter through the fiscal year beginning October 1, 1998, the water rates set forth in sections 20-183, 20-184, 20-188, and 20-189 respectively herein, shall be automatically increased by four and two-tenths percent each year.~~

* * * *

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: 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 portions of this ordinance.

SECTION 5: That all sections or parts of sections of the Code of Ordinance, all Ordinances or parts of ordinances, and all resolutions or parts of resolution in conflict herewith, and the same are hereby repealed to extent of such conflict.

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

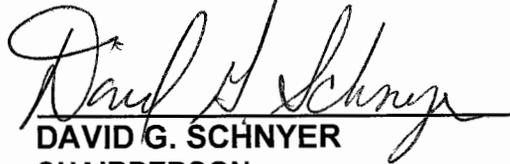
SECTION 7: That this Ordinance shall be in full force and take effect upon its final passage and adoption by the City Council.

RESOLUTION NO. 2931
PAGE

APPROVED:



MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON



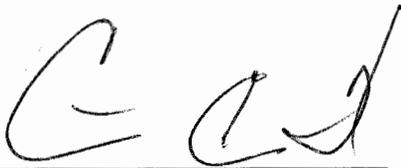
SYLVIA LEE BLUE
CHAIR PRO-TEM

(MUNICIPAL SEAL)



DONALD R. WILSON
COUNCILPERSON

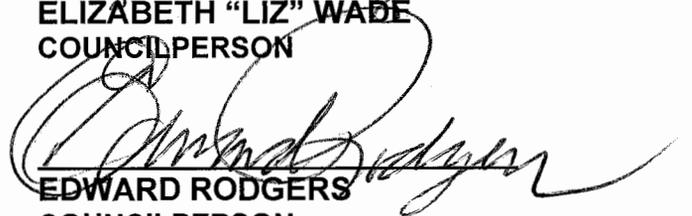
ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



ELIZABETH "LIZ" WADE
COUNCILPERSON



EDWARD RODGERS
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

PAGE

ORDINANCE NO. 2931

MOTIONED BY: S. Blue

MOTIONED BY: D. Wilson

SECONDED BY: D. Wilson

SECONDED BY: E. Wade

1ST READING

2ND & FINAL READING

D. SCHNYER nay

 nay

S. BLUE aye

 absent

D. WILSON aye

 aye

E. WADE aye

 aye

E. RODGERS aye

 aye

ORDINANCE NO. 2931
PAGE

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.

November 19, 2002
Date



Carrie E. Ward, Master Municipal Clerk
City Clerk

ORDINANCE NO. 2932

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM RICHARD L. WOLF, TRUST, FOR LAND LOCATED IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 2.07 ACRES, LOCATED AT 3900 BYRON DRIVE, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES.

WHEREAS, the City Council of the City of Riviera Beach, Florida, has examined the attached petition and finds the following to be true:

- a. The petitioner is the owner of the property described therein.
- b. The petition bears the notarized signature of the owner of the property proposed for annexation.
- c. The proposed annexed property is in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- d. No part of the proposed annexed property is included with the boundary of another incorporated municipality.
- e. The City has the capability to provide municipal services, e.g. fire and police protection, water and sewer services, garbage and trash collection to the subject property at the same level of service as such services are provided within the rest of the municipality.
- f. This ordinance is pursuant to Section 171.044, Voluntary Annexation, Florida Statutes; and

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, to the subject property for development purposes upon annexation of the subject parcel.

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

Section 1. Pursuant to Chapter 171, Florida Statutes, the City of Riviera Beach, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this Ordinance on second and final reading.

Petitioner Richard L. Wolf, Trust – owner
Property Control Number: 00-43-42-30-01-008-0010

Section 2. This ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida.

Section 3. Within seven (7) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

Section 4. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

Section 5. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal description of the subject property.

The West 300 feet thereof of Parcel “H” of Plat of No. 1 of CENTRAL INDUSTRIAL PARK, according to the plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 30, Page 37

Section 6. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.

Section 7. Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.

Section 8. 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 9. 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 portions of this Ordinance.

Section 10. That all section or part of sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

Section 11. Specific authority is hereby granted to codify this Ordinance.

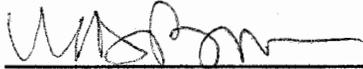
ORDINANCE NO. 2932

PAGE 3

Section 12. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

PASSED AND APPROVED this 20th day of November, 2002

APPROVED:



MICHAEL D. BROWN,
MAYOR



DAVID G. SCHNYER,
CHAIRPERSON

[MUNICIPAL SEAL]



SYLVIA LEE BLUE,
CHAIRPERSON PRO-TEM

ATTEST:



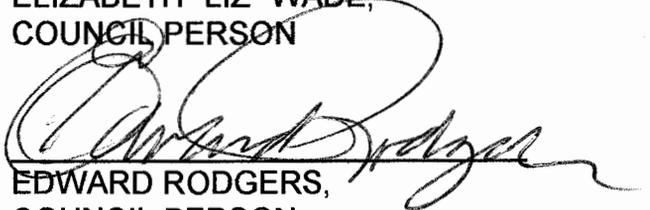
DONALD R. WILSON,
COUNCIL PERSON



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

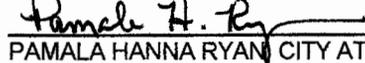


ELIZABETH "LIZ" WADE,
COUNCIL PERSON



EDWARD RODGERS,
COUNCIL PERSON

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE 10/29/02

ORDINANCE NO. 2932
PAGE 5

MOTIONED BY: E. Wade

MOTIONED BY: E. Wade

SECONDED BY: S. Blue

SECONDED BY: D. Wilson

	1ST READING	2 ND & FINAL READING
D. SCHYNER	<u>aye</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>absent</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
E. RODGERS	<u>aye</u>	<u>aye</u>

ORDINANCE NO. 2932
PAGE 6

CERTIFICATION OF PUBLICATION

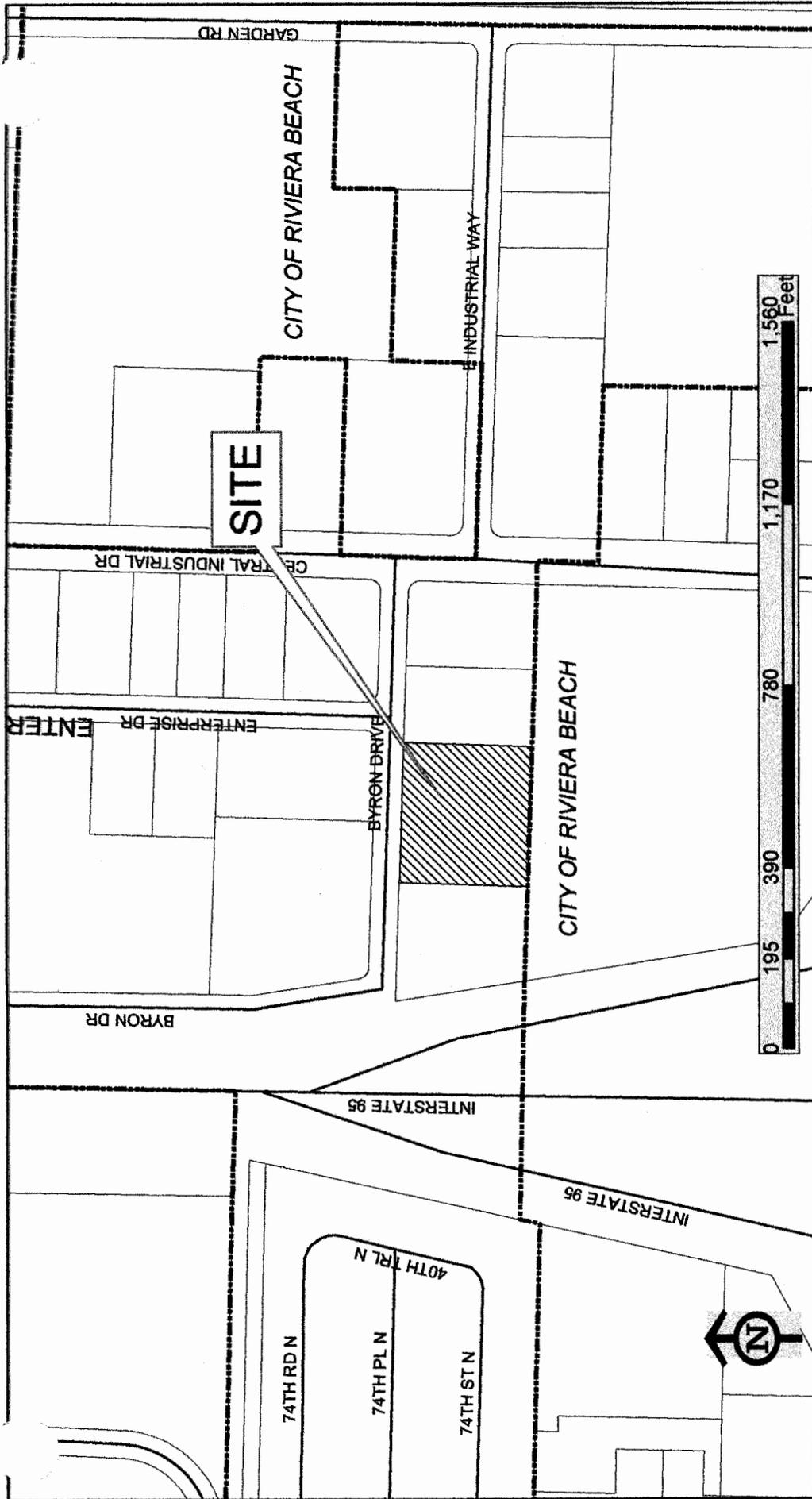
I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

November 19, 2002

Date



**Carrie E. Ward, Master Municipal Clerk
City Clerk**



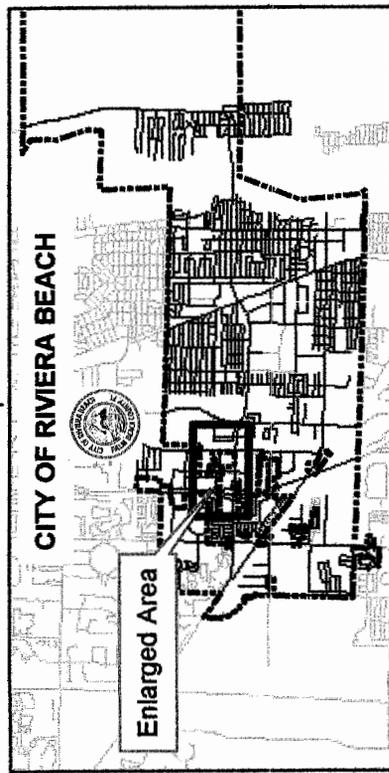
LOCATION MAP
3900 Byron Drive

Map Created on August 7, 2002
 by the City of Riviera Beach Community Development

D:\projects\planning & zoning\annexation\3900 byron\location map_3900 Byron

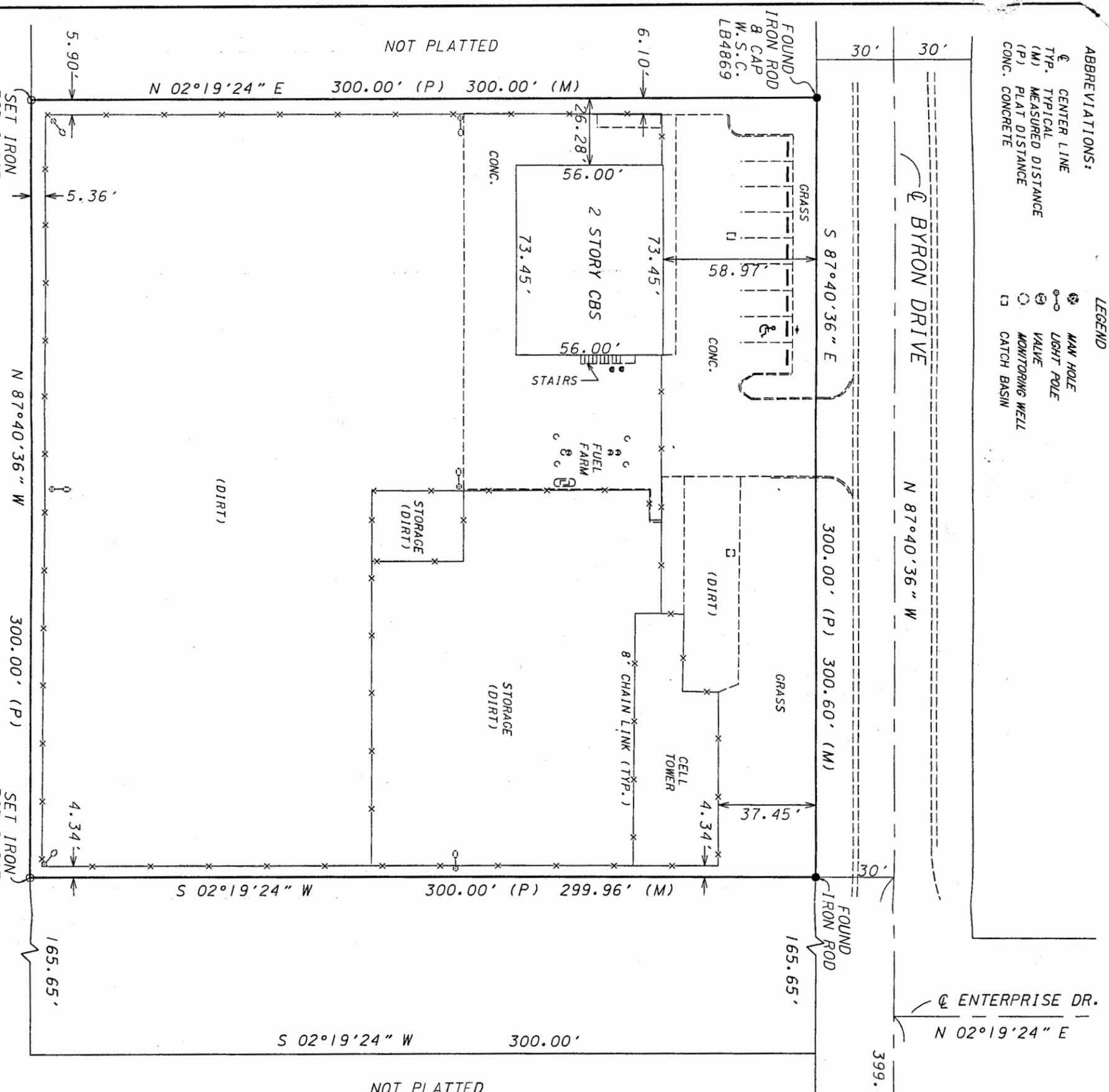
Legend

- Street Center Line
- ▨ 3900_Byron
- - - Municipal Boundary
- Parcel Boundary



ABBREVIATIONS:
 ⊕ CENTER LINE
 ⊕ TYPICAL
 (M) MEASURED DISTANCE
 (P) PLAT DISTANCE
 CONC. CONCRETE

LEGEND:
 ⊕ MAN HOLE
 ⊕ LIGHT POLE
 ⊕ VALVE
 ⊕ MONITORING WELL
 ⊕ CATCH BASIN

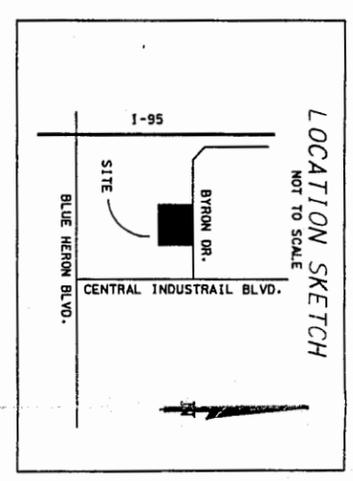


5:\PROJECTS\1279\BOUNDARY.DGN 12/21/01 01:26:11 PM

SET IRON ROD & CAP SEXTON ENG. LB6837

BLUE HERON CENTER PLAT BOOK 86, PAGE 126

SET IRON ROD & CAP SEXTON ENG. LB6837



NOTES:

1. BEARINGS SHOWN ARE RELATIVE TO THE SOUTH LINE OF PLAT NO. 1 CENTRAL INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE BEARING N 87°40'36" W.
2. FIELD SURVEY WAS PERFORMED ON DEC. 20, 2001.
3. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE
4. UNDERGROUND UTILITIES, IF ANY, HAVE NOT BEEN LOCATED AND ARE NOT COVERED UNDER THE CERTIFICATION SHOWN HEREON

LEGAL DESCRIPTION:

A PARCEL OF PROPERTY SITUATED IN PALM BEACH COUNTY, FLORIDA AND DESCRIBED AS THE WEST 300.00 FEET OF PARCEL 'H' AS SHOWN UPON PLAT NO. 1 OF CENTRAL INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 30, PAGE 37.

CONTAINING 90,000 SQ. FEET MORE OR LESS.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 6817-6, FLORIDA ADMINISTRATIVE CODE, EFFECTIVE SEPTEMBER 1, 1981

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SEXTON ENGINEERING ASSOCIATES, INC.
 1200 CORPORATE CENTER WAY, SUITE 102
 WELLINGTON, FLORIDA 33414
 LB NO. 6837

PROFESSIONAL SURVEYOR AND MAPPER
 MICHAEL F. SEXTON
 NO. 35596, STATE OF FLORIDA
 LB. NO. 6837

**WEST 300.00' OF PARCEL 'H'
 PLAT NO. 1
 CENTRAL INDUSTRIAL PARK**

SEXTON ENGINEERING ASSOCIATES, INC.
 CONSULTING ENGINEERS AND SURVEYORS
 12300 SOUTH SHORE BLVD., SUITE 210
 WELLINGTON, FLORIDA, 33414
 PHONE 561-792-3122, FAX 561-792-3168

BOUNDARY SURVEY

PROJ. NO.	1279	DATE	12/20/01
SCALE	1"=20'	SHEET	1 OF 1

ORDINANCE NO. 2933

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 3, ARTICLE 1, SEC. 3-10, ENTITLED "DRINKING INTOXICATING BEVERAGES ON STREETS AND PUBLIC WAYS OR PLACES" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A CODIFICATION CLAUSE; A SEVERABILITY AND A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 3, Article 1, Sec. 3-10, entitled "Drinking Intoxicating Beverages on Streets and Public Ways or Places" currently regulates the consumption of alcohol in public places; and

WHEREAS, Sec. 3-10 does not currently contain a prohibition against possession of open containers nor consumption of alcoholic beverages in vehicles; and

WHEREAS, the City Council of the City of Riviera Beach believes that an amendment to Sec. 3-10 is necessary to protect the residents of the City from the dangers associated with driving under the influence; and

WHEREAS, the Police General Counsel will prosecute violators of the ordinance.

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

SECTION 1. That Chapter 3, Article 1, Sec. 3-10, entitled "Drinking Intoxicating Beverages on Streets and Public Ways or Places" of the Code of Ordinances of the City of Riviera Beach is hereby amended to read:

Sec. 3-10. Drinking intoxicating beverages on streets, public ways or places; open containers.

(a) No person shall drink any spirituous, vinous, malt, or other intoxicating liquors alcoholic or intoxicating beverages or liquors, beer, ale or wine in or upon any street, avenue, alley, park, bench, parking lot where same is sold, or other public way or public place in the city. The consumption or possession of alcoholic or intoxicating beverages or liquors, beer, ale, or wine in an unsealed container is also prohibited within five hundred (500) feet of a commercial establishment parking lot or in or upon a motor vehicle being operated on or parked on a public or semi-public area open for vehicular travel.

(b) Definitions. As used in this section the following terms shall have the meanings set forth below:

(1) Commercial establishment parking lot. Any private or public area appurtenant to commercial establishments used by the public for parking for, and pedestrian access to, commercial establishments, including drives, parking areas, sidewalks and walkways appurtenant thereto.

(2) Public or semi-public area open for vehicular travel. All public and private roads, streets, highways, lanes, alleys, parking lots and parking areas on which the public is expressly or implicitly invited to travel in or upon by motor vehicle or which is otherwise opened for vehicular travel.

(c) Specific acts prohibited. The following acts are prohibited:

(1) It shall be unlawful for any person to consume any alcoholic beverage in or within five hundred (500) feet of a commercial establishment parking lot, except in those areas in which such consumption is permitted by Florida Statute, the Florida Administrative Code or other parts of this code.

(2) It shall be unlawful for any person to possess any container of alcoholic beverage, except in an original container with the seal unbroken, or to consume any alcoholic beverage in or on a motor vehicle being operated on or parked on a public or semi-public area open for vehicular traffic.

(3) It shall be unlawful for any person to possess any alcoholic beverage in or within five hundred (500) feet of a commercial establishment parking lot, except in those areas in which such consumption is permitted by Florida Statute, the Florida Administrative Code or other parts of this code, unless such alcoholic beverage is in the original container with the seal unbroken.

(d) Notwithstanding the foregoing, the city manager, or designee, may authorize the consumption of such alcoholic beverage in a public park or building, street, avenue, alley, parking lot, or other public way or public place in the city when used in conjunction with a picnic, social event or public gathering held by a family, group of persons or an organization. (b) Such authorization shall be in writing and shall set forth the date, time and place during which such alcoholic beverages may be consumed. Further, any such authorization may include any other requirement the city manager may deem necessary to protect the health, safety and welfare of the public, including but not limited to, obtaining a special events permit. (e) The city manager shall not grant such authorization if in his opinion, for stated reasons, the public safety or peace may become impaired.

ORDINANCE NO. 2933
PAGE -3-

SECTION 2. 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 portions of this ordinance.

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

SECTION 4. Specific authority is hereby granted to codify this Ordinance.

SECTION 5. This ordinance shall take effect upon its adoption by the City Council.

PASSED and APPROVED on first reading this 6th day of November, 2002.

PASSED and ADOPTED on second and final reading this 20th day of November, 2002.

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APPROVED:



MICHAEL D. BROWN
MAYOR



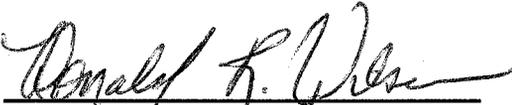
DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)



SYLVIA LEE BLUE
CHAIR PRO-TEM

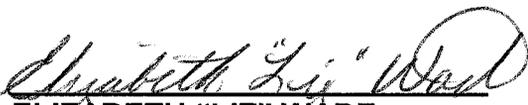
ATTEST:



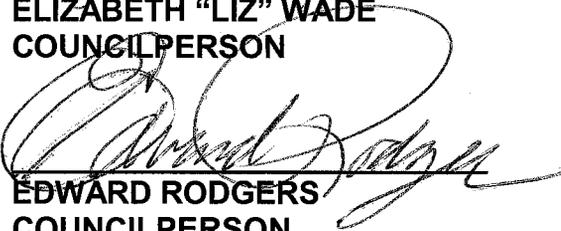
DONALD R. WILSON
COUNCILPERSON



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

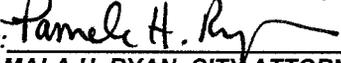


ELIZABETH "LIZ" WADE
COUNCILPERSON



EDWARD RODGERS
COUNCILPERSON

Approved as to legal sufficiency

By: 

PAMALA H. RYAN, CITY ATTORNEY

Date: 10/29/07

ORDINANCE NO. 2933
PAGE -5-

MOTIONED BY: S. Blue MOTIONED BY: D. Wilson

SECONDED BY: E. Wade SECONDED BY: E. Wade

	1 ST READING	2 ND & FINAL READING
D. SCHNYER	<u>aye</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>absent</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
E. RODGERS	<u>aye</u>	<u>nay</u>

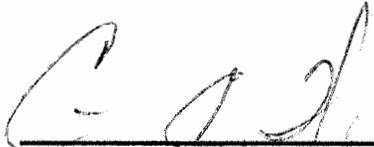
PHR:syj
10/29/02

ORDINANCE NO. 2933
PAGE 6

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.

November 19, 2002
Date



Carrie E. Ward, Master Municipal Clerk
City Clerk

ORDINANCE NO. 2934

AN ORDINANCE OF THE CITY OF RIVIERA BEACH PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES BY AMENDING SECTION 2-127 ENTITLED "CIVIL BOARD CREATED; COMPOSITION; QUALIFICATIONS AND REMOVAL OF MEMBERS; QUORUM; MEETINGS" TO CHANGE THE MEETING SCHEDULE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, both police and fire and the general employees civil service boards have voted to change the meeting schedule from monthly to quarterly; and

WHEREAS, this schedule change will not in no way cease the progress of board; and

WHEREAS, this schedule change will assist in the productivity within the Human Resources Department.

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 2-127 entitled "Civil board created; composition; qualifications and removal of members; quorum; meetings" of the City of Riviera Beach Code of Ordinances is hereby amended as follows:

(e) *Meetings.* The board shall hold not less than one regular meeting ~~each month~~ quarterly and may hold other meetings at the call of the ~~chairman~~ chairperson as may be required for the transaction of the business of the board.

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 effect the validity or 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 extent of such conflict.

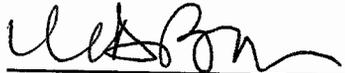
~~**SECTION 5.** Specific authority is hereby granted to codify this ordinance.~~

SECTION 6. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED on first reading this 2nd day of December, 2002.

PASSED AND ADOPTED on second and final reading this 18th day of December, 2002.

APPROVED:

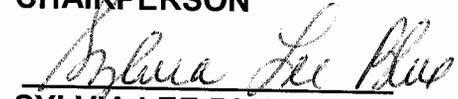

MICHAEL D. BROWN
MAYOR

(MUNICIPAL SEAL)

ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK


DAVID G. SCHNYER
CHAIRPERSON

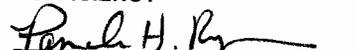

SYLVIA LEE BLUE
CHAIR PRO-TEM


DONALD R. WILSON
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON


EDWARD RODGERS
COUNCILMEMBERS

REVIEWED AS TO LEGAL
SUFFICIENCY


PAMALA HANNA RYAN
CITY ATTORNEY

DATE 11/27/02

ORDINANCE NO. 2934
PAGE 4

MOTIONED BY: D. Wilson

MOTIONED BY: S. Blue

SECONDED BY: S. Blue

SECONDED BY: D. Wilson

1ST READING

2ND & FINAL READING

D. SCHNYER aye

aye

S. BLUE aye

aye

D. WILSON aye

aye

E. WADE aye

aye

E. RODGERS aye

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.

12-18-08
Date



Carrie E. Ward, Master Municipal Clerk
City Clerk

ORDINANCE NO. 2935

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF RPUD-1 TO APPROXIMATELY 101 ACRES OF LAND LOCATED ON THE WEST SIDE OF CONGRESS AVENUE SOUTH OF SILVER BEACH ROAD; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving more than ten (10) contiguous acres which changes the actual zoning map designation of parcels; and,

WHEREAS, the subject parcel is designated Multi-family residential up to 10 units per acre on the Future Land Use Map and the proposed R-PUD1 zoning is consistent with the City of Riviera Beach Comprehensive Plan; and,

WHEREAS, on December 12, 2002, the Planning and Zoning Board reviewed the proposed zoning change and its consistency with the Comprehensive Plan and recommended approval to the City Council; and,

WHEREAS, on January 15, 2003, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance.

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

Section 1. The Zoning Map of the City of Riviera Beach is hereby amended to assign a RPUD-1 zoning classification to approximately 101 acres of land located on the west side of Congress Avenue, south of Silver Beach Road.

LEGAL DESCRIPTION: A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING ALL OF THE NORTHEAST QUARTER OF SECTION 30, LYING WEST OF THE WEST RIGHT-OF-WAY LINE FOR CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORD BOOK 10644, PAGE 963, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE

NORTH 75 FEET THEREOF. CONTAINING 101.232 ACRES, MORE OR LESS.

Section 2. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 3. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 4. The effective date for the enactment of this Ordinance shall be 10 days from the adoption hearing.

Section 5. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

PASSED AND APPROVED on First Reading this 15 day of January 2003.

PASSED AND ADOPTED on Second Reading this 5 day of January 2003.

APPROVED:

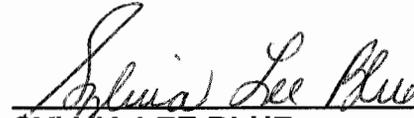


MICHAEL D. BROWN,
MAYOR



DAVID G. SCHNYER,
CHAIRPERSON

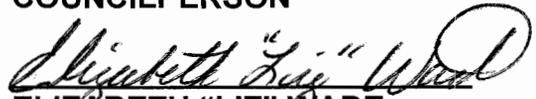
[MUNICIPAL SEAL]



SYLVIA LEE BLUE,
CHAIR PRO-TEM

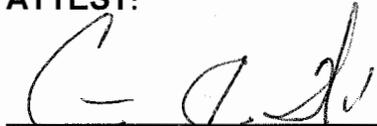


DONALD R. WILSON
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



EDWARD RODGERS
COUNCILPERSON

1st Reading

2nd & Final Reading

MOTIONED BY:

D. WILSON

D. WILSON

SECONDED BY:

E. WADE

S. BLUE

D. SCHNYER

AYE

AYE

S. BLUE

AYE

AYE

D. WILSON

AYE

AYE

E. WADE

AYE

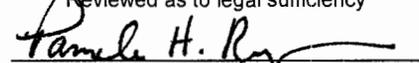
AYE

E. RODGERS

AYE

AYE

Reviewed as to legal sufficiency


PAMALA HANNA RYAN, CITY ATTORNEY

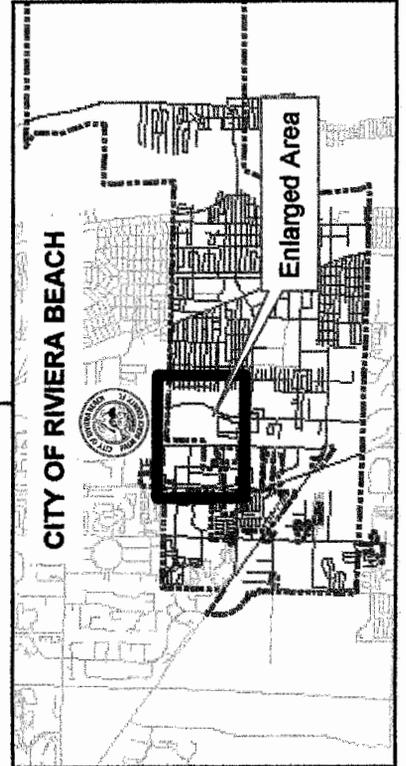
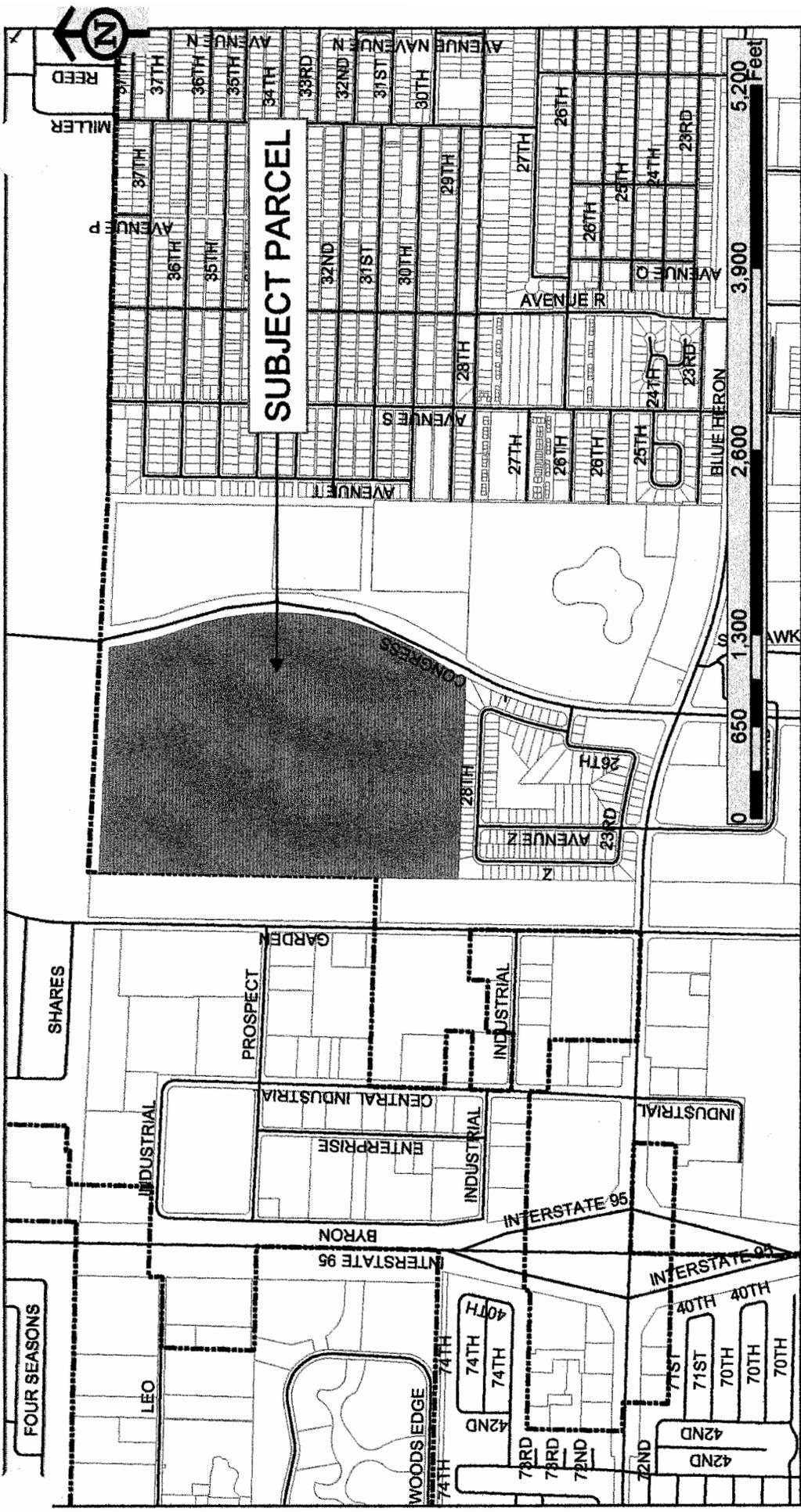
Date: 1/9/03

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.

January 15, 2013
Date


Carrie E. Ward, Master Municipal Clerk
City Clerk



**LOCATION MAP
CONGRESS AVENUE PUD**

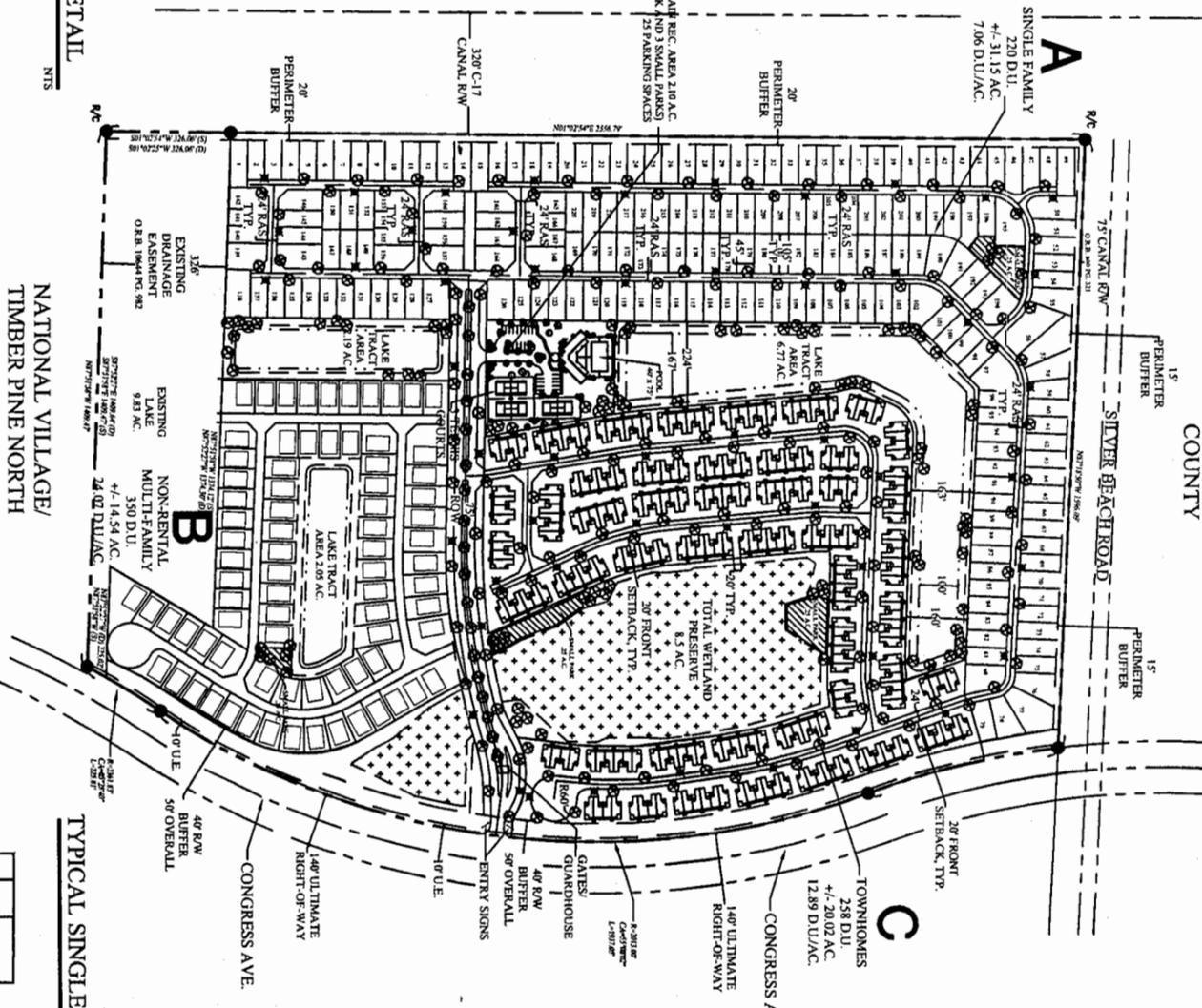
Legend

- Parcel Boundary
- Street Center Line
- Municipal Boundary
- Congress Avenue PUD

Map Created on November 20, 2002
by the City of Riviera Beach Community Development

PALM BEACH COUNTY

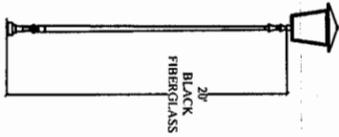
PALM BEACH COUNTY



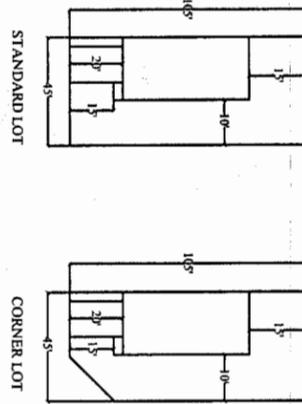
POD DATA

POD A - SINGLE FAMILY (45' x 105')	220 D.U.
POD B - NON-RENTAL MULTI-FAMILY	350 D.U.
POD C - TOWNHOMES	258 D.U.
TOTAL	828 D.U.

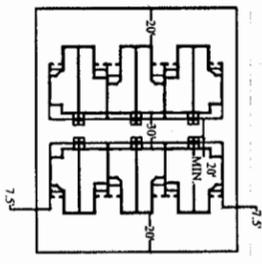
NATIONAL VILLAGE/
TIMBER PINE NORTH
SF-RES.
RD-15



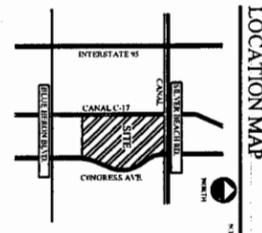
TYPICAL LIGHT DETAIL NTS



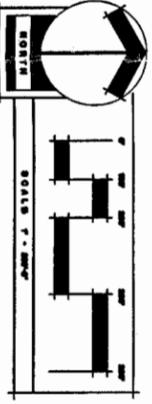
TYPICAL SINGLE FAMILY UNIT PLANS NTS



TYPICAL TOWNHOUSE UNIT PLAN NTS



LOCATION MAP NTS



SITE DATA

SECTION/TOWNSHIP/RANGE	30/42/43
EXISTING LAND USE	MRF
PROPOSED ZONING	ANNEXED
F.C.N.	RPUD-1
TOTAL SITE AREA	56.43-42-30-00-000-1010
TOTAL DWELLING UNITS	101.23 AC.
A - SINGLE FAMILY (45' x 105')	220 D.U.
B - NON-RENTAL MULTI-FAMILY	350 D.U.
C - TOWNHOMES	258 D.U.
(12) - 4 UNIT BLDGS.	48 D.U.
(35) - 6 UNIT BLDGS.	210 D.U.
DENSITY	8.18 D.U./AC.
RECREATIONAL AREA REQUIRED	2.96 AC.
TOTAL RECREATIONAL AREA PROPOSED	3.10 AC.
MAIN REC. AREA (1 PARK @ 13 AC/100 D.U. @ MIN. 1.0 AC - 1.08 AC)	1.35 AC.
BUILDING (100 S.F./100 D.U.)	3,800 S.F.
POOL (MIN. 40' x 75')	1 POOL
TENNIS COURTS (MIN. 1,300 D.U.)	3 COURTS
SMALL PARK (MIN. 1 PARK/125 D.U.)	7 PARKS
LAKE TRACT AREA	10.21 AC.
TOTAL WETLAND AREA (EXISTING)	12.84 AC.
WETLAND PRESERVE	8.50 AC.
BUFFER AREAS	5.68 AC.
80' ENTRY ROAD AREA	1.77 AC.
UTILITY EASEMENT AREA	60 AC.

- NOTES**
- AC = ACRES
 - DE = DRAINAGE EASEMENT
 - D.U. = DWELLING UNITS
 - EAS = EASEMENT
 - L.M.E. = LANDSCAPE MAINTENANCE EASEMENT
 - M = MODEL
 - MIN. = MINIMUM
 - O.H. = OVER HEAD
 - O.S. = OPEN SPACE
 - R.A.S. = RESIDENTIAL ACCESS STREET
 - R.W. = R.O.W.
 - S.F. = SQUARE FEET
 - TYP. = TYPICAL
 - UE = UTILITY EASEMENT
 - ALL INTERNAL RESIDENTIAL ACCESS STREETS ARE PRIVATE
 - * = LIGHTING ELEMENT
 - POD B IS TO CONSIST OF NON-RENTAL MULTI-FAMILY UNITS

CONGRESS AVENUE PUD

PREPARED FOR CONTINENTAL HOMES
RIVIERA BEACH, FLORIDA



SITE PLAN

2301 Centurypark West Drive
Suite 300
West Palm Beach, FL 33408
907-785-8801

SCALE: 1" = 300'-0"

DRAWN BY: RALP/JCS
DRAWING #: 4444444444
REV: 6/14

DATE: 10/21/02
REVISIONS: 1/2/02, 01/07/02
17/02/02

S H E E T
1 OF 1

ORDINANCE NO. 2936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ENTITLED "TRAFFIC AND MOTOR VEHICLES", ARTICLE III, SECTION 19-72(A), FAILURE TO COMPLY WITH NOTICE OR CITATION ATTACHED TO VEHICLE, OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES, BY INCREASING PARKING FINES FROM TEN DOLLARS (\$10.00) TO TWENTY-FIVE DOLLARS (\$25.00); PROVIDING FOR PENALTY, SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes that the parking fines for non moving violators have not been increased in the past twenty years; however, the City amended the penalties for such occurrences. It is in the City's best interest to apply applicable rules and to increase the fines for violators to deter violations within the municipal boundaries of Riviera Beach.

WHEREAS, it is in the best interest of the City to adopt a fine and penalty in accordance with municipal and state guidelines for violators of this section of the Code of Ordinances and to concur compliance with Florida Statute wherein sections 316.1955 or 316.1956 are violated.

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

Section 1: That Section 19-72 entitled "Failure to comply with notice or citation attached to vehicle; follow-up notice; prosecution in county court; penalty imposed is hereby amended as follows:

(a) A user or owner who violates any of the restrictions on stopping, standing or parking imposed by Ordinance or Code, in response to such notice or citation affixed to such motor vehicle may pay to the City Clerk, the sum of ~~Ten dollars \$10.00~~ Twenty-Five Dollars (\$25.00) within five (5) business days to avoid a late fee.

(b) If such user or owner shall fail to pay such citation within five business days excluding weekends and holidays, the following late fee shall be imposed: If payment is postmarked after 96 hours of due date, add \$10.00, after 30 days, add \$25.00, plus original payment affixed to citation. Such violator(s) shall have the right to appeal or request a court hearing and if such user or owner is found guilty of such violation in county court, such user or owner shall be fined a minimum of \$50.00 per violation plus court costs.

(c) The violator, upon satisfactorily complying with the applicable code, shall be issued a parking violation payment verification by the City of Riviera Beach Parking Citation Division. ~~in the city clerk's office.~~

(d) If persons fail to pay three or more fines in accordance with the aforementioned sections, or in accordance with 19-60, the city will report such failure to the Clerk of the Court who will furnish the department of motor vehicles a list of violators for the purposes of withholding license plates or revalidation stickers until all fines have been paid.

(Section 19-72.1) Failure to comply with section 19-72 or 19-60, the Clerk of the Court shall supply the Department of Highway Safety and Motor Vehicles with a computer tape or cartridge which is machine readable by the computer system installed at the DHSMV listing persons who have three or more outstanding parking violations, including violations of F.S. 316.1955 OR 36.1956.

~~(Section 19-73) Certain fines. The fine for a conviction of a violation of F.S. 316.1955, entitled parking spaces provided by governmental agencies for certain disabled persons, and F.S. 316.1956, entitled parking spaces provided by nongovernmental entities for certain disabled persons, shall be \$75.00 for each conviction.~~

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 portions of this ordinance.

SECTION 4: That sections or part of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be an the same are hereby repealed to extent to such conflict.

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

SECTION 6: That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

APPROVED:

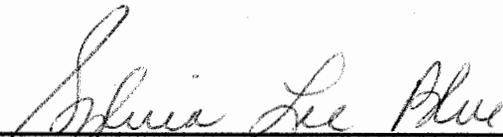


MICHAEL D. BROWN
MAYOR

absent

DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)



SYLVIA LEE BLUE
CHAIR PRO-TEM

ATTEST:



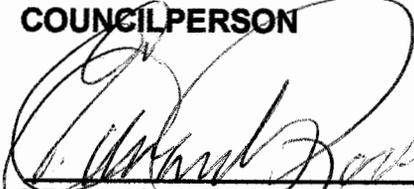
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON
COUNCILPERSON

absent

ELIZABETH "LIZ" WADE
COUNCILPERSON



EDWARD RODGERS
COUNCILMEMBERS

MOTIONED BY: D. Wilson

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

SECONDED BY: E. Rodgers

REVIEWED AS TO LEGAL SUFFICIENCY:

PAMALA HANNA RYAN, CITY ATTORNEY

DATE

	1 ST READING	2 ND & FINAL READING
D. SCHNYER	<u>aye</u>	<u>absent</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>absent</u>
E. RODGERS	<u>aye</u>	<u>aye</u>

Approved & Adopted February 19, 2003

CERTIFICATION OF PUBLICATION

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

Date:

Carrie E. Ward, Master Municipal Clerk
City Clerk

ORDINANCE NO. 2937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION", ARTICLE VI, CITY EMPLOYEES, (DIVISION 3) SALARY PLAN, SECTION 2-106.1(D) (2) (d) OF THE CODE OF ORDINANCES BY INCLUDING A SUBSECTION, ENTITLED "SPECIAL MERITORIOUS INCREASE"; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intention of the City Council to amend Chapter 2, entitled "Administration", Article VI, City Employees (Division 3) Salary Plan, Section 2-106.1(D) (2) (d) of the Code of Ordinances to include a new subsection, entitled "Special Meritorious Increase"; and

WHEREAS, it is the intention of the City to incorporate sections of Chapter 2, entitled "Administration" of the previous Code of Ordinances as Chapter 15 entitled "Human Resources" of the current Code of Ordinances; and

WHEREAS, the City of Riviera Beach is committed to retaining the best managerial, professional and exempt salary employees possible; and

WHEREAS, the City of Riviera Beach is committed to a pay for performance system; and

WHEREAS, the City Manager may determine that individual employees far exceed the goals and objectives assigned; and

WHEREAS, when the impact of an individual performance to the organization is such that it merits a salary increase over and above that budgeted for the individual the City Manager may during performance evaluation, reward such an individual in accordance to professional performance.

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

SECTION 1: That Chapter 15, entitled "Personnel" to be titled, "Human Resources" in the City of Riviera Beach Code of Ordinances is hereby amended to reflect department correct title.

SECTION 2: That Chapter 15, entitled "Human Resources" include the following as Section 15-106 of the City of Riviera Beach Code of Ordinances:

Special Meritorious Increase

The City Manager may determine during the annual evaluation of a non-classified employee that said employee has far exceeded their annual fiscal year goals, objectives and/or responsibilities. Based on such determination the City Manager may award up to a 10% increase in salary. Such an increase is over and above the managerial, professional and exempt salary increases. The meritorious increase must not exceed the maximum of the employee's pay grade; and should the increase exceed the maximum of the employee's pay grade, the excess will be paid to the employee in a one time lump sum.

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: 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 portions of this Ordinance.

SECTION 5: That sections or part of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

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

SECTION 7: That this Ordinance shall apply retroactively to October 1, 2002.

PASSED AND APPROVED on the first reading this 5th day of February 2003.

PASSED AND ADOPTED on second and final reading this day of , 2003.

ORDINANCE NO. 2937

3

APPROVED:



MICHAEL D. BROWN
MAYOR

DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)

SYLVIA LEE BLUE
CHAIRPERSON PRO TEM

DONALD R. WILSON
COUNCILPERSON

ATTEST:

ELIZABETH "LIZ" WADE
COUNCILPERSON

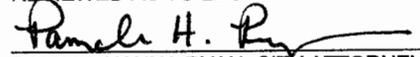
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: D. Wilson MOTIONED BY: _____

SECONDED BY: S. Blue SECONDED BY: _____

REVIEWED AS TO LEGAL SUFFICIENCY:



PAMALA HANNA RYAN, CITY ATTORNEY

DATE 1/31/03

1ST READING

2ND & FINAL READING

D. SCHNYER
S. BLUE
D. WILSON
E. WADE
E. RODGERS

_____ nay _____
_____ nay _____
_____ nay _____
_____ nay _____
_____ nay _____

CERTIFICATION OF PUBLICATION

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

Date:

Carrie E. Ward, Master Municipal Clerk
City Clerk

ORDINANCE NO. 2938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, SECTION 31-692 ENTITLED "LAND DEVELOPMENT APPLICATION FEE SCHEDULE" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.201, Florida Statutes, provides the City Council with the authority to collect fees necessary to conduct municipal government; and

WHEREAS, The City Council finds that the current schedule of fees for development petitions, adopted by Ordinance No. 2882 in the year 2000, is outdated and needs to be revised.

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

Section 1. Chapter 31, Section 31-692 entitled "Land Development Application Fees" of the City of Riviera Beach Land Development Code is hereby amended to read as follows:

Sec. 31-692. Land development application fee schedule.

Site plan review:

Minor (less than 1 acre) ————— \$750.00
Major (1 acre or more) ————— \$1500.00
PUD ————— \$2000.00

Site plan amendments:

Minor (less than 1 acre) ————— \$500.00
Major (1 acre or more) ————— \$750.00
PUD ————— \$1350.00

Special exception:

All (In addition to site plan fee) — \$250.00
Land use change: ————— \$1500.00
Small Scale land use change: — \$1000.00
Text Change: ————— \$1500.00

Rezoning: ————— \$1000.00

Revision to Land Development Code — \$1000.00 (per revision)

Abandonment of Easement: —————

ORDINANCE NO. 2938
 PAGE 2

Services	Fee	Advertising Deposit
<u>Site Plan Review</u>		
Minor: Less than 1 acre	\$1,500	N/A
Major: 1 acre or more	\$2,500	N/A
<u>Special Exception</u>		
All (In addition to Site Plan fee)	\$1,000	\$500
<u>Plat approval</u>		
Plat (2 lots or less)	\$1,000	N/A
Subdivisions (3 or more lots)	\$2,000	N/A
<u>Comprehensive Plan</u>		
Land Use Change	\$2,500	\$2,000
Small Scale Land Use Change	\$2,000	\$500
Text Change	\$2,500	\$2,000
Rezoning	\$2,000	\$500-2000
Development of Regional Impact	\$5,000	\$2,500
PUD	\$2,500	\$2,000
Revision to LDC	\$2,000	\$500-\$2000
<u>Abandonment of Easement</u>		
Single Family Residential	\$250	N/A
Other	\$1,000	N/A
Abandonment of Right-of-Way	\$1,000	\$500
		N/A
Variance	\$1,000	\$500
Multiple Request	\$250	N/A
Appeal of Zoning Determination	\$1,000	\$500
		N/A

Sign Permit Review:	\$100	N/A
Notification Signs:	\$15	N/A
Zoning verification letter	\$100	N/A
Zoning map (34x22)	\$25	N/A
Zoning map (80x36)	\$50	N/A
Future Land Use Map (34x22)	\$25	N/A
Future Land Use Map (80x36)	\$50	N/A
Custom map	\$100	N/A

All application fees and advertising deposits shall be paid in full at time of submittal of application to the Department of Community Development. No development request shall be processed until all application fees are paid.

Additional cost may be incurred by the applicant, including , but not limited to the following:

Consultant fees paid by the City to review or prepare such professional documentation as a property appraisal, traffic impact analyses, vegetation and environmental assessments, archeological or historic assessments, market studies, engineering studies or reports, legal fees, etc. Such additional costs must be paid by the applicant prior to the issuance of any development order.

Section 2. 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 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 extent of such conflict.

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

Section 6. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND APPROVED on First Reading this 19th day of February 2003.

PASSED AND ADOPTED on Second Reading this 5th day of March 2003.

APPROVED:

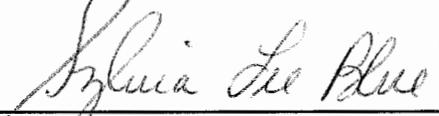


MICHAEL D. BROWN,
MAYOR

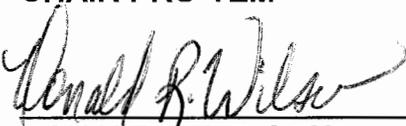
absent

DAVID G. SCHNYER,
CHAIRPERSON

[MUNICIPAL SEAL]



SYLVIA LEE BLUE,
CHAIR PRO-TEM



DONALD R. WILSON
COUNCILPERSON

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

absent

ELIZABETH "LIZ" WADE
COUNCILPERSON


EDWARD RODGERS,
COUNCILPERSON

1st Reading

2nd & Final Reading

MOTIONED BY:

S. Blue

D. Wilson

SECONDED BY:

D. Wilson

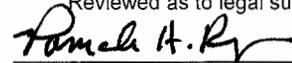
E. Rodgers

D. SCHNYER
S. BLUE
D. WILSON
E. WADE
E. RODGERS

aye
aye
aye
aye
aye

absent
aye
aye
absent
aye

Reviewed as to legal sufficiency



PAMALA HANNA RYAN, CITY ATTORNEY
Date: 2/12/03

ORDINANCE NO. 2939

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF RPUD-1 TO APPROXIMATELY 34 ACRES OF LAND LOCATED ON THE EAST SIDE OF CONGRESS AVENUE SOUTH OF SILVER BEACH ROAD; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving more than ten (10) contiguous acres which changes the actual zoning map designation of parcels; and,

WHEREAS, the subject parcel is designated Multi-family residential up to 10 units per acre on the Future Land Use Map and the proposed R-PUD1 zoning is consistent with the City of Riviera Beach Comprehensive Plan; and,

WHEREAS, on February 13, 2002, the Planning and Zoning Board reviewed the proposed zoning change and its consistency with the Comprehensive Plan and recommended approval to the City Council; and,

WHEREAS, on March 19, 2003, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance.

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

Section 1. The Zoning Map of the City of Riviera Beach is hereby amended to assign a RPUD-1 zoning classification to approximately 34 acres of land located on the east side of Congress Avenue, south of Silver Beach Road.

LEGAL DESCRIPTION: A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING ALL OF THE NORTHEAST QUARTER OF SECTION 30, LYING EAST OF THE EAST RIGHT-OF-WAY LINE FOR CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORD BOOK 10644, PAGE 963, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH

THREE-QUARTERS OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 30 LESS THE NORTH 75 FEET THEREOF AND LESS THE EAST 50 FEET THEREOF.

Section 2. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 3. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

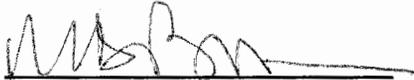
Section 4. The effective date for the enactment of this Ordinance shall be 10 days from the adoption hearing.

Section 5. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

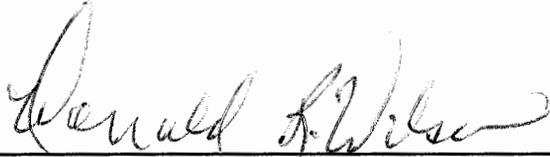
PASSED AND APPROVED on First Reading this 19th day of March, 2003

PASSED AND ADOPTED on Second and Final Reading this 2nd day of April, 2003

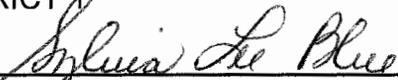
APPROVED:



MICHAEL D. BROWN
MAYOR

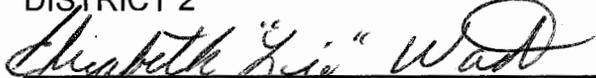


COUNCILPERSON DONALD R. WILSON
DISTRICT 17



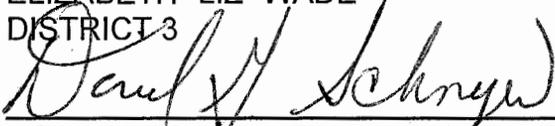
COUNCILPERSON SYLVIA LEE BLUE
DISTRICT 2

ATTEST



ELIZABETH "LIZ" WADE
DISTRICT 3

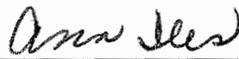
(MUNICIPAL SEAL)



COUNCILPERSON DAVID G. SCHNYER
DISTRICT 4



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



COUNCILPERSON ANN ILES
DISTRICT-AT-LARGE

1ST Reading

2ND & Final Reading

MOTIONED BY:
SECONDED BY:

E. Wade
A. Iles

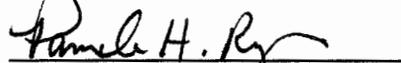
E. Wade
D. Wilson

D. Schnyer
S. Blue
D. Wilson
E. Wade
A. Iles

aye
absent
aye
aye
aye

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 3/12/03

SITE DATA

SECTION/TOWNSHIP/RANGE
EXISTING LAND USE
EXISTING ZONING
PROPOSED ZONING
P.C.N.
GROSS SITE AREA
NET SITE AREA
TOTAL DWELLING UNITS
A - SINGLE FAMILY (45' x 105')
B - NON-RENTAL MULTI FAMILY
C - TOWNHOMES
(12) - 4 UNIT BLDGS.
(35) - 6 UNIT BLDGS.
D - TOWNHOMES
MULTI-FAMILY
GROSS DENSITY
NET DENSITY
RECREATIONAL AREA REQUIRED
TOTAL RECREATIONAL AREA PROPOSED
MAIN REC. AREA (1 PARK @ 1.0 AC/100 DU @ MIN 1.0 AC - 1.0 AC)
POOL AREA (1 @ 0.5 AC)
TENNIS COURTS (MIN 1.0 @ 100 DU)
SMALL PARK (MIN 1 PARK @ 1.0 @ 100 DU)
LAKE TRACT AREA
LAKE SURFACE AREA
TOTAL WETLAND AREA (EXISTING)
WETLAND BUFFER
ROW BUFFER AREA
PERIMETER BUFFER AREA
ENTRY ROAD AREA
UTILITY EASEMENT AREA
POD D TOTAL IMPERVIOUS AREA

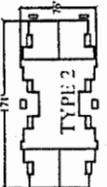
ANNEXED (not yet assigned)
56-43-42-30-00-000-1010
135.19 AC
122.31 AC
1186 D.U.
219 D.U.
219 D.U.
238 D.U.
48 D.U.
210 D.U.
34 D.U.
456 D.U.
8.77 D.U./AC
9.70 D.U./AC
3.91 AC
4.64 AC
13.55 AC
13.70 AC
4.00 AC
9.00 AC
15.51 AC
9.04 AC
12.88 AC
10.70 AC
2.31 AC
2.40 AC
1.67 AC
1.77 AC
60 AC
16.19 AC

NOTES

- POD D SITE PLAN PREPARED BY GGB ENGINEERING, INC.
- POD B IS TO CONSIST OF NON-RENTAL MULTI FAMILY UNITS
- POD D PHASE II CLUBHOUSE INCLUDES A RACQUETBALL COURT
- AC = ACRES
- D.E. = DRAINAGE EASEMENT
- D.U. = DWELLING UNITS
- E.A.S. = EASEMENT
- L.M.E. = LANDSCAPE MAINTENANCE EASEMENT
- M = MODEL
- MIN. = MINIMUM
- O.H. = OVER HEAD
- O.S. = OPEN SPACE
- R.A.S. = RESIDENTIAL ACCESS STREET
- R.W. = R.O.W.
- S.F. = SQUARE FEET
- TYP. = TYPICAL
- U.E. = UTILITY EASEMENT
- ALL INTERNAL RESIDENTIAL ACCESS STREETS ARE PRIVATE
- LIGHTING ELEMENT (LOCATIONS ARE CONCEPTUAL AND SUBJECT TO CHANGE AFTER COMPLETION OF PHOTO-METRIC STUDY)

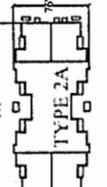
TYPICAL TYPE 2 UNIT

BUILDING TYPE #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL
TYPE 2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20



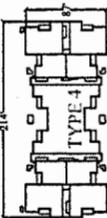
TYPICAL TYPE 2A UNIT

BUILDING TYPE #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL
TYPE 2A	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20



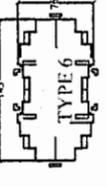
TYPICAL TYPE 4 UNIT

BUILDING TYPE #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL
TYPE 4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20

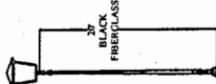


TYPICAL TYPE 6 UNIT

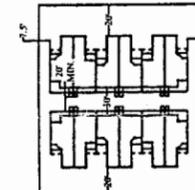
BUILDING TYPE #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL
TYPE 6	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20



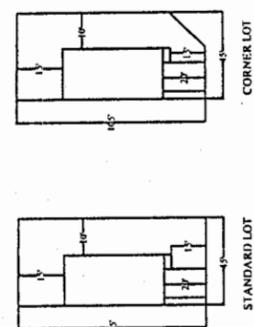
TYPICAL LIGHT DETAIL



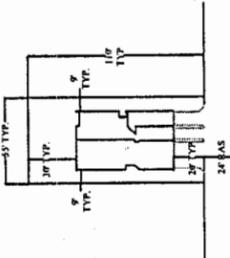
TYPICAL TOWNHOUSE UNIT PLAN



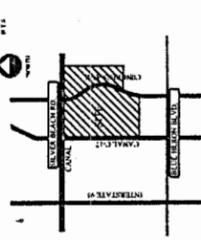
TYPICAL SINGLE FAMILY UNIT PLANS



TYPICAL NON-RENTAL MULTI FAMILY UNIT PLAN (POD D)

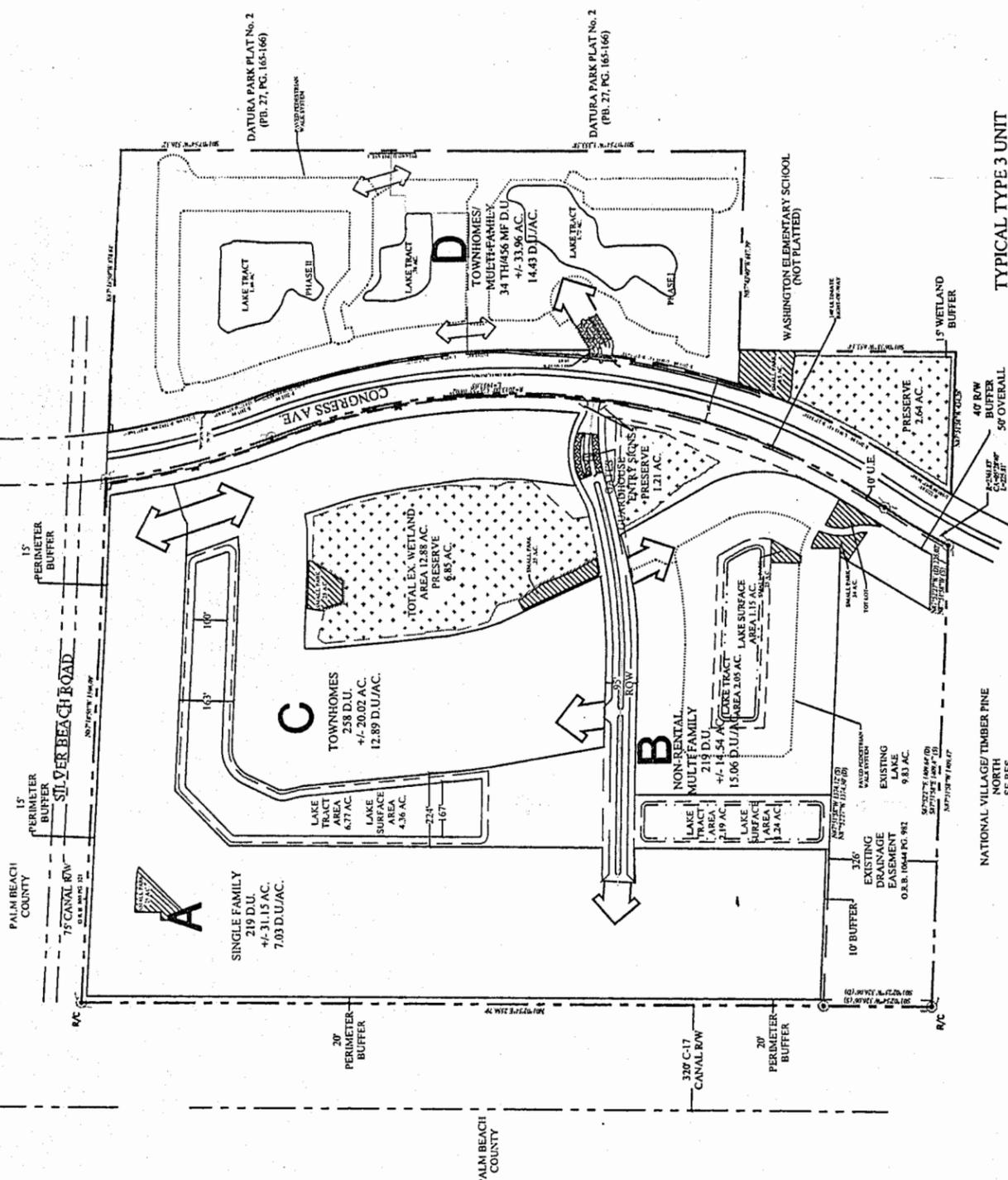


LOCATION MAP



POD DATA

POD A - SINGLE FAMILY (45' x 105')	219 D.U.
POD B - NON-RENTAL MULTI FAMILY	219 D.U.
POD C - TOWNHOMES	258 D.U.
POD D - TOWNHOMES MULTI-FAMILY	34 D.U.
	456 D.U.
TOTAL	1186 D.U.



ORDINANCE NO. 2940

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING THE ANNEXATION OF SEVEN ENCLAVES PURSUANT TO FLORIDA STATUTES 171.046, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 18 of Chapter 93-206 Laws of Florida created Florida Statute Section 171.046 providing for the annexation of enclaves pursuant to Interlocal agreements between municipalities and the county which have jurisdiction over such enclaves; and

WHEREAS, Florida Statute, Section 171.046 limits annexation by Interlocal agreement to enclaves of ten (10) acres or less in size; and

WHEREAS, Florida Statute, Section 171.031(13)(a) and (b) as amended by Chapter 93.206 Laws of Florida defines enclaves as developed or improved property bounded on all sides by a single municipality or bounded by a single municipality and by a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City; and

WHEREAS, the County and the City have determined that it is appropriate and will promote efficient provision of governmental services for the City to annex certain enclaves; and

WHEREAS, the County and the City have determined that the parcels to be annexed are improved property based upon the availability of water and sewer systems, the availability and access to public right-of-way, and that the lots have been subdivided and recorded or unrecorded plats; and

WHEREAS, the County and the City have entered into an Interlocal agreement approving the annexation of seven identified enclaves as shown in Exhibit A; and

WHEREAS, it has been determined by the City that the parcels to be annexed meet the requirements set in the Florida Statutes, Section 171.031(13) (a) and (b) and Section 171.046 as such enclaves are developed or improved are less than ten (10) acres in size and are completely surrounded by the City or are surrounded by the City and a natural or manmade obstacle that allows passage of vehicular traffic to the enclaves only through the City.

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

SECTION 1. Pursuant to Chapter 171, Florida Statutes, the City of Riviera Beach, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this Ordinance on second and final reading.

ENCLAVE	PCN	ACRES	OWNER
1	0042423600003160	1.83	BYERS ELAINE F
1	0042423600003070	0.72	BYERS ELAINE F
1	0042423600003080	0.66	BYERS ELAINE F
1	0042423600003130	0.99	BYERS ELAINE F
2	00424236020030011	1.47	LOPER CHARLES R
2	0042423600001012	2.13	MALT ROBERT C WEST ROADS PLAZA INC
2	0042423600001040	2.47	
2	00424236010000040	1.64	SOUTHPORT MRTG GAMA CORPORATION
2	00424236010000020	1.7	SOUTHERN BELL TEL & TEL CO
3	0042423600001050	0.97	FLORIDA STATE OF DOT
4	00424225000007090	0.84	
5	00424225000001170	0.83	WUMMER ROBERT C
5	00424225000001171	1.5	DUREC JOHN TR ANDERSON ROBERT C & NICOLA P &
5	00424225000001260	4.77	
6	00434230000007040	1.91	EFN INVESTMENT REALTY EXCHANGE OF PB INC
7	00434231000007110	1.17	REALTY EXCHANGE OF PB INC
7	00434231000007100	1.28	HOLLUB FRANK J & MARIANNE
7	00434231000007030	1.5	

SECTION 2. This Ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida.

SECTION 3. Within seven (7) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

SECTION 4. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

SECTION 5. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal description of the subject properties.

ENCLAVE	PCN	LEGAL DESC
1	00424236000003160	36-42-42, W 275 FT OF E 2371.96 FT OF N 1/2 OF S 1/2
	00424236000003070	36-42-42, W 108.44 FT OF E 2096.96 FT OF N 1/2 OF S 1/2
	00424236000003080	36-42-42, W 100 FT OF E 1988.52 FT OF N 1/2 OF S 1/2
	00424236000003130	36-42-42, W 149.20 FT OF E 1888.52 FT OF N 1/2 OF S 1/2
2	00424236020030011	WESTROADS BUSINESS & INDUSTRIAL PARK PL 2
	00424236000001012	36-42-42, N 350 FT OF S 695 FT OF E 265 FT OF WLY 715 FT
	00424236000001040	36-42-42, NLY 298 FT OF S 643 FT OF E 390 FT OF W 450 FT OF
	00424236010000040	WESTROADS BUSINESS & INDUSTRIAL PARK PL NO 1
	00424236010000020	WESTROADS BUSINESS & INDUSTRIAL PARK PL NO 1
3	00424236000001050	36-42-42, NLY 111.92 FT OF ELY 472.73 FT OF WLY 532.73 FT OF
4	00424225000007090	25-42-42, W 200 FT OF E 250 FT OF S 246.5 FT OF N 1/2 OF SW
5	00424225000001170	25-42-42, W 165 FT OF E 735.48 FT OF S 218.85 FT OF N 929.85
	00424225000001260	25-42-42, N 396 FT OF SLY 421 FT OF W 165 FT OF E 735.48 FT
	00424225000001171	25-42-42, WLY 340.48 FT OF ELY 570.48 FT OF S 609.64 FT OF N
6	00434230000007040	30-42-43, N 200 FT OF WLY 460.99 FT OF TH PT OF SW 1/4
		31-42-43, WLY 259.79 FT OF ELY 1284.65 FT OF NLY 260 FT OF SW
7	00434231000007110	31-42-43, WLY 182 FT OF ELY 1024.86 FT OF NLY 353.98 FT OF
	00434231000007100	31-42-43, TH PT OF SW 1/4 LYG N OF SAL RY RW, W OF C-17
	00434231000007030	R/W

SECTION 6. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.

SECTION 7. Following annexation, the City shall assign land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.

SECTION 8. 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 9. Upon execution of this Ordinance the City Clerk is hereby directed and authorized to transmit sufficient copies of same to the appropriate offices of Palm Beach County.

SECTION 10. 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 portions of this Ordinance.

SECTION 11. That all section 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 hereby repealed to extent of such conflict.

ORDINANCE NO. 2940

PAGE -4-

SECTION 12. Specific authority is hereby granted to codify this Ordinance.

SECTION 13. That this Ordinance shall be in full force and effect immediately upon its final passage and adoptions.

*****THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK*****

PASSED AND APPROVED on first reading this 19th day of March, 2003.

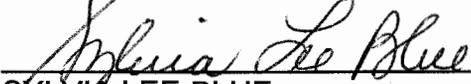
PASSED AND ADOPTED on second and final reading this 2nd day of July, 2003.

APPROVED:


MICHAEL D. BROWN, MAYOR

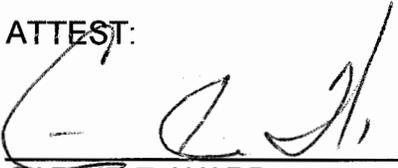

DAVID SCHNYER
CHAIRPERSON

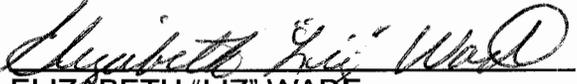
[MUNICIPAL SEAL]

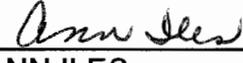

SYLVIA LEE BLUE
CHAIR PRO-TEM


DONALD R. WILSON
COUNCILPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


ELIZABETH "LIZ" WADE
COUNCILPERSON


ANN ILES
COUNCILPERSON

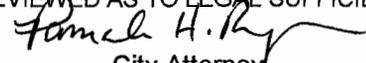
FIRST READING

SECOND AND FINAL READING

MOTIONED BY:	<u>D. Wilson</u>
SECONDED BY:	<u>E. Wade</u>
D. SCHYNER	<u>aye</u>
S. BLUE	<u>absent</u>
D. WILSON	<u>aye</u>
E. WADE	<u>aye</u>
A. ILES	<u>out</u>

MOTIONED BY:	<u>E. Wade</u>
SECONDED BY:	<u>D. Wilson</u>
D. SCHYNER	<u>aye</u>
S. BLUE	<u>aye</u>
D. WILSON	<u>aye</u>
E. WADE	<u>aye</u>
A. ILES	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY


City Attorney
City of Riviera Beach

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.

3/19/2003
Date



Carrie E. Ward,
Master Municipal Clerk
City Clerk

ORDINANCE NO. 2941

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 13, OF THE CODE OF ORDINANCES BY AMENDING ARTICLE IV, SECTION 13-76 ENTITLED "RENTAL RATES AND MISCELLANEOUS CHARGES"; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Municipal Marina has not adjusted its rates since 2000; and

WHEREAS, the Municipal Marina wishes to remain competitive with other municipalities and organizations offering storage facilities; therefore, it is necessary to increase rates.

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

SECTION 1. That Section 13-76 entitled "Rental rates and miscellaneous charges" of the City of Riviera Beach Code of Ordinances is hereby amended as follows:

(a) The city marina dry and wet storage rate schedule is as follows:

(1) The city marina dry storage rate schedule shall be ~~\$7.09~~ 8.20 per foot per month with a minimum length of ~~20~~ 22 feet, taking effect on ~~November 1, 2000~~, May 1, 2003.

(2) The city marina wet storage rate schedule shall be ~~\$13.82~~ 15.20-regular, and ~~\$14.65~~ 16.70 live aboard and commercial, per foot per month, with a minimum length of ~~30~~ 32 feet and ~~\$0.88~~ .96 per foot per day, taking effect on ~~November 1, 2000~~ May 1, 2003.

ORDINANCE NO. 2941
PAGE 2

(3) Miscellaneous and other changes. Miscellaneous charges for services or merchandise may be established from time to time by the city manager or his designee, but final approval of such charges shall be the decision of the city manager.

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 portions of this Ordinance.

SECTION 4. That all sections or parts of sections of the Code of Ordinances, all Ordinances or part of ordinances, and all Resolutions or parts of Resolutions in conflict herewith, 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 be in full force and May 1, 2003.

PASSED AND APPROVED on First Reading this 19th day of March, 2003

PASSED AND ADOPTED on Second and Final Reading this 2nd day of April, 2003

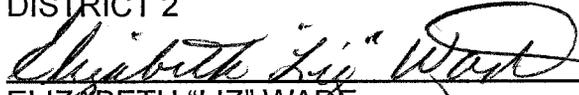
APPROVED:


MICHAEL D. BROWN
MAYOR

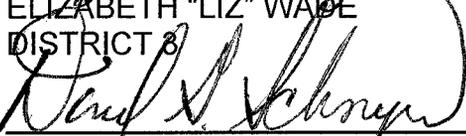

COUNCILPERSON DONALD R. WILSON
DISTRICT 1


COUNCILPERSON SYLVIA LEE BLUE
DISTRICT 2

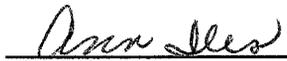
ATTEST


ELIZABETH "LIZ" WADE
DISTRICT 3

(MUNICIPAL SEAL)


COUNCILPERSON DAVID G. SCHNYER
DISTRICT 4


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


COUNCILPERSON ANN ILES
DISTRICT-AT-LARGE

1ST Reading

2ND & Final Reading

MOTIONED BY:
SECONDED BY:

D. Wilson
A. Iles

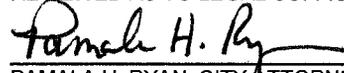
A. Iles
E. Wade

D. Schnyer
S. Blue
D. Wilson
E. Wade
A. Iles

aye
absent
aye
aye
aye

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 3/12/03

ORDINANCE NO. 2941
PAGE 5

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 application Florida Statutes.

4/19/2003
Date



Carrie E. Ward, Master Municipal Clerk
City Clerk

ORDINANCE NO. 2942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CREATING A SECTION IN THE CODE OF ORDINANCES UNDER CHAPTER 20, UTILITIES, ENTITLED, "STORMWATER MANAGEMENT UTILITY"; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1, of the Florida Constitution (1968), and other applicable laws of the City of Riviera Beach, Florida, as a Home Rule municipality, has all powers of local self government to perform city functions and to render city services in a manner not inconsistent with general or special law, and such power may be exercised by the enactment of city ordinances; and

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq., as amended from time to time (the "Act"), requires certain political entities such as the City, to implement stormwater management programs within prescribed timeframes, and pursuant to the Act the United States Environmental Protection Agency has promulgated rules and proposed rules related to stormwater management by local governments (the "Rules") or (the "Act" and the "Rules" collectively referred to as the "Federal Stormwater Laws"); and

WHEREAS, the City of Riviera Beach is responsible for the maintenance and expansion of the existing City Stormwater Management System which has been developed over a number of years for the purpose of collecting and disposing of stormwater; and

WHEREAS, the City of Riviera Beach has concluded that it will be necessary and essential to construct improvements and extensions to the existing Stormwater Management System to ensure that the collection and disposal of stormwater within the incorporated city limits adequately protects the health, safety, and welfare of the citizens of the City of Riviera Beach; and

WHEREAS, it is necessary and essential that the City address the various environmental issues that will further burden its infrastructure requirements; and

WHEREAS, the City has determined that it is in its best interests and the best interests of its residents and the public to create, own, improve, construct, operate and maintain a Stormwater Management Utility as the mechanism for

implementing and funding the City's Stormwater Management System, for the following reasons:

(1) From the public perspective, in order to promote the public health, safety and welfare of the City, and to protect and preserve the environment in and around the City, the conversion of the City's current Stormwater Management System to a Stormwater Management Utility best serves the public and is in the public interest.

(2) The City must meet the comprehensive planning requirements of Chapter 163, Florida Statutes, which mandates that Florida local governments, including the City, coordinate available sources of funding and the availability of infrastructure. The creation of a Stormwater Management Utility will be a major factor in such required infrastructure coordination.

(3) The creation of a Stormwater Management Utility will be a major factor in meeting the City's current and future requirements under the Federal Stormwater Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT STORMWATER MANAGEMENT UTILITY, CHAPTER 20, ENTITLED "UTILITIES" IS AMENDED AS FOLLOWS:

SECTION 1. Authority

The City is authorized by the Florida Constitution and the provisions of applicable Florida laws to create a Stormwater Management Utility, and to construct, reconstruct, improve, and extend stormwater utility systems and to issue revenue bonds and other debts if needed to finance in whole or in part the cost of such Utility and to establish just and equitable rates, fees, and charges for the services and facilities provided by the Utility.

SECTION 2. Findings and Determinations

It is hereby found, determined, and declared as follows:

A. Those elements of the Stormwater Management System which provide for the collection of and disposal of stormwater and regulation of groundwater are of benefit and provide services to all property within the incorporated city limits, including property not presently Developed Property.

B. The costs of operating and maintaining the Stormwater Management System and financing necessary repairs, replacement, improvements, and extension thereof should, to the extent practicable, should be funded through user fees allocated in relationship to the benefits enjoyed and services received therefrom.

SECTION 3. Definitions

For the purpose of this Ordinance, the following definitions shall apply: words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

Bonds means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the Costs of Construction.

Costs of Construction means costs reasonably incurred in connection with providing capital improvements to the System or any portion thereof, including but not limited to the costs of (1) acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefor, (2) physical construction, installation and testing, including the costs of labor, services, materials, supplies and utility services used in connection therewith, (3) architectural, engineering, legal and other professional services, (4) insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation, (5) any taxes or other charges which become due during construction, (6) expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or sub-contractor in respect of any default under a contract relating to construction, (7) principal of and interest of any Bonds, and (8) miscellaneous expenses incidental thereto, including, but not limited to, costs of issuance of any Bonds.

Debt Service means, with respect to any particular Fiscal Year and any particular series of Bonds, an amount equal to the sum of (1) all interest payable on such Bonds during such Fiscal Year, plus (2) any principal installments of such Bonds during such Fiscal Year.

Developed Property means real property which has been altered from "natural" state by the addition of any improvements such as a building, structure, or impervious surface. At a minimum, real property shall be considered altered from "natural" state pursuant to this Ordinance: (1) upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or (2) if construction is at least fifty (50) percent complete and construction is halted for a period of three (3) months.

Director means the City Manager or his designee.

Dwelling Unit means a single unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equivalent Residential Unit or ERU means the average Impervious Area of Residential Developed Property per Dwelling Unit located within the City and as established by Council resolution as provided herein.

Extension Costs means costs of extensions and additions to the Utility and any related costs thereto, including the Costs of Construction reflecting the impact of new use of the Stormwater Management System from the conversion of Vacant Property to Developed Property.

Extension Charge means a charge to an owner of Vacant Property that has requested a building permit from the City or to an owner of Vacant Property that has converted to Developed Property to recover Extension Costs related to such property.

Fiscal Year means a twelve-month period commencing on the first day of October of any year.

Impervious Area means roofed and paved areas, including, but not limited to, areas covered by roofs, roof extensions, permitted awnings, patios, porches, driveway, sidewalks, parking areas and athletic courts.

Non-Residential Developed Property means Developed Property that is not primarily used for residential purposes that is classified by the Property Appraiser as land use types 10 through 99 using the Florida Department of Revenue Land Use Codes, as amended or supplemented.

Operating Budget means the annual Utility budget adopted by the City for the succeeding Fiscal Year.

Operations and Maintenance means the current expenses, paid or accrued, of operation, maintenance, repair, renewal and replacement of the System and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, consultant expenses, legal expenses, auditing expenses, shared City services expenses, costs of construction, the costs of materials and supplies used for current operations, transfers to other funds, and charges for the accumulation of appropriate reserves.

Property Appraiser means the Office of the County Property Appraiser.

Residential Developed Property means Developed Property that is primarily used for residential purposes and is classified by the Property Appraiser as land use types 00 through 09 using the Florida Department of Revenue Land Use Codes, as amended or supplemented.

Revenues mean all rates, fees, assessments, rentals or other charges or other income received by the Utility, in connection with the management and operating of the System, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

Stormwater Management System or System means the existing stormwater management system of the City and all improvements thereto which by this Ordinance are constituted as the property and responsibility of the Utility, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

Stormwater Management Utility or Utility means the enterprise fund utility created by this Ordinance to operate, maintain and improve the system pursuant to Section 4 of this Ordinance.

Undisturbed Parcel means a parcel which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on the property.

Vacant Property means an Undisturbed Property or real property that is not Developed Property.

SECTION 4. Establishment of Stormwater Management Utility

A. The Stormwater Management Utility is hereby established by the City Council to implement the purposes set forth in this Ordinance and to provide for the general health, safety and welfare of the City and its residents. The Utility shall be operated as an Enterprise Fund of the City. As of the effective date of the Ordinance, the Stormwater Management System shall be transferred to the Utility and shall constitute the property and responsibility of the Utility.

B. The Director shall be the City Manager or his designee of the Utility.

SECTION 5. Operating Budget

The City shall adopt an annual Operating Budget for the Utility in conjunction with the City's General Fund Budget.

SECTION 6. Required Levels of Revenues

The City Council shall require that adequate Revenues are generated to provide for a balanced Operating Budget.

SECTION 7. Imposition of Utility Fees and Rate Schedule

The City Council hereby authorizes the imposition of User Charges and Extension Charges on all property owners within the City in accordance with the terms of this Ordinance.

A. Property Classification

For purposes of determining the amount and applicability of User Charges and Extension Charges, all property within the City shall be classified into one of the following classes:

1. Residential Developed Property;
2. Non-Residential Developed Property; or
3. Vacant Property.

B. Computation of User Charge for Residential Developed Property

The User Charge for Residential Developed Property shall be the ERU Rate multiplied by the number of individual Dwelling Units existing on the Property.

C. Computation of User Charge for Non-Residential Developed Property

The User Charge for Non-Residential Developed Property shall be the ERU Rate multiplied by the numerical factor obtained by dividing the total Impervious Area of a Non-Residential Developed Property by one ERU. The minimum Utility Fee for any Non-Residential Developed Property shall be equal to one times the ERU Rate.

D. Computation of User Charge for Vacant Property.

Vacant Property shall be charged an Extension Charge upon the earlier of submittal of a request for a building permit to the City or conversion of the Vacant Property to Developed Property. Vacant Property shall begin to accrue User Charges at such time as the Vacant Property converts to Developed Property.

SECTION 8. Billing and Payment Penalties

The User Charge is to be paid by the owner, tenant, or occupant of each property within the City subject to the fee. All properties, except Vacant Parcels, shall be rendered invoices for Utility service on a monthly basis by the City Utility

Department. The invoices shall be payable at the same time and in the same manner and subject to the same discontinuance of service by the City Utility as set forth under the terms and conditions of Section 20-78 of the Code of Ordinances of the City of Riviera Beach. A failure to pay Stormwater Management Utility invoices shall be grounds for discontinuance of water or wastewater service by the City.

SECTION 9. Adjustment of Fees

A. Request for adjustment of the User Charge shall be submitted to the Director, who is hereby given the authority to develop and administer the procedures and standards for the adjustment of charges as established herein. All requests shall be judged on the basis of the amount of impervious area on the property. The following procedures shall apply to all adjustment requests of the User Charge:

1. Any person or entity that believes the User Charge to be incorrect may, subject to the limitations set forth in this article, submit an adjustment request to the Director.
2. Adjustment requests shall be in writing and set forth, in detail, the grounds upon which relief is sought.
3. Adjustment requests may only be made during the first calendar year that the User Charge is imposed or within twelve calendar months of a change in the amount of impervious area on a Developed Property. Such adjustment requests will be reviewed by the Director within a two (2) month period from the date of filing of the adjustment request. Adjustments resulting from such request shall be retroactive to the beginning of billings, but retroactive adjustment shall not exceed one (1) year.
4. The person or entity requesting the adjustment may be required, at his/her own cost, to provide supplemental information to the Director including, but not limited to, survey data approved by either a registered professional land surveyor (R.P.L.S.) and engineering reports approved by a professional engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.
5. Adjustments to the User Charge will be made upon the granting of the adjustment request, in writing, by the Director. Denials of adjustment requests shall be made, in writing, by the Director.

B. Upon receipt of the written denial of the adjustment request, the person or entity who requested the adjustment may, within thirty (30) days of receipt of such denial, appeal to the City Council for review of the denial.

1. The City Council shall hold a hearing on the appeal within ninety (90) days of receipt of said appeal.

2. In reviewing appeals, the City Council shall apply the standards and review criteria contained in Section 9(A).

SECTION 10. Capital Contributions

A. Where the City has constructed or plans to construct stormwater facilities which are proposed to be used for a Developed Property in lieu of a facility usually required to be constructed by the Developed Property owner, the City may accept a capital contribution from the developer and waive certain construction requirements.

B. Procedures and standards developed by the City shall define appropriate means by which to determine a Developed Property's pro rata share of required capital contributions. Each situation will be analyzed by the City as follows, and a specific written decision will be developed. A Developed Property's capital contribution (quantity and quality) is assessed based on its share of the capital needs of the facilities required to serve the development in question. Each application shall be evaluated against the City's Stormwater System Master Plan and against the cumulative stormwater impacts from the Developed Property. In the case that an owner of Vacant Property is required by the City as part of the City's land use development requirements to construct oversized Stormwater Management Facilities in excess of the property's stormwater requirements, the City may enter into a refunding agreement with the property owner to refund a pro rata share of the cost of the oversized facilities to be charged by the City to other Vacant Property owners utilizing those oversized facilities within a period of time not exceeding seven (7) years from the date of the refunding agreement.

SECTION 11. Program Responsibility

It shall be the duty of the City Manager to designate the appropriate Department of the City to administer the Stormwater Management Utility.

SECTION 12. Stormwater Management Utility Fund

There shall be established a Stormwater Management Utility Fund for the deposit of all fees and charges collected by the Utility, and such other funds as may be required by Bond financing.

SECTION 13. Ordinance Components

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining portions hereof shall not be affected and shall remain in full force and effect.

SECTION 14. Conflicts

All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of any conflict.

SECTION 15. Severability

In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 16. Codification

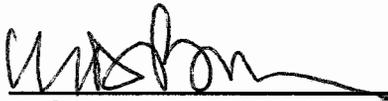
Specific authority is hereby granted to codify this ordinance.

SECTION 17. Effective Date

This ordinance shall take effect immediately upon its adoption by the City Council.

Approved & Adopted June 18, 2003

APPROVED:

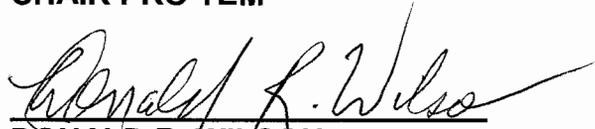

MICHAEL D. BROWN
MAYOR


DAVID G. SCHNYER
CHAIRPERSON

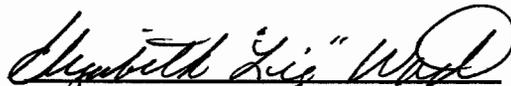
(MUNICIPAL SEAL)


SYLVIA LEE BLUE
CHAIR PRO TEM

ATTEST:


DONALD R. WILSON
COUNCILPERSON

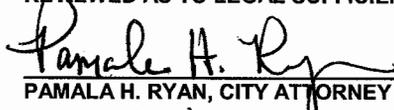

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


ELIZABETH "LIZ" WADE
COUNCILPERSON

PDW:dpm.0106.0903/0305/061203


ANN ILES
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 6/18/03

FIRST READING

MOTION: D. WILSON

SECOND: A. ILES

D. SCHNYER: OUT

S. BLUE: ABSENT

D. WILSON: AYE

E. WADE: AYE

A. ILES: AYE

SECOND & FINAL READING

MOTION: D. WILSON

SECOND: A. ILES

D. SCHNYER: AYE

S. BLUE: AYE

D. WILSON: AYE

E. WADE: AYE

A. ILES: AYE

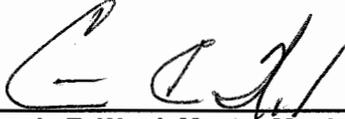
ORDINANCE NO. 2942

CERTIFICATION OF PUBLICATION

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

Date:

6/18/03


Carrie E. Ward, Master Municipal Clerk
City Clerk

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM CENTRAL INVESTMENT CORPORATION, FOR LAND LOCATED IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 1.44 ACRES, LOCATED AT 7490 CENTRAL INDUSTRIAL DRIVE, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES.

WHEREAS, the City Council of the City of Riviera Beach, Florida, has examined the attached petition and finds the following to be true:

- a. The petitioner is the owner of the property described therein.
- b. The petition bears the notarized signature of the owner of the property proposed for annexation.
- c. The proposed annexed property is in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- d. No part of the proposed annexed property is included with the boundary of another incorporated municipality.
- e. The City has the capability to provide municipal services, e.g. fire and police protection, water and sewer services, garbage and trash collection to the subject property at the same level of service as such services are provided within the rest of the municipality.
- f. This ordinance is pursuant to Section 171.044, Voluntary Annexation, Florida Statutes; and

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, to the subject property for development purposes upon annexation of the subject parcel.

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

Section 1. Pursuant to Chapter 171, Florida Statutes, the City of Riviera Beach, hereby declares its intent and desire to extend its municipal boundaries to include the

properties described below after the approval of this Ordinance on second and final reading.

Petitioner Central Investment Corporation – owner
Property Control Number: 00-43-42-30-01-004-0000

Section 2. This ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida.

Section 3. Within seven (7) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

Section 4. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

Section 5. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal description of the subject property.

**PARCEL D, PLAT NO. 1 CENTRAL INDUSTRIAL PARK, AS
RECORDED IN PLAT BOOK 30, PAGE 37 OF THE PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA**

Section 6. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.

Section 7. Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.

Section 8. 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 9. 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 portions of this Ordinance.

Section 10. That all section or part of sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

ORDINANCE NO. 2943

PAGE -3-

Section 11. Specific authority is hereby granted to codify this Ordinance.

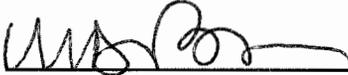
Section 12. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

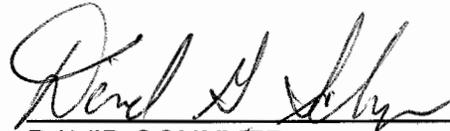
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PASSED AND APPROVED on first reading this 7th day of May, 2003.

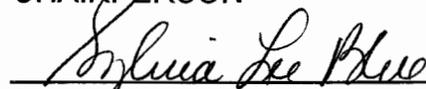
PASSED AND ADOPTED on second and final reading this 21st day of May, 2003.

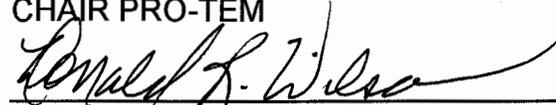
APPROVED:


MICHAEL D. BROWN,
MAYOR


DAVID SCHNYER
CHAIRPERSON

[MUNICIPAL SEAL]

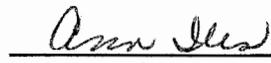

SYLVIA LEE BLUE
CHAIR PRO-TEM


DONALD R. WILSON
COUNCILPERSON

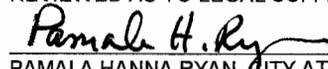
ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

absent
ELIZABETH "LIZ" WADE
COUNCILPERSON


ANN ILES
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/28/03

FIRST READING

MOTIONED BY: S. Blue

SECONDED BY: A. Iles

D. SCHYNER aye

S. BLUE aye

D. WILSON aye

E. WADE aye

A. ILES aye

SECOND AND FINAL READING

MOTIONED BY: D. Wilson

SECONDED BY: S. Blue

D. SCHYNER aye

S. BLUE aye

D. WILSON aye

E. WADE absent

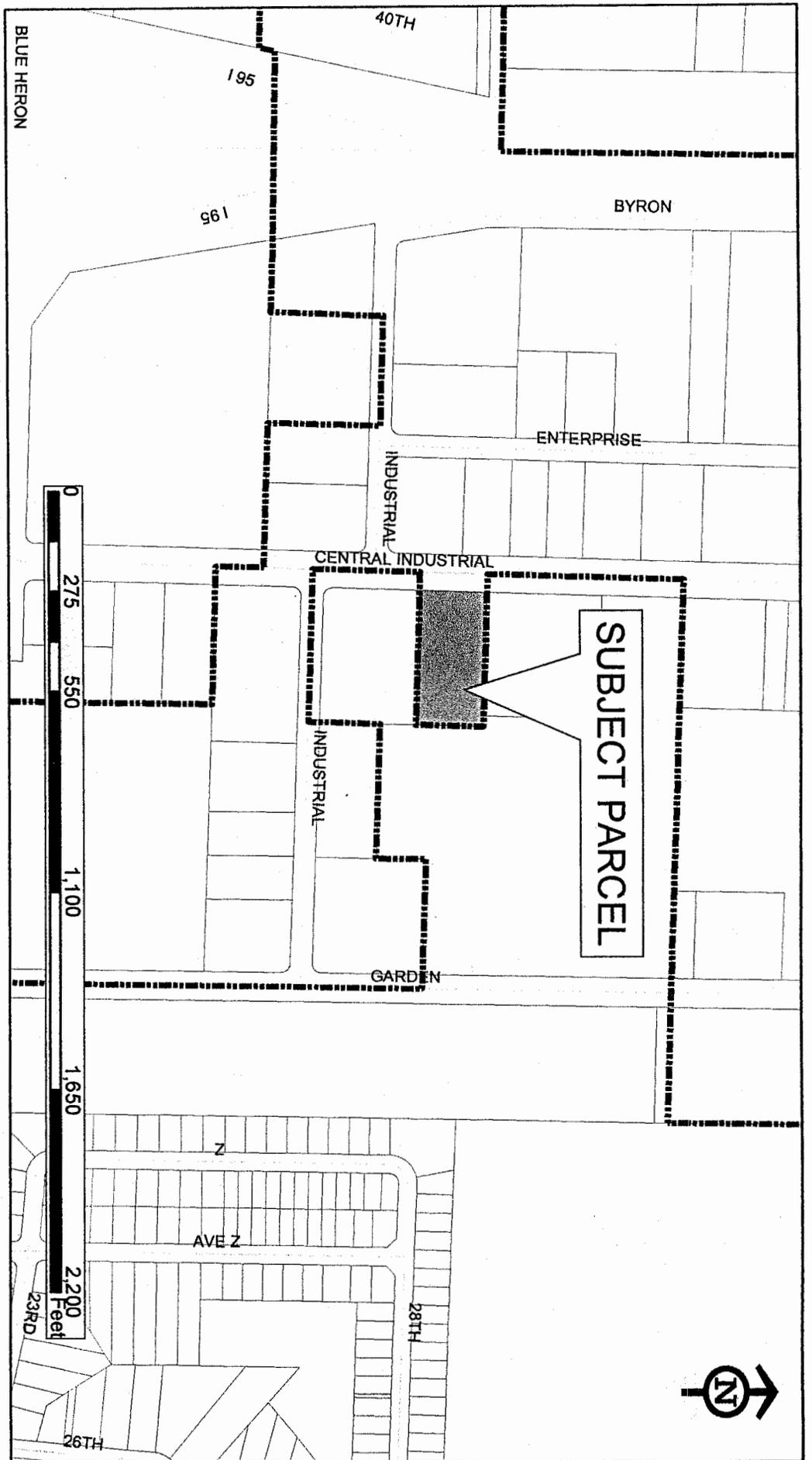
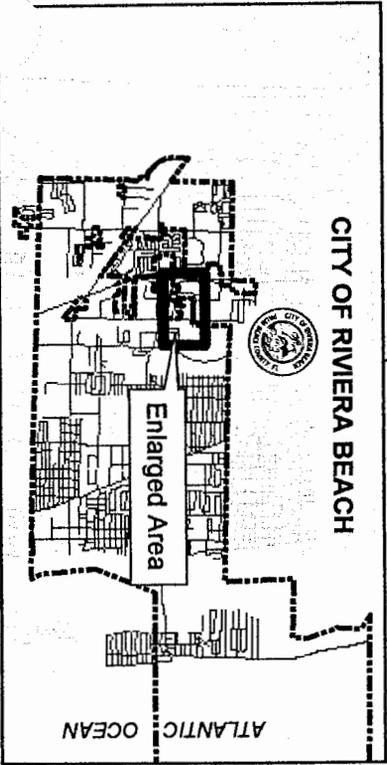
A. ILES aye

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.

Date

Carried E. Ward,
Master Municipal Clerk
City Clerk

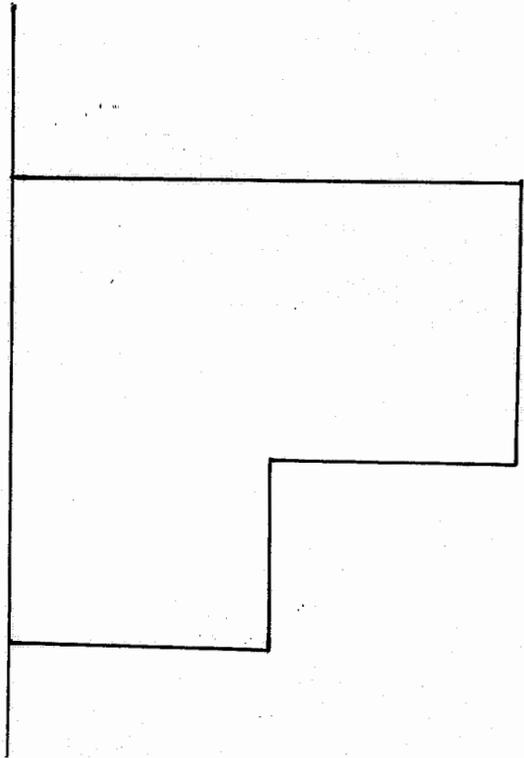


LOCATION MAP
7490 Central Industrial Drive

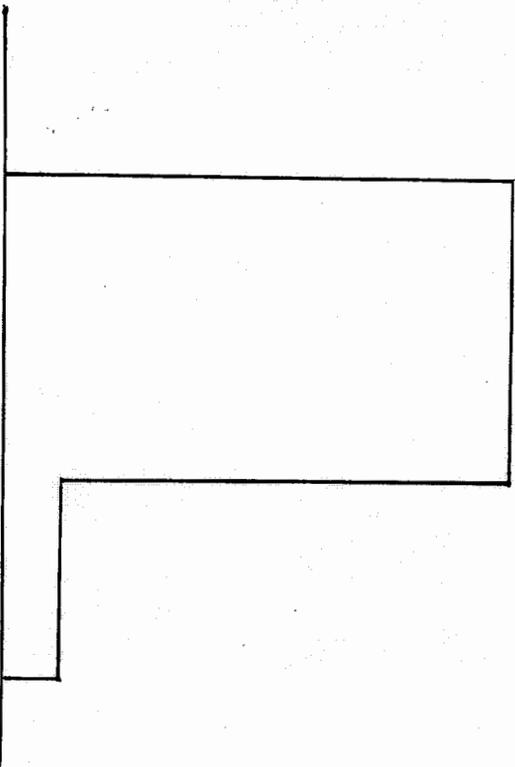
Map Created on March 31, 2003
 by the City of Riviera Beach, Dept. of Community Development

D:\projects\planning & zoning\7490 Central Industrial\location map_7490Central Industrial.mxd

Legend	
	Parcel Boundary
	Municipal Boundary
	7490_Central_Industrial Streets



Previous Code restricted the maximum width of buildings above ten stories only – shown above



Revised regulation will restrict the maximum width of the building above 3 stories. – shown above

Amendment to Resort Hotel Zoning Regulations

The impact of amending the calculation of density from 50% to 25% for the area between the 1979 Coastal Construction line and the Mean High Water Line:

Comparison of Potential Hotel Suites (Kitchen and two bedroom maximum)

	Total Suites -100%	Total Suites -50%	Total Suites-25%
Island Beach Resort	276	230	207
Rutledge	92	71	61

Comparison of Potential Hotel Rooms (No kitchen and one bedroom maximum)

	Total Suites -100%	Total Rooms -50%	Total Rooms-25%
Island Beach Resort	552	459	413
Rutledge	184	143	122

Comparison of Potential Permanent Residential Units

	Total Suites -100%	Total Units -50%	Total Units-25%
Island Beach Resort	138	115	103
Rutledge	46	36	31