

ORDINANCE NO. 3086

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING ARTICLE II ENTITLED "GENERAL EMPLOYEES", CHAPTER 14, ENTITLED "PENSIONS AND RETIREMENT PROGRAMS," BY REVISING SECTION 14-36 ENTITLED "OPTIONAL FORMS OF RETIREMENT BENEFITS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES BY REVISING SUBSECTION (2)(A) AND SUBSECTION (D) (iv) OF THE DEFERRED RETIREMENT OPTION PROGRAM (DROP) TO INCREASE THE THIRTY (30) YEAR EMPLOYMENT CAP TO THIRTY-FIVE (35) YEARS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Administration desires to revise the General Employees Retirement System under the Deferred Retirement Option Program (DROP) to improve the benefit for all employees who plan to participate; and

WHEREAS, currently an employee may elect participation in the DROP for a maximum of sixty (60) months; and

WHEREAS, some employees are ineligible to participate in the DROP for the full sixty (60) months because they have been employed by the city for more than twenty-five (25) years; and

WHEREAS, an amendment to the city code is necessary to permit such revision; and

WHEREAS, an actuarial statement of no impact has been provided for review by the City Council.

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 Article II entitled "General Employees" of Chapter 14 entitled "Pensions and Retirement Programs" of the City of Riviera Beach Code of Ordinances is hereby amended by adding new language to Section 14-26, entitled "Optional forms of retirement income" as follows:

Section 14-26. Optional forms of retirement income.

* * *

(2) Participation in the DROP.

- (A) An eligible member may elect to participate in the DROP for a period not to exceed a maximum of sixty (60) consecutive months nor beyond a total of thirty-five (35) (30) years of credited service with the city, whichever occurs first. Any member who has exceeded the sixty (60) month or thirty-five (35) (30) year limitations shall not be eligible to continue participation in the DROP.

* * *

(3) Benefits payable under the DROP

* * *

- (D)
- (iv) For a DROP participant who fails to terminate city employment at the expiration of the sixty (60) month maximum DROP participation period or the thirty-five (30) (35) year credited service maximum whichever occurs first unless authorized to do so pursuant to sub paragraphs (2)(A) and (2)(B): the member shall be deemed not to be retired, the DROP election shall be null and void, and the member shall have no accumulated DROP benefits.

ORDINANCE NO. 3086

PAGE -3-

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become effective as of March 1, 2010.

SECTION 3. If any word, phrase, clause, subsection or sections 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 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.

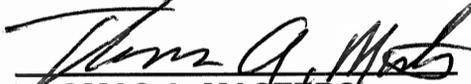
SECTION 5. Specific authority is hereby granted to codify of this ordinance.

PASSED AND APPROVED on first reading this 19TH day of JANUARY 2011.

PASSED AND ADOPTED on second and final reading this 2ND day of FEBRUARY, 2011.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK

APPROVED:

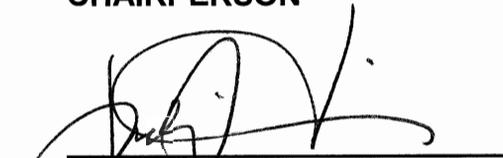


THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

MUNICIPAL SEAL



JUDY L. DAVIS
CHAIR PRO TEM

ATTEST:



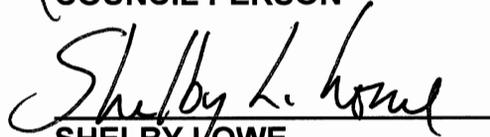
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



BILLIE BROOKS/
COUNCIL PERSON



CEDRIC A. THOMAS
COUNCIL PERSON



SHELBY LOWE
COUNCIL PERSON

1st READING

MOTIONED BY: C. THOMAS

SECONDED BY: B. BROOKS

D. PARDO AYE

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

S. LOWE AYE

2nd & FINAL READING

MOTIONED BY: B. BROOKS

SECONDED BY: J. DAVIS

D. PARDO AYE

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/11/11

ORDINANCE NO. 3086
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.

2/16/2011
DATE

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

Repealed

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER REPEALING THE NOVEMBER 2010 CHARTER AMENDMENT WHICH AMENDED ARTICLE VII, SECTION 3.5 OF THE CHARTER ENTITLED "CITY MARINA PROPERTY"; SUBMITTING TO REFERENDUM A NON-BINDING STRAW BALLOT QUESTION REGARDING THE ELECTORS' SUPPORT TO LEASE A PORTION OF THE CITY MARINA TO BE USED AS A MEGA-YACHT FACILITY; PROVIDING THE REQUISITE BALLOT LANGUAGE TO BE PRESENTED AT THE GENERAL ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR NOTICE OF THE ELECTION; ~~PROVIDING FOR INCLUSION IN THE CITY CHARTER; PROVIDING FOR A REPEALER, SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.~~

WHEREAS, on November 2, 2010, as a result of a referendum placed on the general election ballot, the City Charter, Article VII, Section 3.5, entitled "City Marina Property" was amended to add language restricting certain uses of the City Marina and other properties; and,

WHEREAS, the City Council held two public meetings to receive staff and public comment on the intent, implications, and implementation of the November 2010 Charter amendment and to discuss the overall use of the marina; and,

WHEREAS, the City Council of the City of Riviera Beach has determined that it is in the best interest of its citizens to submit to the electorate referendum questions pertaining to the November 2010 Charter amendment and use of the City Marina.

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

SECTION 1. That Article VII, section 3.5, entitled "City Marina Property" is hereby amended by REPEALING the amendment to the Charter approved at the November 2, 2010 general election as follows (~~stricken through~~ means deleted):

The city's municipal marina shall not be sold. However, the city council may enter into management, license or lease agreements with marina users and/or outside operators for a term of not more than 50 years in order to facilitate marina activities, use or operations ~~and to provide that the use of dedicated submerge public lands be limited to municipal park~~

~~and recreational purposes according to the terms State of Florida Dedication No. 24438-A (2725-50) by the Board of Trustees of the Internal Improvement Fund, to include the Marina and public Municipal Marina properties, Newcomb Hall, Bicentennial Park, and Spanish Court shall be owned, managed, and operated solely by the City of Riviera Beach for municipal and public uses; the use of the marina shall not be changed to industrial commercial, to include an industrial commercial boat repair operation.~~

~~**SECTION 2.** That the above amendment to the City Charter shall be in full force and effect upon the approval by a majority of the electors voting at said election and after certification of the election results of the March 8, 2011 general election. Once approved and certified, the above amendment to the City Charter shall be incorporated into the Charter and codified.~~

~~**SECTION 3.** That a non-binding straw ballot question asking whether the electors support leasing a portion of the City Marina to be used as a mega-yacht facility shall be submitted to the vote of the electors of the City of Riviera Beach at the March 8, 2011 general election.~~

~~**SECTION 4.** That the referendum questions setting forth the proposed Charter amendment and the straw ballot shall appear on the ballot and shall read as follows:~~

REFERENDUM 1
CHARTER AMENDMENT QUESTION

Repeal of November 2010 Charter amendment which imposed restrictions on use of City Marina

- A. Shall the November 2010 amendment to Article VII, Section 3.5 of the City Charter which imposed restrictions on the use of the City Marina, Spanish Courts and Bicentennial Park and prohibited industrial commercial uses at the City Marina be repealed?

Yes _____
No _____

REFERENDUM 2
STRAW BALLOT QUESTION (Non-binding)

Support for portion of City Marina to be used as a mega-yacht facility

- B. Do you support leasing a portion of the City Marina for use as a facility for the repair and service of vessels over 120 feet in length?

Yes _____
No _____

ORDINANCE NO. _____
PAGE 3

SECTION 5. The City Clerk of the City of Riviera Beach is hereby authorized and directed to advertise the election contemplated herein in accordance with the Charter of the City of Riviera Beach, the City's Code of Ordinances, and the Election Laws of the State of Florida.

SECTION 6. If the Charter amendment set forth herein is not approved by a majority of those electors voting at the election, this Ordinance will be automatically repealed.

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

SECTION 8. That all laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED on first reading this _____ day of _____, 2011.

PASSED and ADOPTED on second and final reading this _____ day of _____, 2011.

[Signatures on following page]

ORDINANCE NO. _____
PAGE 4

APPROVED:

THOMAS A. MASTERS
MAYOR

DAWN S. PARDO
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY L. DAVIS
CHAIR PRO TEM

BILLIE E. BROOKS
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3087
PAGE 5

1ST READING

MOTIONED BY: B. BROOKS

SECONDED BY: J. DAVIS

D. PARDO AYE

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

S. LOWE NAY

2ND & FINAL READING

MOTIONED BY: J. DAVIS

SECONDED BY: B. BROOKS

D. PARDO NAY

J. DAVIS NAY

B. BROOKS NAY

C. THOMAS NAY

S. LOWE NAY

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/12/11

ORDINANCE NO. 3088

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO TWO-YEARS AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF PAIN MANAGEMENT CLINIC; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 3075, adopted on March 3, 2010, enacted a one-year moratorium as to the filing and/or receiving of any application for the establishment of pain management clinics; and

WHEREAS, staff is requesting up to a two-year extension of the aforementioned moratorium on pain management clinics in order to further analyze the effects of pain management clinics in the City and also in order to evaluate if additional standards for this use should be incorporated into the City's land development regulations; and

WHEREAS, it is the intention of the City Council to direct staff to analyze the effects of pain management clinics in the City, to analyze whether additional standards should be incorporated into the City's land development regulations and to evaluate the process for the issuance of development permits, business tax receipts, or other approvals regulating the location of pain management clinics within the City which would promote the public health, safety, morals and general welfare of the City; and

WHEREAS, the City of Riviera Beach has been made aware by news reports that a pattern of illegal drug use and distribution has been associated with some pain management clinics in south Florida, which dispense narcotic drugs onsite; and

WHEREAS, the threat of illegal narcotic activity and increased crime associated with pain management clinics is significant and could undermine the economic health of the City's development and redevelopment efforts; and

WHEREAS, it is neither the intent of this moratorium to interfere with legitimate medical clinics nor with the legal use of controlled substances.

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

SECTION 1. Legislative Findings, Intent and Purpose. The Whereas clauses are true and correct and incorporated herein and represent the legislative findings of the City Council. It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents and businesses of the City through the analysis of any impacts from pain management clinics and through consideration of criteria for the location of pain management clinic uses within the City.

SECTION 2. Definition. For purposes of this Ordinance a "Pain management clinic" is defined as a privately owned pain management clinic, facility or office, which advertises in any medium for any type of pain management services, or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and is required to register with the Florida Department of Health pursuant to sections 458.309 or 459.005, Florida Statutes (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain for more than 90 days after surgery.

SECTION 3. Boundaries. This Ordinance shall apply to all properties located within the boundaries of the City of Riviera Beach.

SECTION 4. Moratorium and Direction to Staff. The City Council hereby approves a moratorium for up to two-years prohibiting the filing and/or receiving of any application for the opening, establishment, or development of a pain management clinic, in whole or in part, within the City. Staff is hereby directed to analyze the effects of pain management clinics in the City, to analyze whether standards should be incorporated into the City's land development regulations, and to evaluate the process for the issuance of development permits, business tax receipts, or other approvals regulating the location of pain management clinics within the City which would further and promote the public health, safety, morals and general welfare.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. Repeal of laws in conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its final approval and adoption.

PASSED AND APPROVED on the first reading this 16TH day of MARCH,
2011.

PASSED AND ADOPTED on second and final reading this 6TH day of
APRIL, 2011.

APPROVED:



THOMAS A. MASTERS
MAYOR



BILLIE E. BROOKS
COUNCILPERSON
DISTRICT 1

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



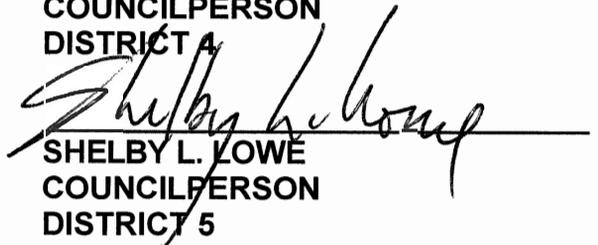
JUDY L. DAVIS
COUNCILPERSON
DISTRICT 2



CEDRICK A. THOMAS
COUNCILPERSON
DISTRICT 3



DAWN S. PARDO
COUNCILPERSON
DISTRICT 4



SHELBY L. LOWE
COUNCILPERSON
DISTRICT 5

1ST READING

MOTIONED BY: C. THOMAS

SECONDED BY: B. BROOKS

D. PARDO AYE

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: D. PARDO

SECONDED BY: S. LOWE

D. PARDO AYE

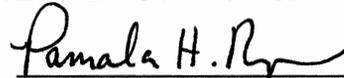
J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/16/11

ORDINANCE NO. 3089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO ONE-YEAR AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF ADULT ARCADE AMUSEMENT FACILITIES; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF ADULT ARCADE AMUSEMENT FACILITY; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, adult arcade amusement facilities have recently gained regional popularity as City staff have been receiving numerous inquiries pertaining to the establishment of these facilities in the City; and

WHEREAS, the City's current land development regulations are silent in regards to requirements for the establishment of adult arcade amusement facilities; and

WHEREAS, City staff is requesting a moratorium for up to one-year on adult arcade amusement facilities in order to analyze the effects of this use within the City and to evaluate if special standards for adult arcade amusement facilities should be incorporated into the City's land development regulations; and

WHEREAS, it is the intention of the City Council to direct staff to analyze the effects of adult arcade amusement facilities in the City, to analyze whether additional standards should be incorporated into the City's land development regulations and to evaluate the process for the issuance of development permits, business tax receipts, or other approvals regulating the location of adult arcade amusement facilities within the City which would further and promote the public health, safety, morals and general welfare of the City.

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

SECTION 1. Legislative Findings, Intent and Purpose. The Whereas clauses are true and correct and incorporated herein and represent the legislative findings of the City Council. It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents and businesses of the City through the analysis of any impacts from adult arcade amusement facilities and through consideration of criteria for the location of adult arcade amusement facilities uses within the City.

SECTION 2. Definition. For purposes of this Ordinance an "Adult arcade amusement facility" is defined as a facility, club or place of business, that requires patrons to be a minimum of 18 years of age, utilizing games or machines which are operated by coin, paper monies, or any form of credit, often styled similarly to those found in casinos, as their primary source of revenue".

SECTION 3. Boundaries. This Ordinance shall apply to all properties located within the boundaries of the City of Riviera Beach.

SECTION 4. Moratorium and Direction to Staff. The City Council hereby enacts a moratorium for up to one-year prohibiting the filing and/or receiving of any application for the opening, establishment, or development of adult arcade amusement facilities, in whole or in part, within the City. Staff is hereby directed to analyze the effects of adult arcade amusement facilities in the City, to analyze whether standards should be incorporated into the City's land development regulations, and to evaluate the process for the issuance of development permits, business tax receipts, or other approvals regulating the location of adult arcade amusement facilities within the City which would further and promote the public health, safety, morals and general welfare.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. Repeal of laws in conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its final approval and adoption.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED ON FIRST READING MARCH 16, 2011

ADOPTED ON APRIL 6, 2011

APPROVED:



THOMAS A. MASTERS
MAYOR



BILLIE E. BROOKS
COUNCILPERSON
DISTRICT 1

ATTEST:



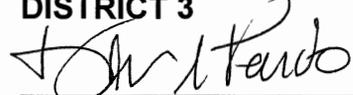
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



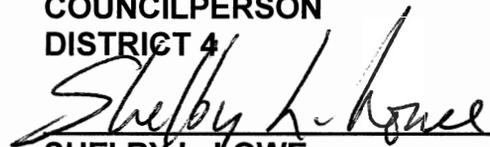
JUDY L. DAVIS
COUNCILPERSON
DISTRICT 2



CEDRICK A. THOMAS
COUNCILPERSON
DISTRICT 3



DAWN S. PARDO
COUNCILPERSON
DISTRICT 4



SHELBY L. LOWE
COUNCILPERSON
DISTRICT 5

1ST READING

MOTIONED BY: C. THOMAS

SECONDED BY: B. BROOKS

B. BROOKS AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: *Pardo*

SECONDED BY: *Lowe*

B. BROOKS *Aye*

J. DAVIS *Aye*

C. THOMAS *Aye*

D. PARDO *Aye*

S. LOWE *Aye*

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

ORDINANCE NO. 3090

MOTION TO POSTPONE APRIL 6, 2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I ENTITLED "IN GENERAL" SECTION 31-1 ENTITLED "DEFINITIONS" AND AMENDING ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" SECTION 31-544 ENTITLED "DAYCARE AND OTHER PRESCHOOL FACILITIES"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, House Bill 1045, signed on May 26, 2010, amended Laws of Florida regulating daycare uses in Palm Beach County and provided specific requirements for daycare establishments; and

WHEREAS, the City of Riviera Beach Land Development Code currently permits the use of daycare facilities when all existing City regulations are satisfied; and

WHEREAS, the City Council directed staff to develop new regulations pertaining to daycare facilities to be consistent with State of Florida House Bill 1045 via Resolution No. 138-10, approved on November 3, 2010; and,

WHEREAS, it is the desire of the City Council of the City of Riviera Beach to adopt any necessary amendment to the City's Code of Ordinances governing daycare facilities within the City limits to be consistent with House Bill 1045 and the City's Comprehensive Plan, Future Land Uses and Zoning Designations; and,

WHEREAS, the Planning and Zoning Board held public meetings on November 18, 2010 and December 9, 2010, to discuss proposed language pertaining to daycare uses within the City; and,

WHEREAS, on December 9, 2010, the Planning and Zoning Board recommended approval of this amended daycare language to the City Council; and,

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

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

SECTION 1. That Chapter 31 "Zoning", Article I, "In General", Section 31-1 "Definitions" is amended, by amending the following definitions:

* * *

~~*Child care center* means an establishment providing for the care, supervision, and protection of children.~~

Child Care Facility means an establishment, including any child care center or child care arrangement, other than a Family Day Care Home or Large Family Child Care Home, which provides care to any number of children, which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

Family Day Care Home means an accessory use conducted in an occupied residence in which custodial care is regularly provided to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

Large Family Child Care Home means an occupied residence in which custodial care is regularly provided for up to twelve children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

* * *

SECTION 2. That Chapter 31 "Zoning", Article VI, "Supplemental Zoning Regulations", Section 31-544 "Daycare and other preschool facilities" is amended, as follows:

Sec. 31-544. - Child care, Daycare daycare and other preschool facilities.

~~Daycare facilities where permitted must meet the following special requirements:~~

Family Day Care Home:

- (1) A Family Day Care Home is a permitted use in the following zoning districts;
- RS-5 Single-Family Dwelling District
 - RS-6 Single-Family Dwelling District
 - RS-8 Single-Family Dwelling District
 - RML-12 Low Density Multifamily Dwelling District
 - RD-15 Two-Family Dwelling District
 - RM-15 Multiple Family Dwelling District

- RMH-15 Multifamily/Hotel District

- (2) Shall only be an accessory use in a private residence and may function either for or not-for-profit.
- (3) Is limited to no more than six (6) children at any one time.
- (4) The person furnishing such service shall have a current, valid permit from Palm Beach County Health Department for operation of a Family Day Care Home, as required by Article II of Chapter 39, Palm Beach County Code; and a City of Riviera Beach Certificate of Use and Business Tax Receipt categorizing the use as a "Family Day Care Home". A valid permit from the Palm Beach County Health Department or a letter of approval must be submitted when applying for a Certificate of Use and Business Tax Receipt for the City.
- (5) A Family Day Care Home registered with the State Department of Health and Rehabilitative Services (HRS) is specifically exempt from having to obtain any special exemption or use permit or pay any special fee in excess of \$50 to operate within the City (F.S. 166.0445).
- (6) Baby-sitting services provided by an individual at the home of the parents or legal guardians of the child(ren) are deemed to be exempt from these provisions.
- (7) All Family Day Care Homes shall comply with State, County and City Codes and Regulations.

Large Family Child Care Home

- (1) A Large Family Child Care Home requires City Council approval via the Special Exception Process and can only operate in the following zoning districts:
 - RML-12 Low Density Multifamily Dwelling District
 - RD-15 Two Family Dwelling District
 - RM-15 Multifamily Dwelling District
- (2) Requirements:
 - (a) Two full-time child care personnel must be on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence.
 - (b) Such use must first have operated as a licensed Family Day Care Home for two years, with an operator who has had a child development

associate credential or its equivalent for one (1) year. The person furnishing such service shall update their current permit from Palm Beach County Health Department for operation of a Large Family Child Care Home, and a City of Riviera Beach Certificate of Use and Business Tax Receipt categorizing the use as a "Large Family Child Care Home". The updated permit from the Palm Beach County Health Department or a letter of approval must be submitted when applying for a Certificate of Use and Business Tax Receipt for the City.

(c) A Large Family Child Care Home shall be allowed to provide care for one of the following groups of children which shall include those children under 13 years of age who are related to the caregiver:

(i) A maximum of eight (8) children from birth to 24 months of age, or;

(ii) A maximum of twelve (12) children with no more than four (4) children under 24 months of age.

(d) Floor Area: Facilities shall contain a minimum floor area of 35 square feet per child, exclusive of space devoted to bathrooms, halls, kitchen, offices, and storage.

(e) Outdoor Area: There shall be a minimum area of 75 square feet of outdoor play area per child. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback or adjacent to any outdoor storage area. The play area shall be surrounded by a four to six-foot high fence or wall and the lot shall be landscaped to code while considering visibility corridors for safety and prohibiting poisonous plant species.

(f) Loading Area: A pick-up and drop-off area for children shall be provided in a suitable area adjacent to the building and shall provide clear ingress and egress to the building as determined by the City Engineer, Police Chief, and Fire Chief (or designees for the aforementioned).

(g) Separation Requirement: Measured from parcel to parcel, there shall be a minimum of (250) feet between Large Family Child Care Homes. No Large Family Child Care Home shall be permitted within 250 feet of any package store, bar, nightclub, or adult entertainment establishment.

(h) Other Regulations: All Large Family Child Care Homes shall comply with State, County and City Codes and Regulations.

Child Care Facility

(1) A Child Care Facility requires City Council approval via the Special Exception Process and can only operate in the following zoning districts:

- RML-12 Low Density Multifamily Dwelling District
- RM-15 Multifamily Dwelling District
- CN Neighborhood Commercial
- CG General Commercial

(2) Separation requirement: Measured from parcel to parcel, there shall be a minimum of 500 feet between Child Care Facilities. No child care facility shall be permitted within 500 feet of any package store, bar, nightclub, or adult entertainment establishment.

(43) Minimum required lot area: The minimum lot area shall be no less than 5,000 square feet.

(24) Minimum floor area: There shall exist a minimum usable floor area, exclusive of any space devoted to the kitchen, office, storage and toilet bathroom facilities, of not less than 1,000 square feet is required. Facilities with capacities exceeding 25 children shall provide 35 square feet of additional floor area per child.

(35) Property development regulations: The building height, setbacks, parking and total floor area shall be governed by the applicable zoning district and/or site plan review.

Loading Area Required: A pick-up and drop-off area for children shall be provided in a suitable area adjacent to the building and shall provide clear ingress and egress to the building as determined by the City Engineer, Police Chief, and Fire Chief (or designees for the aforementioned).

(-4-6) Outdoor play area:

a. There shall be provided a minimum of 1,500 square feet of outdoor play area or 100 square feet of outdoor play area per child, whichever produces the larger area. ~~The play area shall be provided on the same lot as the principal use and shall not be located in the required front yard.~~ The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback or adjacent to any outdoor storage area. The play area shall be surrounded by a four to six-foot high fence or wall. The lot shall be landscaped to code, while considering visibility corridors for safety and prohibiting poisonous plant species.

b. For Child Care Facilities ~~child care centers~~ with enrollments of 30 or more, the outside play area may be utilized on a split shift basis, provided

that a written statement and schedule of play periods, with age groups, are submitted for prior approval by the ~~CDEC director~~ Community Development Director, and provided that minimum outdoor play area shall not be less than that required for one-third of the total enrollment.

~~(5)Fencing and screening. A fence or wall shall surround the play area with a minimum height of four feet, maximum height of six feet, required.~~

~~(67)Other: These facilities shall generally be regulated by state and county agencies in accordance with prescribed standards. All Child Care Facilities shall comply with State, County and City Codes and Regulations. A Certificate of Use and Business Tax Receipt must be obtained from the City prior to operation. Submittal of an active permit from Palm Beach County Health Department or a letter of approval from the Palm Beach County Health Department must be submitted in order to apply for City licensing.~~

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

SECTION 4. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

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

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

SECTION 7. Specific authority is hereby granted to codify this Ordinance.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

ORDINANCE NO. _____
PAGE 7

PASSED AND APPROVED on the first reading this _____ day of _____,
_____.

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

APPROVED:

THOMAS A. MASTERS
MAYOR

BILLIE E. BROOKS
COUNCILPERSON
DISTRICT 1

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY L. DAVIS
COUNCILPERSON
DISTRICT 2

CEDRICK A. THOMAS
COUNCILPERSON
DISTRICT 3

DAWN S. PARDO
COUNCILPERSON
DISTRICT 4

SHELBY L. LOWE
COUNCILPERSON
DISTRICT 5

ORDINANCE NO. _____
PAGE 8

MOTION TO POSTPONE

1ST READING

2ND & FINAL READING

MOTIONED BY: S. LOWE

MOTIONED BY: _____

SECONDED BY: B. BROOKS

SECONDED BY: _____

B. BROOKS AYE

B. BROOKS _____

J. DAVIS AYE

J. DAVIS _____

C. THOMAS AYE

C. THOMAS _____

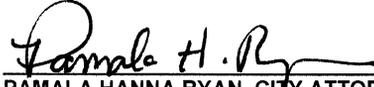
D. PARDO AYE

D. PARDO _____

S. LOWE AYE

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/30/11

ORDINANCE NO. 3091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES ENTITLED "SIGNS" BY ADDING A DEFINITION FOR DIGITAL BILLBOARD IN SECTION 28-1; BY AMENDING ARTICLE III ENTITLED "CONSTRUCTION AND INSTALLATION STANDARDS", SECTION 28-122 BY PROVIDING FOR DIGITAL BILLBOARD SPECIFICATIONS; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Riviera Beach's Code of Ordinances does not address digital billboards; and

WHEREAS, Clear Channel Outdoors, requested that the City of Riviera Beach amend the existing Land Development Regulations to include provisions that may allow for digital billboards; and

WHEREAS, the Planning and Zoning Board had public meetings on November 18, 2010, and on December 9, 2010, to discuss proposed language pertaining to digital billboards within the City; and,

WHEREAS, on December 9, 2010, the Planning and Zoning Board recommended approval of this language to the City Council; and,

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

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

SECTION 1. That Chapter 28 "Signs", Article I, "In General", Section 28-1 "Definitions" is amended by adding a new definition as follows:

* * *

Digital Billboard means an off-premises sign utilizing digital message technology, capable of only displaying a static message or copy, and able to change this message or copy electronically, from one still image to the next in regulated intervals, in a manner that does not produce or create the optical illusion of motion or movement such as video, animation, scrolling, flashing, scintillating or varying light intensity, on any part of the sign or its support structure.

* * *

SECTION 2. That Chapter 28 "Zoning", Article III, "Construction and Installation Standards", Section 28-122 "Billboards; off-premises signs." is amended by adding a new subsection (d) as follows:

Sec. 28-122. - Billboards; off-premises signs.

(a) No billboard or off-premises sign shall be installed:

- (1) Upon any property zoned used or classified for residential purposes.
- (2) On submerged property in the waters of Lake Worth.
- (3) Within five feet of the public right-of-way, street, sidewalk or building setback line.
- (4) Within 24 feet of any side or rear property line.
- (5) More than 1,000 feet distant from the property or business it advertises.
- (6) On the roof of any building.
- (7) In violation of applicable state or federal standards on any city street.

(b) The allowable sign area of a billboard shall be calculated in the same manner as a free-standing sign as set forth in section 28-115.

(c) It shall be the duty of every person maintaining any billboard within the city to keep the property within 20 feet of such billboards free of trash and debris; to cut the weeds and brush around such billboards; to paint or cover, by shrubbery or latticework, the frame of any sign visible from any street, and to repaint all painted framework at least once in each year.

(d) A digital billboard may be permitted on new and existing off-site sign structures, subject to the following requirements:

(1) Permitted Locations.

- (a) A digital billboard shall only be located within five hundred (500) feet of Interstate 95 (I-95).
- (b) No digital billboard shall be located on or within a distance of two hundred and fifty (250) feet of a residentially zoned parcel or area designated for residential use.

(c) A digital billboard shall be considered a form of billboard when determining State permitting requirements.

(d) A digital billboard must maintain a twenty-five hundred (2500) foot separation requirement from any other digital billboard.

(2) Operational Limitations. Digital billboards shall contain static, motionless messages only. Displaying any form of motion, or the optical illusion of movement, video or varying light intensity is prohibited.

(3) Minimum display time. Each message on a digital billboard must be displayed for a minimum duration of six (6) seconds.

(4) Brightness. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. This requirement is based on levels established by the Illuminating Engineering Society of North America (IESNA) for Light Emitting Diode (LED) signage. Certification confirming that brightness levels are below the 0.3 foot candles threshold shall be provided to the City Manager yearly.

(a) Each digital display must have a light sensing device that will adjust the brightness in real-time as ambient light conditions change.

(b) A digital billboard may be internally and/or externally illuminated.

(5) Photometric Plan. Each application for a digital billboard shall be accompanied by a photometric plan. The photometric plan shall demonstrate the digital billboard's maximum light intensity, in foot candles above ambient light, at locations identified by the applicant or staff that may be impacted within 500 feet of the proposed digital billboard location. This plan may be reviewed by a third party lighting specialist selected by the City. Costs associated with this third party specialist shall be paid by the applicant to the City.

(6) Malfunction. The digital billboard shall have a default mechanism installed to either turn the display off or only show black on the display in the event of a malfunction.

(7) Display of Public Emergency and Public Service Information. Owners of digital billboards shall coordinate with local public safety authorities to display emergency information and public service information important to the traveling public including, but not limited to Amber Alerts, Silver Alerts, Blue Alerts, traffic alerts, public safety messages and emergency

management information. Digital billboard operators shall provide for regional emergency announcements and alerts to be displayed on the Digital Billboard without charge as requested by the City Manager or designee.

(8) Personalized Messages. The display of personalized "smart" messages, that are triggered or initiated by license plate recognition, facial recognition or by reading or analyzing electronic signals from traffic or an individual vehicle, such as but not limited to a radio station, is prohibited unless used in a public emergency or public service capacity.

(9) Message Sequencing. The practice of using multiple sequential messages to present a single advertisement on an individual or combination of billboards shall be prohibited.

(10) Fees and Penalties. A fee of \$500 per day shall be assessed for a violation of this ordinance.

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

SECTION 4. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

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

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

SECTION 7. Specific authority is hereby granted to codify this Ordinance.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

PASSED AND APPROVED on the first reading this 4TH day of MAY,
2011.

PASSED AND ADOPTED on second and final reading this 18 day of
May, 2011.

APPROVED:



THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON

ATTEST:



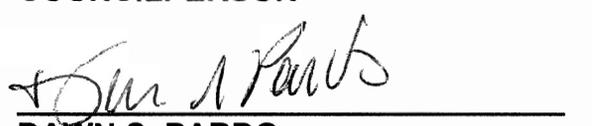
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



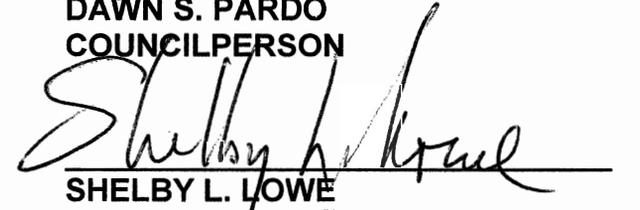
BILLIE E. BROOKS
CHAIR PRO TEM



CEDRICK A. THOMAS
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

1ST READING

MOTIONED BY: D. PARDO

SECONDED BY: C. THOMAS

B. BROOKS AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: D. PARDO

SECONDED BY: C. THOMAS

B. BROOKS AYE

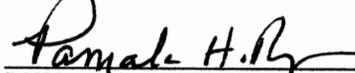
J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

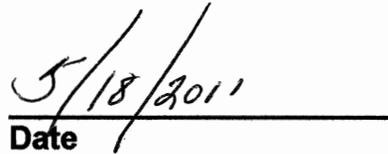
DATE: 4/26/11

CERTIFICATION OF PUBLICATION

I hereby certify that the 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.



Carrie E. Ward
Master Municipal Clerk
City Clerk



Date

ORDINANCE NO. 3092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I ENTITLED "IN GENERAL" SECTION 31-1 ENTITLED "DEFINITIONS" AND AMENDING ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" SECTION 31-544 ENTITLED "DAYCARE AND OTHER PRESCHOOL FACILITIES"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, House Bill 1045, signed on May 26, 2010, amended Laws of Florida regulating daycare uses in Palm Beach County and provided specific requirements for daycare establishments; and

WHEREAS, the City of Riviera Beach Land Development Code currently permits the use of daycare facilities when all existing City regulations are satisfied; and

WHEREAS, the City Council directed staff to develop new regulations pertaining to daycare facilities to be consistent with State of Florida House Bill 1045 via Resolution No. 138-10, approved on November 3, 2010; and,

WHEREAS, it is the desire of the City Council of the City of Riviera Beach to adopt any necessary amendment to the City's Code of Ordinances governing daycare facilities within the City limits to be consistent with House Bill 1045 and the City's Comprehensive Plan, Future Land Uses and Zoning Designations; and,

WHEREAS, the Planning and Zoning Board held public meetings on November 18, 2010 and December 9, 2010, to discuss proposed language pertaining to daycare uses within the City; and,

WHEREAS, on December 9, 2010, the Planning and Zoning Board recommended approval of this amended daycare language to the City Council; and,

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

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

SECTION 1. That Chapter 31 "Zoning", Article I, "In General", Section 31-1 "Definitions" is amended, by amending the following definitions:

* * *

~~*Child care center* means an establishment providing for the care, supervision, and protection of children.~~

Child Care Facility means an establishment, including any child care center or child care arrangement, other than a Family Day Care Home or Large Family Child Care Home, which provides care to any number of children, which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

Family Day Care Home means an accessory use conducted in an occupied residence in which custodial care is regularly provided to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

Large Family Child Care Home means an occupied residence in which custodial care is regularly provided for up to twelve children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

* * *

SECTION 2. That Chapter 31 "Zoning", Article VI, "Supplemental Zoning Regulations", Section 31-544 "Daycare and other preschool facilities" is amended, as follows:

Sec. 31-544. - Child care, Daycare daycare and other preschool facilities.

Daycare facilities where permitted must meet the following special requirements:

Family Day Care Home:

- (1) A family day care home is a permitted use in the following zoning districts:
 - RS-5 Single-Family Dwelling District
 - RS-6 Single-Family Dwelling District
 - RS-8 Single-Family Dwelling District
 - RML-12 Low Density Multifamily Dwelling District
 - RD-15 Two-Family Dwelling District
 - RM-15 Multiple Family Dwelling District
 - RMH-15 Multifamily/Hotel District
- (2) Shall only be an accessory use in a private residence and may function either for or not-for-profit.
- (3) Is limited to no more than six (6) children at any one time.

- (4) The person furnishing such service shall have a current, valid permit from Palm Beach County Health Department for operation of a family day care home, as required by Article II of Chapter 39, Palm Beach County Code; and a City of Riviera Beach Certificate of Use and Business Tax Receipt categorizing the use as a "Family Day Care Home". A valid permit from the Palm Beach County Health Department or a letter of approval must be submitted when applying for a Certificate of Use and Business Tax Receipt for the City.
- (5) A family day care home registered with the State Department of Health and Rehabilitative Services (HRS) is specifically exempt from having to obtain any special exemption or use permit or pay any special fee in excess of \$50 to operate within the City (F.S. 166.0445).
- (6) Baby-sitting services provided by an individual at the home of the parents or legal guardians of the child(ren) are deemed to be exempt from these provisions.
- (7) All family day care homes shall comply with State, County and City Codes and Regulations.

Large Family Child Care Home

- (1) A large family child care home requires City Council approval via the Special Exception Process and can only operate in the following zoning districts:
 - RS-6 Single Family Dwelling District
 - RS-8 Single Family Dwelling District
 - RML-12 Low Density Multifamily Dwelling District
 - RD-15 Two Family Dwelling District
 - RM-15 Multifamily Dwelling District
- (2) Requirements:
 - (a) Two full-time child care personnel must be on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence.
 - (b) Such use must first have operated as a licensed family day care home for two years, with an operator who has had a child development associate credential or its equivalent for one (1) year. The person furnishing such service shall update their current permit from Palm Beach County Health Department for operation of a large family child care home, and a City of Riviera Beach Certificate of Use and Business Tax Receipt categorizing the use as a "Large Family Child Care Home".

The updated permit from the Palm Beach County Health Department or a letter of approval must be submitted when applying for a Certificate of Use and Business Tax Receipt for the City.

(c) A large family child care home shall be allowed to provide care for one of the following groups of children which shall include those children under 13 years of age who are related to the caregiver:

(i) A maximum of eight (8) children from birth to 24 months of age, or;

(ii) A maximum of twelve (12) children with no more than four (4) children under 24 months of age.

(d) Floor area: Facilities shall contain a minimum floor area of 35 square feet per child, exclusive of space devoted to bathrooms, halls, kitchen, offices, and storage.

(e) Outdoor area: There shall be a minimum area of 75 100 square feet of outdoor play area per child. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback or adjacent to any outdoor storage area. The play area shall be surrounded by a four to six-foot high opaque fence or wall. If the fence or wall is not entirely opaque, landscaping shall be installed, 4 to 6 feet in height at planting, to create an immediate minimum screening effect of 75% of the fenced or walled area. The lot shall be landscaped to code while considering visibility corridors for safety and prohibiting poisonous plant species.

(f) Parking and loading area: Parking shall be in accordance with Section 31-577(14) of the City's Code of Ordinances. Additionally, a pick-up and drop-off area for children shall be provided in a suitable area adjacent to the building and shall provide clear ingress and egress to the building as determined by the City Engineer, Police Chief, and Fire Chief (or designees for the aforementioned).

(g) Separation requirement: Measured from parcel to parcel, there shall be a minimum of (250) feet between Large Family Child Care Homes. No Large Family Child Care Home shall be permitted within 250 feet of any package store, bar, nightclub, or adult entertainment establishment.

(h) Other regulations: All Large Family Child Care Homes shall comply with State, County and City Codes and Regulations.

Child Care Facility

(1) A child care facility requires City Council approval via the Special Exception Process and can only operate in the following zoning districts:

- RML-12 Low Density Multifamily Dwelling District
- RM-15 Multifamily Dwelling District
- CN Neighborhood Commercial
- CG General Commercial

(2) Separation requirement: Measured from parcel to parcel, there shall be a minimum of 500 feet between child care facilities. No child care facility shall be permitted within 500 feet of any package store, bar, nightclub, or adult entertainment establishment.

~~(13) Minimum required lot area: The minimum lot area shall be no less than 5,000 square feet.~~

(23) Minimum floor area: There shall exist a minimum usable floor area, exclusive of any space devoted to the kitchen, halls, office, storage and ~~toilet~~ bathroom facilities, of not less than 1,000 square feet is required. Facilities with capacities exceeding 25 children shall provide 35 square feet of additional floor area per child.

(34) Property development regulations: The building height, setbacks, parking and total floor area shall be governed by the applicable zoning district and/or site plan review.

Parking and loading area: Parking shall be in accordance with Section 31-577(14) of the City's Code of Ordinances. Additionally, a pick-up and drop-off area for children shall be provided in a suitable area adjacent to the building and shall provide clear ingress and egress to the building as determined by the City Engineer, Police Chief, and Fire Chief (or designees for the aforementioned).

(-4-5) Outdoor play area:

a. There shall be provided a minimum of 1,500 square feet of outdoor play area or 100 square feet of outdoor play area per child, whichever produces the larger area. ~~The play area shall be provided on the same lot as the principal use and shall not be located in the required front yard.~~ The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback or adjacent to any outdoor storage area. The play area shall be surrounded by a four to six-foot high opaque fence or wall. If the fence or wall is not entirely opaque, landscaping shall be installed, 4 to 6 feet in height at planting, to create an

immediate minimum screening effect of 75% of the fenced or walled area. The lot shall be landscaped to code, while considering visibility corridors for safety and prohibiting poisonous plant species.

b. For child care facilities ~~child care centers~~ with enrollments of 30 or more, the outside play area may be utilized on a split shift basis, provided that a written statement and schedule of play periods, with age groups, are submitted for prior approval by the ~~CDEC director~~ Community Development Director, and provided that minimum outdoor play area shall not be less than that required for one-third of the total enrollment.

~~(5) Fencing and screening. A fence or wall shall surround the play area with a minimum height of four feet, maximum height of six feet, required.~~

~~(6) Other: These facilities shall generally be regulated by state and county agencies in accordance with prescribed standards. All child care facilities shall comply with State, County and City Codes and Regulations. A Certificate of Use and Business Tax Receipt must be obtained from the City prior to operation. Submittal of an active permit from Palm Beach County Health Department or a letter of approval from the Palm Beach County Health Department must be submitted in order to apply for City licensing.~~

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

SECTION 4. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

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

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

SECTION 7. Specific authority is hereby granted to codify this Ordinance.

SECTION 8. The special exception application fee for a "Large Family Child Care Home" shall be waived for a one year period after the adoption of this ordinance. Section 8 shall not be codified.

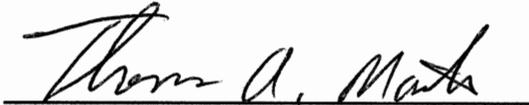
ORDINANCE NO. 3092

PAGE 7

PASSED AND APPROVED on the first reading this 4th day of May,
2011.

PASSED AND ADOPTED on second and final reading this 18 day of
May, 2011.

APPROVED:

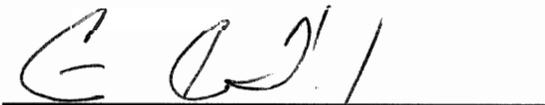


THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



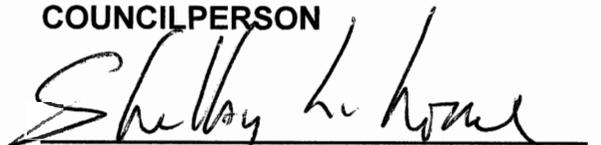
BILLIE E. BROOKS
CHAIR PRO TEM



CEDRICK A. THOMAS
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3092
PAGE 8

1ST READING

MOTIONED BY: C. Thomas

SECONDED BY: D. Pardo

B. BROOKS AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: C. THOMAS

SECONDED BY: D. PARDO

B. BROOKS AYE

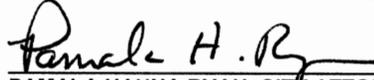
J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/9/11

CERTIFICATION OF PUBLICATION

I hereby certify that the 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.



Carrie E. Ward
Master Municipal Clerk
City Clerk



Date