

ORDINANCE NO. 3097

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 VI, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY INCLUDING A NEW SECTION ENTITLED "PORTABLE STORAGE CONTAINERS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach Code of Ordinances controls and directs the development and uses of land within the municipal limits of the City; and

WHEREAS, the City Council and staff have determined that portable storage containers are more frequently used in residential areas and it would be necessary to create criteria in the City's Code of Ordinances to regulate the location and duration portable storage containers may be on a property; and

WHEREAS, the Planning and Zoning Board voted on May 12, 2011 to recommend approval of the draft regulations for portable storage containers; and

WHEREAS, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

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

SECTION 1. That Chapter 31 "Zoning", Article VI, "Supplemental District Regulations", is amended by adding the following regulations entitled "Portable Storage Containers", as follows:

Sec. 31-558. - Portable storage containers.

- (a) *Portable storage containers.* Portable storage container and/or any temporary storage unit, means any portable, weather-resistant receptacle designed and used for the temporary storage or shipment of household goods.
- (b) Portable storage containers are allowed in residential zoning districts.

- (c) A permit must be obtained from the City Building Division. The permit is valid for (30) thirty days from the date of delivery of container. The following must be submitted with the permit application for the portable storage container.
 - 1. Two copies of a drawing or plan showing the location of the portable storage container to scale on the property.
 - 2. If applicable a copy of an approval letter from the property's Home Owners Association or Property Owners Association is required.
- (d) If a storage container is to be located on the property more than thirty (30) days, an extension to the permit must be approved by the Building Official and a fee must be paid for the permit extension. This process must be followed for each subsequent permit extension. Additional fees will be required for each thirty (30) days extension at increasing intervals to a maximum of three (3) months. After which time if the portable storage container is not removed a citation from Code Enforcement will be issued for the maximum civil penalty of up to \$500.00 per day.
- (e) No storage container shall be located closer than 5 feet from a property line unless approved by the Community Development Director.
- (f) No storage container shall obstruct traffic vision or be located within a visibility triangle which is the triangular area of property located at a corner formed by the intersection of two or more public rights-of-way. Two sides being Twenty five (25) feet in length along the abutting public right-of-way lines and pavement edges, measured from their point of intersection, and the third side being a line connecting the ends of the two other sides.
- (g) No portable storage container shall have dimensions greater than twenty (20) feet in length and eight (8) feet in width and height. Storage capacity shall be no greater than one thousand two hundred eighty (1,280) cubic feet.
- (h) Not more than two (2) portable storage containers smaller than twenty (20) feet by eight (8) feet and totaling one thousand two hundred eighty (1,280) cubic feet shall be located on a property at any given time. Each separate portable storage container must be permitted and appropriate fees paid.
- (i) All portable storage containers in use on a lot shall be in a condition free from rust, peeling paint and other visible forms of deterioration.
- (j) In cases of emergency caused by natural disasters, floods, and fires a portable storage container may be acquired and a permit obtained after the fact within one (1) week of the portable storage containers delivery. All other rules of portable storage container code must be followed and proof of the emergency will be required.
- (k) No portable storage container is to be located in the street or any part of the public right-of-way.

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

ORDINANCE NO. 3097

PAGE 3

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 be in full force and effect immediately upon its final passage and approval.

PASSED AND APPROVED on the first reading this 15th day of JUNE 2011.

PASSED AND ADOPTED on second and final reading this 6 day of July 2011

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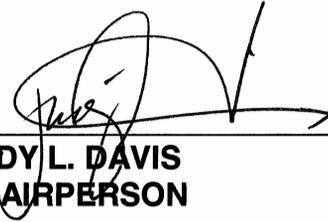
ORDINANCE NO. 3097

PAGE 4

APPROVED:

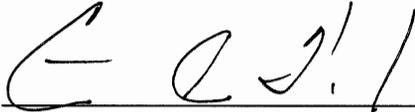


THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON

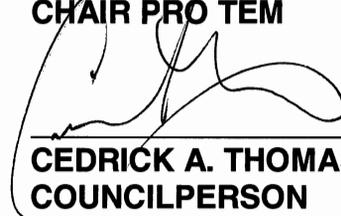
ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



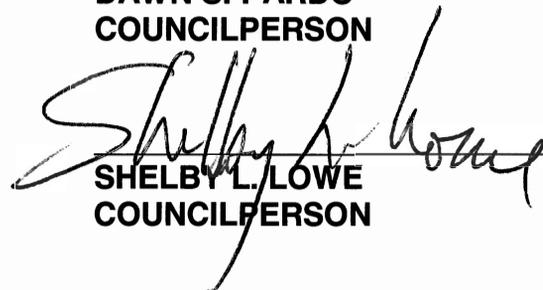
BILLIE E. BROOKS
CHAIR PRO TEM



CEDRICK A. THOMAS
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3097
PAGE 5

1ST READING

MOTIONED BY: D. Pardo

SECONDED BY: B. Brooks

B. BROOKS AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: B. BROOKS

SECONDED BY: D. PARDO

B. BROOKS AYE

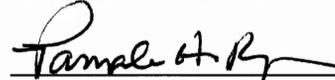
J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE AYE

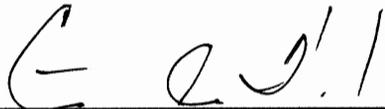
REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 6/7/11

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12 ENTITLED "OFFENSES" OF THE CITY'S CODE OF ORDINANCES BY CREATING ARTICLE V ENTITLED "RED LIGHT ENFORCEMENT PROGRAM", PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT VIOLATIONS CONSISTENT WITH GENERAL LAW; PROVIDING FOR SEVERABILITY; CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, during the 2010 legislative session, the Florida Legislature passed CS/CS/HB325 pre-empting to the state the authority to use and govern the use of red light cameras as traffic infraction detectors under Chapter 316, the State of Florida Uniform Traffic Code; and

WHEREAS, the Governor of the State of Florida signed CS/CS/HB325 into law on May 13, 2010, resulting in the Law of Florida 2010-80 taking effect on July 1, 2010; and

WHEREAS, the running of red lights is and continues to be a safety hazard affecting every citizen and traveler in the City of Riviera Beach; and

WHEREAS, the City desires to amend its Code of Ordinances to recognize and implement Law of Florida 2010-80 as the City's Red Light Enforcement Program; and

WHEREAS, the City Council of the City of Riviera Beach finds that the implementation of the Red Light Enforcement Program pursuant to Law of Florida 2010-80 effective July 1, 2010, serves a valid public purpose.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 12 of the City Code of Ordinances is hereby amended by creating Article V entitled, "Red Light Enforcement Program" as follows:

RED LIGHT ENFORCEMENT PROGRAM

(1) Intent.

The purpose of this article is to specifically authorize the enforcement of red light signal directive violations through the use of traffic infraction detectors, as permitted by Law of Florida 2010-80, within the City's jurisdictional limits.

(2) Use of Traffic Infraction Detectors.

Upon the effective date of this Ordinance, the City is authorized to enforce compliance with red light signal directives pursuant to Law of Florida 2010-80 through the use of traffic infraction detectors under the State of Florida Uniform Traffic Code. Said enforcement shall be identified as the Red Light Enforcement Program. This article does not prohibit the City from enforcing compliance with red light signal directives by any other lawful means.

(3) Implementation.

The Red Light Enforcement Program shall be implemented by the City Council with the selection of a vendor to assist the City in establishing and operating the Program. The City Manager and the Chief of Police are authorized to take all other steps necessary to operate the Red Light Enforcement Program to comply with the requirements of Law of Florida 2010-80 including selecting the locations of the traffic infraction detectors within the City.

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 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 authorized to codify this Ordinance.

ORDINANCE NO. 3098
PAGE 3

PASSED AND APPROVED on the first reading this 6TH day of JULY,
2011.

PASSED AND ADOPTED on second and final reading this 20 day of
July, 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. 3098
PAGE 4

1ST READING

MOTIONED BY: C. THOMAS

SECONDED BY: B. BROOKS

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

D. PARDO AYE

S. LOWE OUT

2ND & FINAL READING

MOTIONED BY: Brooks

SECONDED BY: Lowe

J. DAVIS Aye

B. BROOKS Aye

C. THOMAS Absent

D. PARDO Absent

S. LOWE Aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

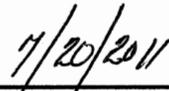
DATE: 6/21/11

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. 3099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE 2011 AMENDED CITY OF RIVIERA BEACH REDEVELOPMENT PLAN; FINDING THAT THE PLAN CONFORMS TO SECTIONS 163.360, 163.361, 163.362, AND 166.041, FLORIDA STATUTES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Riviera Beach Community Redevelopment Agency, a duly created community redevelopment agency, created and established pursuant to Part III of Chapter 163, Florida Statutes; ratified and confirmed by City of Riviera Beach by Ordinance No. 2883 and Final Summary Judgment in case number CA-01-8461-AN, pursuant to Sections 163.355, 163.360, 163.361 and 163.362, Florida Statutes, has caused to be prepared an amended Redevelopment Plan; and

WHEREAS, the adopted Community Redevelopment Agency (CRA) Redevelopment Plan was last updated in 2001 and has since become obsolete; and

WHEREAS, the Planning and Zoning Board acting as the Local Planning Agency reviewed the 2011 Amended Redevelopment Plan (hereinafter "Plan") on November 12, 2009 and October 14, 2010 and recommended approval on October 14, 2010 and found the 2011 Amended Redevelopment Plan in compliance with the Comprehensive Plan; and

WHEREAS, the Community Redevelopment Agency having reviewed the recommendation of the Local Planning Agency for approval, submitted the Plan to the City Council of the City of Riviera Beach for adoption; and

WHEREAS, the City provided notice of the Plan to each of the taxing authorities; and

WHEREAS, the City Council found that the Plan meets the requirements for adoption as contained in Sections 163.360 (7), 163.361, 163.362 and 166.041, Florida Statutes.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Council finds that the City of Riviera Beach 2011 Amended Redevelopment Plan meets the requirements of Sections 163.360, 163.361, 163.362, and 166.041, Florida Statutes.

SECTION 3. The City Council, having held a public hearing as required by law, having received the comments from the public, the Planning and Zoning Board acting as the Local Planning Agency, and from the City of Riviera Beach Community Redevelopment Agency, hereby approves and adopts the City of Riviera Beach 2011 Amended Redevelopment Plan. Said Plan is attached hereto as Exhibit "A" and made a part of this Ordinance by reference.

SECTION 4. The Plan, having been adopted by the City Council is therefore deemed to be in full force and effect in the redevelopment area and the Community Redevelopment Agency is directed to carry out the Plan in accordance with its terms.

SECTION 5. Should any one or more of the provisions of this ordinance be held invalid, such provision shall be null and void and shall be deemed separate from the remaining provisions and shall in no way affect the validity of any of the remaining provisions of the ordinance.

SECTION 6. All ordinances or part of ordinances in conflict are repealed.

PASSED AND APPROVED on the first reading this 6TH day of JULY 2011.

PASSED AND ADOPTED on second and final reading this 20 day of July 2011.

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APPROVED:



THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON

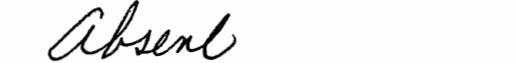
ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



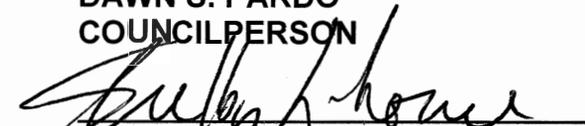
BILLIE E. BROOKS
CHAIR PRO TEM



CEDRICK A. THOMAS
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3099
PAGE 4

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: Brooks

SECONDED BY: Lowe

B. BROOKS Aye

J. DAVIS Aye

C. THOMAS Absent

D. PARDO Absent

S. LOWE Aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 6/20/11

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

7/20/2011
Date

Residential:	4,537	units
Hotel:	375	rooms
Conference Center:	41,250	square feet
Office:	1,260,411	square feet
Other Non-Residential:	1,800,157	square feet

The 2008 Citizens' Master Plan contains a clear and achievable redevelopment vision for the CRA. The success of the plan relies on strategies for building on, and improving the existing structure or pattern of the City's physical, economic, and social assets. The 2008 Plan recognizes the "vision" for the future of the City is not something that can be implemented or built overnight. It will take patience, incremental growth designed in such a way that every planning and development decision sanctioned by the City is always helping to carry out large and small pieces of the plan. This should, slowly and surely over the years, result in a City that has realized its vision: a better, safer and more prosperous Riviera Beach.

REDEVELOPMENT STRATEGIES FOR THE CRA

The 2008 Citizens' Master Plan includes a detailed account of the strategies, physical interventions and site-specific development recommendations for the CRA, which are described in this Section. It is important that redevelopment in the CRA be considered on an incremental, block-by-block basis. The redevelopment

vision contained in the CRA Plan is not a single "project," but instead, it is many projects, both large and small, all of which work together to implement the vision. It is acknowledged the redevelopment strategies contained in this section, especially those involving moving or abandoning City rights-of-way, are subordinate and subject to the existing governing City approval/permit processes. Land Development Regulations and Comprehensive Plan that are in effect.



2008 Citizens' Master Plan

ORDINANCE NO. 4000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, AMENDING CHAPTER 14, ARTICLE IV, SEC. 14-76 (6) ENTITLED RETIREMENT MONTHLY INCOME, OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE PENSION PLAN BY PROVIDING FOR A SUPPLEMENTAL RETIREMENT BENEFIT FOR ACTIVE POLICE OFFICERS AND RETIREES; PROVIDING FOR AMENDMENT TO SECTION 14-84 ENTITLED APPLICATION OF ADDITIONAL BENEFITS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 185.35(1)(b), Florida Statutes mandates that, after all minimum benefits are provided, "additional premium tax revenues" be used only to provide extra benefits for police officers; and

WHEREAS, the Board of Trustees of the Police Pension Plan, in order to comply with the aforementioned statute, recommends providing such extra benefits in the form of a supplemental retirement benefit for certain participants; and

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

WHEREAS, the City Council deems it to be in the public interest to provide this improved pension plan benefit for its police officers.

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

Section 1. That Chapter 14 Article IV Section 14-76(6), of the Riviera Beach Code of Ordinances is hereby amended as follows:

- (6) *Supplemental Retirement Benefit.* There is hereby provided for all police officers and retirees who attained credited service of twenty (20) or more years in addition to all other benefits provided in this Article, an annual supplemental retirement benefit. Effective October 1, 2010 all vested police officers and retirees regardless of years of credited service shall be eligible for this Supplemental Retirement Benefit. Entitlement to such supplemental retirement benefit shall be determined annually based upon the receipt by the Fund of any "additional premium tax revenues," as defined in sub-section 185.35(1) (b), of the Florida Statutes. Payment of such supplemental retirement benefit shall be made annually to each eligible police officer or retiree, ~~(as defined for this in subsection only as an active police officer or retiree who has reached normal retirement age and has attained twenty (20) years of actual credited service)~~ no later than the 1st of December after receipt of the "additional premium tax revenues" from the State, provided that it has been confirmed in writing that the eligible police officer or retiree was alive on September 30th of such year, beginning with the year 2000. The amount of such supplemental retirement benefit shall be equal to the quotient of: the total amount of all "additional premium tax revenues" received by the Fund during that calendar year (regardless of the year to which the revenues relate), divided by the number of eligible police officers and retirees. Such supplemental benefit for active police officers shall be credited to an account to be maintained by the Fund, which shall be credited or debited with the actual rate of investment return (less expenses) of the Fund and shall be rolled over to a designated qualified plan on retirement or in the event of death prior to retirement paid to a designated beneficiary. Such supplemental retirement benefit for eligible retirees shall be added to the next monthly benefit payment or paid separately as the trustees may from time to time decide. Should a retiree die between September 30th and that year's payment date, payment shall be made to the retiree's designated beneficiary

By accepting payment of the Supplemental Retirement Benefit provided above an eligible retiree thereby waives any and all rights to any legal claim arising under this section or section 14-84 of this Article.

Section 2. That Chapter 14 Article IV Section 14-84, of the Riviera Beach Code of Ordinances is hereby amended:

Sec. 14-84. - Application of additional benefits.

The increased pension benefits as provided for by sections 14-76 through 14-81 and any and all additional benefits that may accrue in the future shall apply to all police officers now receiving retirement income payments, to all police officers who are now eligible to receive retirement income payments, and to all police officers who may in the future be eligible to receive retirement income payments under this article. Notwithstanding the above this section shall not apply to any participant that is employed after the effective date of this ordinance amendment.

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 section 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 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. This ordinance shall take effect upon adoption.

PASSED AND ADOPTED on first reading this 20 day of July,
2011.

PASSED AND ADOPTED on second and final reading this 3 day of
August, 2011.

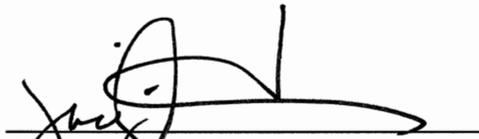
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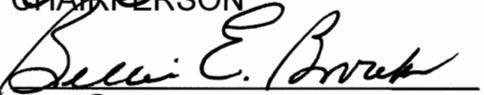

THOMAS MASTERS
MAYOR

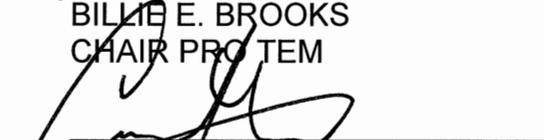
MUNICIPAL SEAL

ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

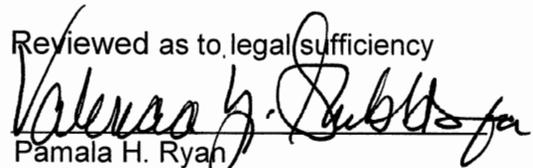

JUDY L. DAVIS
CHAIRPERSON


BILLIE E. BROOKS
CHAIR PRO TEM


CEDRICK A. THOMAS
COUNCILPERSON


DAWN S. PARDO
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

Reviewed as to legal sufficiency

Pamala H. Ryan
City Attorney

Date: 7/11/11

1st READING

Motioned by: Brooks
Seconded by: Howe

J. DAVIS Aye
B. BROOKS Aye
C. THOMAS absent
D. PARDO absent
S. LOWE Aye

2nd & FINAL READING

Motioned by: B. Brooks
Seconded by: D. Pardo

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

CERTIFICATION OF PUBLICATION

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

July 20, 2011
DATE


Carrie E. Ward, MMC, City Clerk