

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING PETITIONS FOR VOLUNTARY ANNEXATION OF CERTAIN PARCELS OF LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH, PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID PARCELS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE THEREOF, AND FOR OTHER PURPOSES IN ACCORDANCE WITH CHAPTER 171, SECTION 171.044 FLORIDA STATUTES 1985.

WHEREAS, in June 1970, the Legislature of the State of Florida by House Bill No. 5236 designated "Greater Riviera Beach Area: and specified that the City of Riviera Beach may annex the "Greater Riviera Beach Area" or any part thereof at any time in any manner then allowed by the constitution and general laws of the State of Florida; and as provided by the City Charter; provided however, that any area thus annexed must be adjacent to and contiguous to the existing limits of the City of Riviera Beach, and

WHEREAS, in July 1972, Area Planning Board of Palm Beach County acting as agent for the Florida Department of Pollution Control designated City of Riviera Beach as the sole agent to provide water distribution and sewage collection and or treatment in Greater Riviera Beach Area (also known as Reserve Annexation Area), and

WHEREAS, Petitions and Affidavits for Voluntary Annexation have been submitted by owners of property adjacent to the City of Riviera in the Reserve Annexation Area. Copies of said Petitions and Affidavits for Voluntary Annexations are attached hereto and made a part of this Ordinance, as filed for the following:

PETITION #1

PETITIONER: BRADCO SUPPLY CORP.

Property Control # : 00 - 42 - 42 - 26 - 01 - 001 - 0010

PETITION #2

PETITIONER: DAVIS WATER AND WASTE, INC.

Property Control # : 00 - 42 - 42 - 26 - 01 - 001 - 0020

PETITION #3

PETITIONER: MACARTHUR FOUNDATION

PROPERTY CONTROL # : 00 - 43 - 42 - 30 - 00 - 000 - 1010

PETITION #4

PETITIONER: MACARTHUR FOUNDATION

PROPERTY CONTROL # : 00 - 42 - 42 - 26 - 00 - 000 - 5050

PETITION #5

PETITIONER: MACARTHUR FOUNDATION

PROPERTY CONTROL # : 00 - 42 - 42 - 36 - 00 - 000 - 3010
00 - 42 - 42 - 36 - 00 - 000 - 3020
00 - 42 - 42 - 36 - 00 - 000 - 3040

PETITION #6

PETITIONER: TIMOTHY WESLOSKI

PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 1230
00 - 42 - 42 - 25 - 00 - 000 - 1240
00 - 42 - 42 - 25 - 00 - 000 - 1040

PETITION #7

PETITIONER: DONALD R. PICARD & RAY MAIWURM

PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 1050
00 - 42 - 42 - 25 - 00 - 000 - 1190
00 - 42 - 42 - 25 - 00 - 000 - 1200

PETITION #8

PETITIONER: BLANCHE FINK

PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 7130

PETITION #9

PETITIONER: COMMERCIAL CARRIER CORP.
PROPERTY CONTROL # : 00 - 42 - 42 - 36 - 00 - 000 - 3110

PETITION #10

PETITIONER: RUTH REICKHOFF
PROPERTY CONTROL # : 00 - 42 - 42 - 36 - 00 - 000 - 3091

PETITION #11

PETITIONER: FLORIDA POWER AND LIGHT
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 3030
52 - 42 - 42 - 25 - 00 - 000 - 3040

PETITION #12

PETITIONER : DOLPHIN TIRE CO., INC.
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 7011

PETITION #13

PETITIONER: CUSSWELL CORPORATION
PROPERTY CONTROL # : 00 - 42 - 42 - 36 - 00 - 000 - 3101

PETITION #14

PETITIONER: O.P. BOND, JR. TRUST; WALTER W. LASETER,
JR. AND COMMERCIAL BANK-TRUSTEES
PROPERTY CONTROL # : 00 - 42 - 42 - 36 - 00 - 000 - 3093
00 - 42 - 42 - 36 - 00 - 000 - 3094

PETITION #15

PETITIONER: P-4 PARTNERS
PROPERTY CONTROL # : 00 - 43 - 42 - 30 - 00 - 000 - 1020

PETITION #16

PETITIONER: LUCILLE HOLLINGSWORTH
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 1210

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

- (a) The petitioners are owners of the properties described therein.
- (b) The petitions bear the notarized signatures of the owners of the properties proposed to be annexed.
- (c) The properties proposed to be annexed are in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- (d) No parts of the properties proposed to be annexed are included within 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 parcels at the same level of services as such services are provided within the rest of the municipality.
- (f) This ordinance is being initiated by the City of Riviera Beach, Florida, under Section 171.044 Voluntary Annexation, F.S. 1985.

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, e.g. water and sewer to subject properties for development purposes upon receipt of their respective Voluntary Petitions for Annexation; and subject to conditions set forth in the petitions.

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

SECTION 1. Pursuant to Chapter 171. Section 171.044 Voluntary Annexation, Florida Statutes, 1979, City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the above described properties after the approval of this Ordinance on second and final reading.

SECTION 2. This Ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for four (4) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida. Thereupon after second reading by Title only, this Ordinance shall become effective immediately upon passage and adoption, and the annexation shall become effective December 5, 1990.

SECTION 3. Within Thirty (30) 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 or parts of Ordinances in conflict herewith are to the extent of such conflict repealed.

SECTION 5. Should any part of provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

SECTION 6. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

SECTION 7. The City Clerk is hereby directed to update City's Land Use and Zoning Maps to include above named parcels within the municipal boundaries.

SECTION 8. Upon annexation, the City shall assign the herein referenced Land Use and Zoning designations to said parcels, in accordance with procedures of Chapter 163, Florida Statutes.

SECTION 9. The corporate limits of the City of Riviera Beach are hereby redefined to include subject Petitions as follows:

"Beginning at the Northwest corner of Section 29, Range 43 East, Township 42 South, of the Tallahassee Meridian, Palm Beach County, Florida; thence Easterly along the North lines of said Section 29, Section 28, and Section 27, of said Township and range, to the point of intersection with the centerline of the Intracoastal Waterway, thence northerly along said centerline to the point of intersection with a line parallel to and 1,294.00 feet South of the North line of Section 22, of said Township and Range; thence Easterly along said parallel line to a point in the Westerly boundary of the submerged land area conveyed by the trustees of the Internal Improvement Trust Fund of the State of Florida, to the Lake Worth Realty Company, (a Florida Corporation by the Trustee's Deed No. 17146, recorded in deed Book 205, Page 82, Public Records of Palm Beach County, Florida); thence Northerly along said Westerly boundary to the point of intersection with a line parallel to and 8,000.00 feet South of the North line of Section 10, of said Township and Range; thence Easterly along said parallel line to the Westerly edge of Gulfstream or a distance of three geographical miles, whichever is the greater distance to the common boundary of the State of Florida and that of Palm Beach County; thence Southerly along the edge of the Gulfstream or along a line three geographical miles from the Atlantic Coast Line as described in The Constitution of the State of Florida (as revised in 1968 and subsequently amended by Article III, Section 1, Paragraph (a) to a point in the Easterly extension of a line parallel and 998.96 feet South of the South line a tract of land in Palm Beach County known as Replat Yacht Harbor, (as is recorded in Plat Book 23, Page 57, of the Public Records of Palm Beach County, Florida); thence Westerly along said parallel line to the point of intersection with the centerline of the channel of the Intracoastal Waterway, as now established; thence Southwesterly and Southerly along said centerline of channel to the South line of Township 42 South, Range 43 East; thence Westerly along said South line of Township 42 South to the Southeast corner of Section 31, of said Township and Range; thence Northerly along the East line of said Section

31, to the South Right-of-Way line of State Road 710; thence Westerly along the South line of State Road 710 to its point of intersection with the proposed centerline of Congress Avenue Right-of-Way; thence Southerly along said centerline to its point of intersection with the South Right-of-Way line of the Seaboard Coast Line Railroad Right-of-Way as now established; thence Southeasterly along said Right-of-Way line to its point of intersection with the South line of said Section 31, Township 42 South, Range 43 East; thence Westerly along said South line of Section 31, to the Southeast corner of Section 36, Township 42 South, Range 42 East; thence continuing Westerly along said South line of Section 36, 2610.00 feet to its point of intersection with the East Right-of-Way line of Military Trail; thence Northerly along said Right-of-Way line 994.88 ± feet to the point of intersection with a line parallel with and 994.88 ± feet North, measured at right angles, of the South line of Section 36; thence Easterly along a line parallel to and 230 feet North of the Northerly most Right-of-Way line of North Palm Beach Water Control District Canal a distance of 1305.84 feet to a point 1304.29 feet West of the East line of Section 36, Township 42 South, Range 42 East; thence Northerly along a line parallel with the East line of said Section 36 a distance of 330.00 feet to a point; thence Westerly to the Westerly Right-of-Way line of Military Trail (State Road 809) thence Southerly along the Westerly Right-of-Way line of Military Trail, to the intersection with the westerly extension of the south right of way of Upthegrove Lane; thence easterly along said right of way line a distance of 707.58 feet; thence southerly a distance of 306.81 feet; thence westerly to the point of intersection with the west right of way of Military Trail, thence southerly along said right of way line to a point 1,336.23 feet South of the south section line of section 36, said line having a bearing of North 03 41'15" East; thence North 87 46' 43" West 880.55 feet; thence North 51 46' 38" East 677.08 feet; thence North 38 13' 22" West 108.88 feet; thence North 51 46' 38" East 85.46 feet; thence along a curve of 110 feet radius 96.60 feet; thence North 01 27' 35" East a distance of 385.46 feet; thence along a curve of 85 feet radius 108.14 feet; thence North 01 27' 35" East 203.71 feet to the South section line of section 36; thence Westerly along said South line of section 36, to the

Southwest corner of section 36, Township 42 South, Range 42 East, and the East Right-of-Way line of Haverhill Road, thence Northerly along the west section line of Section 36 a distance 3278.36 feet to a point on said line; thence Easterly a distance of 2580.0 feet to the West Right-of-Way line of Military Trail; thence Southerly along said Right-of-Way to the point of intersection with the South Right-of-Way line of the Northern Palm Beach County Water Control District Canal; thence Easterly along said canal Right-of-Way to the point of intersection with the East Right-of-Way line of Military Trail; thence Northerly along the east Right-of-Way line of Military Trail 52.50 feet to the East-West Center Section 36; thence Easterly along said East-West Center Section line also the South Right-of-Way line of Northern Palm Beach Canal a distance of 10.00 feet to a point designated as a Point of Beginning as shown on Plat 1 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 29, Page 137, Public Records of Palm Beach County); thence North 02 20' 11" East along the East Right-of-Way line of Military Trail, 270.09 feet to a point of curvature; thence Northeasterly along a 25 foot radius curve an arc distance of 39.18 feet to a point of tangency in the South Right-of-Way line of Westroads Drive; thence South 87 42' 34" East along said South Right-of-Way line of Westroads Drive 355.09 feet to a point on the said South Right-of-Way line; thence Southerly 250.09 feet \pm to a point on the South Right-of-Way line of the Northern Palm Beach Water Canal which is the same as the East-West center Section line; thence South 87 52' 34" East along said canal Right-of-Way line and Center Section line 580.01 feet to a point designated as a Point of beginning as shown in Plat No. 2 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 29, Page 193, Public Records of Palm Beach County); thence North 02 20' 11" East along the West Boundary line of Tract "B" of said Plat No. 2 a distance of 345.00 feet to a point in the North Right-of-Way line of Westroads Drive; thence South 87 52' 34" East along the North Right-of-Way of Westroads Drive, a distance of 38.00 feet to a point; thence North 02 20' 11" East a distance of 460.00 feet to a point in the Westerly Plat line of Plat No. 3 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 30, Pages 145 and 146, Public Records of Palm Beach County); thence North 87 52' 34" West 353.00 feet to

a point on West Right-of-Way line of White Drive; thence South 02 20' 11" West along said West Right-of-Way line a distance of 110.00 feet; thence North 87 52' 34" West a distance of 265.00 feet; thence South 02 20' 11" West a distance of 52.00 feet; thence North 87 52' 34" West a distance of 390.00 feet to a point on the East Right-of-Way of Military Trail as laid out and now in use; thence North 02 20' 11" East along East Right-of-Way of Military Trail, a distance of 1508.04 feet to a point; thence South 53 14' 59" East a distance of 472.73 feet; thence North 02 20' 11" East a distance of 111.92 feet to the point of intersection with the Right-of-Way line of Seaboard Coast Line Railroad; thence continue Northwesterly along said railroad Right-of-Way to the point of intersection with West Right-of-Way line of Military Trail; thence Southerly along the West Right-of-Way line of Military Trail to the point of intersection with the North Right-of-Way line of Dyer Boulevard; thence continue Westerly along said North Right-of-Way line of Dyer Boulevard, said line having a bearing of South 88 28' 12" East a distance of 525.95 feet; thence South 01 53'30" West 372.73 feet; thence North 88 26'41" West 140 feet; thence North 01 53'30" West 372.73 feet to the North Right-of-Way line of Dyer Boulevard; thence North 88 30'53" West to a point 240 feet + East of the East Right-of-Way line of Barbour Road; thence North 01 53' 30" East a distance of 200.00 feet; thence Westerly a distance of 240.00 feet; thence Southerly along the East Right-of-Way of Barbour Road 200.00 feet to the point of intersection with North Right-of-Way line of Dyer Boulevard; thence Easterly along said North Right-of-Way 34.05 feet; thence Southerly and parallel with the West Right-of-Way line of Military Trail to the point of intersection with the South Right-of-Way line of Dyer Boulevard; thence, in an Easterly direction along said Right-of-Way line a distance of 250.0 feet; thence South 01 53' 30" West a distance of 292.61 feet; thence North 88 26'41" West a distance of 888.0 feet; thence northerly and parallel with the west right of way line of Military Trail a distance of 372.00 feet to the North Right-of-Way line of Dyer Boulevard; thence Westerly along the north Right-of-Way of Dyer Boulevard to the point of intersection with the East Right-of-Way line of Haverhill Road as established and now in use; thence Northerly along the West section line of

Section 36 to the Southwest corner of Section 25; thence Westerly along the South Section line of Section 26 to the point of intersection with the East Right-of-Way of Haverhill Road; thence Northwesterly along said Right-of-Way line to a point 150 ft. West of the West section line of Section 25; thence northerly along a line parallel and 150 ft. west of said section line a distance of 455.40 feet; thence North 85 06' 49" West a distance of 354.34 feet to a point on the East Right-of-Way of Haverhill Road; thence Northwesterly along said Right-of-Way to the point of intersection with the Seaboard Coast Railroad South Right-of-Way line; thence Southeasterly along said Right-of-Way to the point of intersection with the West section line of Section 25; thence Southerly along said section line a distance 481.74 feet; thence Easterly a distance of 270.00 feet; thence Northerly at an angle of 94 19' 38" with previous course a distance of 225.83 feet to the point of intersection with the Southeasterly Right-of-Way line of Seaboard Coast Line Railroad; thence Southeasterly along said railroad Right-of-Way line to the point of intersection with the East Right-of-Way line of Barbour Road; thence Southerly along said Right-of-Way line to a point 785.00 feet North of the North Right-of-Way line of Dyer Boulevard; thence Easterly and parallel with said Right-of-Way 240.00 feet; thence Northerly and parallel with the centerline of Military Trail to the point of intersection with the Northwesterly Right-of-Way line of Beeline Highway (SR 710); thence Northwesterly along said Right-of-Way to the point of intersection with the West section line of section 25; thence Northerly along said section line to the Northwest corner of section 25; thence Easterly along North section line of said section 25 to the east Right-of-Way line of Military Trail; thence Southerly along said Right-of-Way a distance of 160 feet; thence Easterly a distance of 256 feet; thence Northerly and parallel with the East Right-of-Way line of Military Trail a distance of 120 feet; thence Easterly a distance of 276 feet; thence Southerly and parallel with the East Right-of-Way line of Military Trail to the South Right-of-Way line of Leo Lane a distance of 646.0 feet; thence easterly along said south right-of-way line a distance of 468 ft; thence southerly and parallel with the right-of-way line of Military Trail a distance of 637.9 ft.

to the south line of north one half of the northeast quarter of section 25; thence easterly along said line to the point of intersection with the west right-of-way of a drainage canal, said line being 80 ft. west of the west right of way line of S.R. 9 (I-95); thence southerly along said west canal right-of-way to the north right-of-way line of a drainage canal; thence westerly along said north canal right-of-way line to the point of intersection with the east right of way line of Military Trail; thence southerly along said right of way line 915 ft; thence westerly to the west right of way line of Military Trail; thence southerly to a point on the west right-of-way line of Military Trail which point is 200 ft. north of the north right-of-way line of Blue Heron Blvd; thence westerly a distance of 200 ft; thence southerly to the north right-of-way line of Blue Heron Blvd; thence easterly to the point of intersection with the east right-of-way line of Military Trail; thence northerly following the said right of way line to a point 190 ft. north of the north right-of-way line of Blue Heron Boulevard; thence Easterly, parallel with and 190.00 feet north of North Right-of-Way of Blue Heron Boulevard a distance of 190.00 feet; thence Southerly and parallel with and 190.00 feet east of East Right-of-Way of Military Trail to the point of intersection with South Right-of-Way of Blue Heron Boulevard; thence South 88 11' 59" East along the said Right-of-Way a distance of 275.01 feet; thence South 02 10' 17" West a distance of 1509.60 feet to a point in the North Right-of-Way of State Road 710; thence South 53 15' 51" East along said Right-of-Way line a distance of 321.80 feet; thence South 2 10' 17" West parallel with East Right-of-Way of Military Trail to a point on the South Right-of-Way of Seaboard Coast Line Railroad; thence continue Southwesterly along East property line of Tract "E" of Westroads Business and Industrial Park to a point on a curve of 50 foot radius and being the North Right-of-Way line of White Drive; thence Westerly along said arc a distance of 140.08 feet; thence along the arc of 25 foot radius a distance of 21.03 feet to the point of tangency; thence South 02 20' 11" West along West Right-of-Way of White Drive a distance of 223.87 feet to a point; thence South 87 52' 34" East a distance of 353.00 feet to a point on the West property line of Tract "F"; thence North 02 20' 11" East along the West property line of Tract "F" a

distance of 373.66 feet to a point designated as a permanent reference monument number 1686 on the Southwesterly Right-of-Way line of the Seaboard Coast Line Railroad as now established; thence Southeasterly along said Southwesterly Right-of-Way line 4914.13 feet + to the point of intersection with the Westerly Right-of-Way line of South Florida Water Management District Canal C-17; thence Northerly along said Westerly Right-of-Way line of Canal-17 a distance of 770.00 feet + to a point on the North Right-of-Way line of State Road 710 which is on a curve having a radius of 2159.03 feet and concave to the Northeast; thence proceeding Northwesterly on the arc of said curve a distance of 629.00 feet + to a point on the curve being the Southwest corner of a property (as Recorded in Official Record Book 2992 Page 562 Public Records of Palm Beach County); thence North 01 56' 54" East a distance of 160.89 feet to a point on the Northwest corner of said property; thence South 82 30' 24" East a distance of 494.00 feet + to a point on the East Right-of-Way line of Garden Road said point on a curve having a radius of 1950.08 feet and a central angle of 12 21' 14"; thence Northerly along arc of said curve to the point of tangency; thence 02 33' 05" East on said Easterly Right-of-Way line a distance of 56.62 feet; thence North 87 37' 23" West along the South line of said Northwest quarter (NW 1/4) 800.74 feet to Southeast corner of Parcel A-1 as shown on Adair and Brady, Inc., Drawing 599; thence 2 22' 37" East along East line of the said Parcel perpendicular to the previous course 350.00 feet; thence North 87 37' 23" West a distance of 400.00 feet to the intersection of the East Right-of-Way line of State Road 9; thence North 19 20' 02" West along said Easterly Right-of-Way line of I-95, 187.57 feet to a point in the Southeasterly Right-of-Way line of a drainage canal; thence South 70 39' 58" West along said Canal Right-of-Way line 50.00 feet to a point in said Easterly Right-of-Way line of I-95; thence North 19 29' 02" West along said Right-of-Way line of I-95 and West Right-of-Way line of said Canal 1015.15 feet; thence North 70 39' 58" East along a line between said Plat No. 2 and Plat No. 1, Interstate Industrial Park (recorded in Plat Book 34, Page 158), a distance of 365.00 feet to a point in the Southwesterly Right-of-Way line of Interstate Park Road West; thence South 19 20' 02" East along said Right-of-Way line a distance of

308.67 feet to a point in the extended Southerly Right-of-Way line of Interstate Park Way; thence south 87 56' 50" East along said Right-of-Way line to a point on the South Right-of-Way of Interstate Park Way, said point being 301.87' from the West Right-of-Way of Garden Road; thence Northerly at right angle with previous course to the South Right-of-Way of Interstate Park Way North; thence Easterly along the said South Right-of-Way to the East Right-of-Way line of Garden Road; thence North 02 37' 43" East along said Right-of-Way line a distance of 1460.28 feet to its point of intersection with the South line of Section 30, Township 42 South, Range 43 East, Palm Beach County, Florida; thence Westerly along said Section line to the point of intersection with the West Right-of-Way line of I-95 (State Road #9); thence Northwesterly along said Right-of-Way to a point 298.72 feet South of the centerline of Blue Heron Boulevard and the said point being on the West Right-of-Way of I-95; thence North 88 11' 19" West a distance of 700.13 feet; thence North 01 48' 41" West a distance of 400 feet to the North Right-of-Way line of Blue Heron Boulevard; thence Northerly parallel with East Section line a distance of 600 feet; thence Easterly a distance of 975.32 feet to a point on the West Right-of-Way line of State Road #9; thence continue Easterly to the East Right-of-Way of State Road #9 (I-95); thence Southeasterly along said East Right-of-Way to a point on the North Right-of-Way of Blue Heron Boulevard; thence Southerly a distance of 200.00 feet on the South Right-of-Way of Blue Heron Boulevard; thence Southwesterly to the point of intersection with East Right-of-Way line of I-95, thence continue along said East Right-of-Way line to a permanent reference monument as shown on Plat No. 1 of Florida-Georgia; thence South 87 40' 36" East along North property line of said Plat of Florida-Georgia a distance of 460.99 feet; thence North 02 19' 42" East a distance of 200.00 feet to a point being on the South Right-of-Way line of Blue Heron Boulevard; thence along said Right-of-Way a distance of 625.00 feet; thence North 02 19' 24" East a distance of 46 feet to a point; thence South 87 40' 36" East a distance of 935.66 feet to its point of intersection with the West Right-of-Way line of South Florida Water Management District Canal C-17; thence Northerly along said Right-of-Way line a distance of 1158 feet to a point

2,739.84 feet South of the North line of Section 30, said Township and Range; thence North 87 40' 36" West a distance of 398.42 feet to a point; thence South 02 19' 24" West a distance of 135.00 feet to a point; thence North 87 40' 36" West a distance of 367.00 feet to a point; thence North 02 19' 24" East a distance of 281.00 feet to a point; thence North 87 40' 36" West a distance of 30 feet to a point; thence North 02 19' 24" East a distance of 313.00 feet; thence North 87 40' 36" West a distance of 340.0 feet to a point of East Right-of-Way line of Central Industrial Drive; thence Northerly along said East Right-of-Way a distance of 220.52 feet; thence South 87 40'36" East a distance of 1445.40 feet to the East Right-of-Way line of South Florida Water Management District Canal C-17; thence Northerly along said Right-of-Way to the point of intersection with the North section line of section 30; thence Easterly along said North section line to the Northwest corner of section 29, Range 43 East, Township 42 South, said point being the point of beginning.

PASSED AND APPROVED on first reading this 7th day
of November, 1990.

PASSED AND ADOPTED on second and final reading this 5th
day of December, 1990.

APPROVED:

Clara K. Williams

MAYOR

(MUNICIPAL SEAL)

Chairperson

James C. McGann

Chairman Pro Tem

Margaret Confrey
Hyacintha Becton

Councilmembers

ATTEST:

Phyllis J. ...
City Clerk

1st Reading

2nd Reading

MOTIONED BY: J. McGann

M. Confrey

SECONDED BY: C. Becton

C. Becton

E. Wade	<u>aye</u>
J. McGann	<u>aye</u>
J. Cunningham	<u>aye</u>
C. Becton	<u>aye</u>
M. Confrey	<u>aye</u>

<u>absent</u>
<u>aye</u>
<u>absent</u>
<u>aye</u>
<u>aye</u>

APPROVED AS TO FORM AND CONTENT
FOR THE CITY CLERK
BY THE CITY CLERK

10389
[Signature]

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA SETTING UP A BUDGET FOR THE D.A.R.E. FUND BY APPROPRIATING \$5,000 FROM DONATIONS.

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

SECTION ONE

Funds in the amount of \$5,000 are hereby appropriated in the D.A.R.E. Fund.

SECTION TWO

The Assistant City Manager for Finance and Administrative Services is hereby authorized to set up a budget in the D.A.R.E. Fund as follows:

REVENUE

132-366-900 Donations \$5,000

EXPENDITURES

132-0818-5210-5201 Operational Supplies \$5,000

SECTION THREE

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, Florida, and the sections of this ordinance may be re-numbered to accomplish such intentions.

SECTION FOUR

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 FIVE

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 SIX

That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED AND APPROVED on first reading this 7th day of November, 1990.

PASSED AND ADOPTED on second and final reading this 5th day of December, 1990.

APPROVED:

Clara K. Williams
MAYOR

(MUNICIPAL SEAL)

CHAIRWOMAN

James C. McGann
CHAIRMAN PRO TEM

ATTEST:

Shirley E. ...
CITY CLERK

Margaret Confrey
Hyacinthia Becton

COUNCILMEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	<u>J. Cunningham</u>	<u>C. Becton</u>
SECONDED BY:	<u>J. McGann</u>	<u>M. Confrey</u>
C. Becton:	<u>aye</u>	<u>aye</u>
E. Wade:	<u>aye</u>	<u>absent</u>
M. Confrey:	<u>aye</u>	<u>aye</u>
J. McGann:	<u>aye</u>	<u>aye</u>
J. Cunningham:	<u>aye</u>	<u>absent</u>

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
CITY ATTORNEY

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 2462 (A)(4) CONTAINER SERVICE RATES AND ADDING PARAGRAPH (A)(4) A TITLED COMMERCIAL CONTAINER SERVICE-OTHER. THEREBY REDUCING RATES CHARGED IN FISCAL YEAR 1990 BY 20% THUS DROPPING REFUSE DISPOSAL FEES FROM THE COMMERCIAL COLLECTION RATES.

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

SECTION ONE

That paragraphs (a) and (b) of Section 10-20.6 entitled "Fees" of Division 1A entitled "Municipal Refuse Collection Service" of Article II entitled "Garbage, Trash, Weeds and Litter" of Chapter 10 entitled "Health and Sanitation" of the Code of Ordinance is HEREBY AMENDED TO READ AS FOLLOWS:

"(A) GROUND LEVEL: AT CURB SIDE OR SWALE AREA.

The fee for collection and disposal of refuse placed for collection at ground level and at curb side or swale area shall be as follows:

- (1) RESIDENTIAL UNITS which includes single family residences, duplexes, triplexes, apartments and mobile units and multi-units, to include condominiums, shall be thirteen dollars and eighty cents (13.80) per month per living unit.
- (2) MOTELS not having container shall be charged thirteen dollars and eighty cents (13.80) per month per living unit
- (3) SMALL COMMERCIAL BUSINESSES not having container service shall be charged fifty nine dollars and fifty seven cents (59.57) per month.
- (4) CONTAINER SERVICE rates shall be as follows:

NUMBER OF PICKUPS PER WEEK

Container Size Yards	1	2	3	4	5	6
2	82.12 114.97	105.17 147.24	162.77 227.88	208.86 292.40	282.60 395.64	312.56 437.58
3	94.07 131.70	163.20 228.48	197.42 276.39	306.06 428.48	370.61 518.85	412.15 577.01
4	106.01 148.41	205.68 287.95	306.49 429.09	407.87 571.02	509.25 712.95	610.65 854.91
6	151.33 211.86	306.87 429.62	408.30 571.62	509.68 713.55	611.08 855.51	712.46 997.44
8	205.93 288.30	383.35 536.69	510.09 714.13	742.97 1040.16	763.57 1069.00	890.31 1246.43

(4)(a) COMMERCIAL CONTAINER SERVICE-OTHER

GOVERNMENTS: Other governments
 being billed directly for disposal
 costs by the Palm Beach County
 Solid Waste Authority shall be
 charged from the rates listed
 below.

NUMBER OF PICKUPS PER WEEK

Container Size Yards	1	2	3	4	5	6
2	82.12 65.71	105.17 84.14	162.77 130.22	208.86 167.09	282.60 226.08	312.56 250.05
3	94.07 75.26	163.20 130.56	197.42 157.94	306.06 244.85	370.61 296.49	412.15 329.72
4	106.01 84.81	205.68 164.54	306.49 245.19	407.87 326.30	509.25 407.40	610.65 488.52
6	151.33 121.06	306.87 245.50	408.30 326.64	509.68 407.74	611.08 488.86	712.46 569.97
8	205.93 164.74	383.35 306.68	510.09 408.07	742.97 594.38	763.57 610.86	890.31 712.25

(5) COMMERCIAL UNITS WITH OWN

COMPACTION: for any customer that
 has its own compaction, the
 container rate shall be charged
 double the normal rate.

- (6) WHEN MULTIPLE RESIDENCE UNITS, EXCLUDING MOTELS, use container service the charge will be the Residential Unit Rate or the Container Rate, whichever is the greater.
- (7) THE CITY shall reserve the right to decide in the case of multiple residence the use of cans or containers of which will be more suitable for adequate collection for Refuse.
- (B) Special Pickup. If the City Makes a special pickup the rate to be charged shall be ninety eight dollars (\$98.00) for the first hour or fraction of an hour, and twenty four dollars and fifty cents (\$24.50) for each fifteen (15) minutes thereafter or fraction of a 1/4 hour."

SECTION TWO

This ordinance shall be effective for all billings for service commencing October 1, 1990.

PASSED and APPROVED on first reading this 5th day of December, 1990.

PASSED and ADOPTED on second and final reading this 19TH day of DECEMBER, 1990.

APPROVED:

Clara K. Williams
MAYOR

Elizabeth S. Wood
CHAIRMAN
James C. McLean
CHAIRMAN PRO TEM

(MUNICIPAL SEAL)

Carrie L. Hard
CITY CLERK *Acting*

Hyacinthia Becton
Margaret Coubrey
COUNCIL MEMBERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
CITY ATTORNEY

1st Reading		2nd & Final Reading
MOTIONED BY:	<u>C. Becton</u>	<u>J. MCGANN</u>
SECONDED BY:	<u>M. Confrey</u>	<u>C. BECTON</u>
C. BECTON	<u>aye</u>	<u>AYE</u>
M. CONFREY	<u>aye</u>	<u>AYE</u>
J. CUNNINGHAM	<u>absent</u>	<u>AYE</u>
J. MCGANN	<u>aye</u>	<u>AYE</u>
E. WADE	<u>absent</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.

CITY CLERK

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 ADOPTED RIVIERA BEACH COMPREHENSIVE PLAN IN ACCORDANCE WITH TERMS OF THE STIPULATED SETTLEMENT, DOAH CASE 90-102GM, BY AMENDING ORDINANCE #2479; AMENDING THE CAPITAL IMPROVEMENT ELEMENT; AND AMENDING THE FUTURE LAND USE ELEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach on December 13, 1989 by Ordinance #2479 adopted a Comprehensive Plan pursuant to Chapter 163.3161 et. seq. F.S. (1985); and

WHEREAS, the Florida Department of Community Affairs subsequently issued its notice of intent to find said Plan not in compliance; and

WHEREAS, Chapter 163.3184 F.S. provides for amendments to adopted Comprehensive Plans; and

WHEREAS, the City of Riviera Beach has entered into a stipulated settlement with the Florida Department of Community Affairs in DOAH Case #90-102GM to bring its Plan into compliance by the adoption of certain amendments; and

WHEREAS, on the Planning and Zoning Board has held Hearings on said amendments and recommended approval; and

WHEREAS, on August 1, 1989, the City Council held a Public Hearing on said amendments at the transmittal stage; and

WHEREAS, the City has received and reviewed the "Objections, Recommendations and Comments" report from the Florida Department of Community Affairs; and

WHEREAS, the City Council of the City of Riviera Beach after due Public Notice and Hearing deems it appropriate to adopt said amendments.

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

SECTION 1. Section 6 of Ordinance #2479, is hereby amended retroactively to take affect December 13, 1989 as follows:

"SECTION 6. This ordinance shall take affect upon the passage and adoption of this Comprehensive Plan. and--shall--be--applicable--to--all--requests--for development--approvals--submitted--after--the--effective date--of--this--ordinance.----All--requests--for development--approvals--which--have--previously--received approval--by--the--City--Council--as--of--the--effective date--of--this--ordinance--shall--continue--to--be--governed by--the--1981--Comprehensive--Plan.---All--requests--for development--approval--which--have--a--valid--complete application--pending--or--are--currently--under--review--as of--November--20,--1989,---but--have--not--received approval--by--the--City--Council--upon--the--effective--date of--the--ordinance--shall--continue--to--be--processed,--and if--approved,--shall--be--governed--by--the--1981 Comprehensive--Plan,--provided--the--project--receives site--plan--approval--from--the--City--within--one--(1)--year from--the--effective--date--of--this--ordinance"

SECTION 2. The Capital Improvement Element as contained in the adopted City of Riviera Beach Comprehensive Plan, Part II (Data and Analysis) is hereby amended as shown in attachment B-2, attached herein and made a part hereof.

SECTION 3. The Future Land Use Element as contained in the City of Riviera Beach Comprehensive Plan, Part I (Plan Recommendations) is hereby amended by revising the definition of "Special Preservation" Land Use Category contained in Policy 1.8.1 as shown in attachment B-3 and made a part hereof.

SECTION 4. The Community Development and Environmental Control Department (CDEC) is authorized to update the 1989 Comprehensive Plan in accordance with this ordinance.

SECTION 5. This ordinance shall take effect upon adoption.

PASSED and **APPROVED** on first reading this 5th day of December, 1990.

PASSED and **ADOPTED** on second and final reading this 19TH day of DECEMBER, 1990.

APPROVED:

Clara K. Williams
MAYOR

Elizabeth K. Ward
CHAIRPERSON

[MUNICIPAL SEAL]

Jama C. McGann
CHAIRMAN PRO TEM

ATTEST:
Carrie E. Hard
CITY CLERK *Acting*

Hyacinthia Becton

Margaret Confrey
COUNCIL MEMBERS

MOTIONED BY: C. Becton
SECONDED BY: M. Confrey

2nd and Final Reading
J. MCGANN
C. BECTON

E. Wade	<u>absent</u>	<u>AYE</u>
J. McGann	<u>aye</u>	<u>AYE</u>
J. Cunningham	<u>absent</u>	<u>AYE</u>
C. Becton	<u>aye</u>	<u>AYE</u>
M. Confrey	<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.

Carrie E. Hard
Gwendolyn E. Davis, City Clerk

Carrie E. Hard
Acting

ORDINANCE NO. 2525

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE RIVIERA BEACH COMPREHENSIVE PLAN FUTURE LAND USE MAP AND SECTION 23, "ZONING" OF THE CODE OF ORDINANCES BY RECLASSIFYING THE LAND USE AND ZONING ON LOTS 1 THROUGH 3, BLOCK 22 PARK MANOR PLAT #1, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S FUTURE LAND USE MAP AND ZONING MAP; PROVIDING FOR A PENALTY CLAUSE; SAVING CLAUSE AND AUTHORITY TO CODIFY AND FOR OTHER PURPOSES.

WHEREAS, the Local Government Comprehensive Planning and Land Development Act 1985 provides for procedures to amend the Comprehensive Plan; and

WHEREAS, Chapter 163.215 F.S. provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice and review procedures were followed in accordance with Chapter 163.3187 (1)(c) which provides for Land Use changes for small scale development activity; and

WHEREAS, on December 13, 1990 the Planning and Zoning Board sitting as the Local Planning Agency, reviewed Petitioner's request at a Public Hearing, and forwarded recommendations to City Council; and

WHEREAS, on January 2, 1991 and January 16, 1991, the City Council as the Local Governing body reviewed proposed changes and recommendations at Public Hearings, and voted to grant petitions request.

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

SECTION 1. The Riviera Beach Comprehensive Plan Future Land Use Map is amended by redesignating that parcel of land, legally described as Lots 1 through 3, Block 22 Park Manor, Plat #1, Plat Book 26, Page 72, from the present Land Use Classification of Community Facilities to Single Family.

SECTION 2. Chapter 23, "Zoning" of the Riviera Beach Code of Ordinances is amended by rezoning the parcel referenced in section 1 above from its present zoning classification of CF (Community Facilities) to RS-6 (Single Family Dwelling).

SECTION 3. It is the intention of the City Council and it is hereby ordained, that the Comprehensive Land Use Map and the Zoning Map of the City of Riviera Beach be amended in accordance with this ordinance.

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 extent of such conflict.

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

PASSED and APPROVED on first reading this 2ND day of JANUARY, 1990.1

PASSED and ADOPTED on second and final reading this 16th day of January, 1990.

APPROVED:

Clara K. Williams
MAYOR

Christine A. Wade
CHAIRPERSON

[MUNICIPAL SEAL]

ATTEST:

Carrie King
CITY CLERK

E. Wade

CHAIRPERSON PRO TEM

Hyscintha Becton

Margaret Confrey
COUNCILMEMBERS

MOTIONED BY: J. Cunningham
SECONDED BY: C. Becton

2nd and Final Reading
J. Cunningham
C. Becton

E. Wade	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>absent</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
C. Becton	<u>aye</u>	<u>aye</u>
M. Confrey	<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.

Gwendolyn E. Davis, City Clerk

APPROVED AS TO FORM AND CONTENT
FOR THE USE AND PUBLICATION OF
CITY OF RIVIERA BEACH, FLORIDA
[Signature]

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 13-13 OF THE RIVIERA BEACH CITY CODE RELATING TO "LOITERING" BY CREATING A NEW SUBSECTION 13-13(2) RELATING TO "LOITERING AND PROWLING" FOR THE PURPOSE OF ILLEGALLY USING, POSSESSING AND SELLING CONTROLLED SUBSTANCES; PROVIDING FOR PENALTIES, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, that:

SECTION 1. Section 13-13 of the City Code is hereby amended as follows:

"Sec. 13-13. Loitering or prowling.

(1) It shall be unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Any such person who, when questioned by a police officer, fails to give a legitimate reason for his presence and conduct sufficient to dispel any alarm or immediate concern shall be deemed in violation of this section.

(2) (a) It shall be unlawful for any person to loiter in a public place in a manner and under circumstances manifesting the purpose of illegally using, possessing, transferring or selling any controlled substance as that term is defined in Section 893.02, Florida Statutes (1988), as now enacted or hereafter amended. Among the circumstances which maybe considered in determining whether such a purpose is manifested are:

(1) The person is a known illegal user, possessor or seller of controlled substances, or the person is at a location frequented by persons who illegally use, possess, transfer or sell controlled substances; and

(2) The person repeatedly beckons to, stops, attempts to stop or engage in conversation with passers-by, whether such passers-by are on foot or in a motor vehicle, for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer, or buy any controlled substance; or

(3) The person repeatedly passes to or receives from passers-by, whether such passers-by are on foot or in a motor vehicle, money, objects or written material for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any controlled substance.

- (b) In order for there to be a violation of subsection (a), the person's affirmative language or conduct must be such as to demonstrate by its express or implied content or appearance a specific intent to induce, entice, solicit or procure another to illegally possess, transfer or buy a controlled substance.
- (c) No arrests shall be made for a violation of subsection (a) unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating subsection (a) if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- (d) For the purpose of this section, a 'known illegal user, possessor or seller of controlled substances' is a person who, within one (1) year previous to the date of arrest for violation of this section, has, within the knowledge of the arresting officer, been convicted of illegally manufacturing, using, possessing, selling, purchasing or delivering any controlled substance.
- (e) Any person who violates any of the provisions of this section shall, upon conviction, be punished as provided for in Section 13-1 of the City Code.

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, Florida, 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 parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict.

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

PASSED AND APPROVED on first reading this 16th day of January, 1991.

PASSED AND ADOPTED on second and final reading this 6th day of February, 1991.

APPROVED BY:

Clara K. Williams
MAYOR

James C. McGann
CHAIR
PRO TEM

Attest:
[MUNICIPAL SEAL]
Carrie A. Ward
CITY CLERK

Kyrinikia Becton
Margaret Confrey
COUNCIL MEMBERS

Motioned by: J. Cunningham
Seconded by: C. Becton

E. Wade aye
J. McGann absent
J. Cunningham aye
M. Confrey aye
C. Becton aye

AD/dm
1.8.91

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
[Signature]
CITY ATTORNEY

ORDINANCE NO. 2527

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 2406 PERTAINING TO CHAPTER 13 OF THE CODE OF ORDINANCES RELATING TO REGULATION OF FLOATING VESSELS AND STRUCTURES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has experienced problems regarding the anchoring and mooring of boats on the waters within the city limits for indefinite periods of time, and;

WHEREAS, unattended boats are driven by the wind into other boats or break free of their anchors or moorings; and

WHEREAS, unattended boats deteriorate, become unsafe, leak pollutants, become unsightly, congest and obstruct navigation, and become a nuisance to other boaters and landowners adjacent to the shorelines; and

WHEREAS, the City finds that the anchoring and mooring of boats in open City waters while not traveling port to port or visiting this area for short periods of time for periods of time in excess of seventy-two (72) hours is not exercising the "rights of navigation"; and

WHEREAS, the CITY acknowledges that the rights of navigation over navigable waters are subject to lawful regulation in the interest of the public, provided that such regulations do not conflict with any state or federal law or regulation; and

WHEREAS, the CITY further acknowledges that it has concurrent jurisdiction with the state of Florida and the United States over waters within its City limits.

WHEREAS, the City is determined to correct these problems to protect the health, safety, and general welfare;

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

SECTION ONE

That Article III of Chapter 13 of the Code of Ordinances of the City of Riviera Beach IS HEREBY REPEALED.

SECTION TWO

That ~~a new Article III~~ of Chapter 13 of the Code of Ordinances, consisting of Sections 13-46 through 13-64 inclusive, reading as follows IS HEREBY ENACTED, is hereby amended to read as follows:

"Sec. 13-46 Sec. 13-27. Definitions.

Definitions as stated in Florida Statutes, Section 327.02, are incorporated herein by reference. "Boat" is synonymous with "watercraft" and "vessel" and includes a jet-ski and similar devices. "Harbor" means any part of Lake Worth within the jurisdiction of the City of Riviera Beach as such jurisdiction exists, now or hereafter. The map area of jurisdiction as of the effective date hereof is attached hereto and made a part hereof. For the purposes of this code, waters within the corporate or city limits of the City of Riviera Beach shall mean any part of Lake Worth within the boundaries of the City of Riviera Beach as may exist now or hereafter.

Sec. 13-47 Sec. 13-28. Compliance. with Article III.

For the protection of property owners, the general public, and owners and operators of watercraft any vessel or floating structure in the City, all watercraft floating structures of any type whatsoever, operated, moored, docked, or anchored at any place in the canals, rivers, bays or waters within the corporate limits of City and the owners, operators, or occupants thereof, shall be governed by and observe the provisions of this ~~Article III~~ Chapter.

Sec. 13-48. Authority of City to regulate waterways.

The City shall have the right to regulate the use of all

waterways within the City limits and the conduct of all persons using same, provided such regulation does not conflict with federal or state laws or regulations that supercede municipal regulation.

Sec. 13-49. Evidence of identity of violator.

In any action charging a violation of any provision of this Article governing the operation, mooring, docking or anchoring of watercraft, or parking of motor vehicles, proof that the particular watercraft or motor vehicle described in the citation, summons, or notice of violation, was violating a provision of this Article III, together with proof that the operator thereof was not present at the time a violation was observed, or was present and did not identify himself as the operator, or denied that he was the operator, the person, corporation or other entity in whose name said watercraft or motor vehicle is registered shall be held prima facie responsible for said violation.

Sec. 13-50. Rights of City on property abutting public waterways.

Whenever a public street or thoroughfare is platted or exists in the City abutting or touching a waterway open to public use, the City as trustee for the public, has and owns riparian rights at such places. The City has the right to regulate the use of the waters adjacent to such place, and to construct docks, public landings, piers or wharves at such places. Whenever a street, platted or existing in the City, ends at a waterway in the City, the portion of such streets abutting the waterway is hereby declared to be public property, and the City has the right to regulate the use of the waters adjacent to such place, and to construct docks, public landings, piers, or wharves at such places.

Sec. 13-51. Sec. 13-29. Trespassing boats, motor vehicles, or trailers vessels and other floating structures.

(a) Any boat, motor vehicle, or boat trailer, vessel or floating structure that is found to be trespassing

(as defined below) may be immediately impounded removed and removed and shall not be released until all charges for towing and storage have been paid. The towing and storage may be performed by third parties under agreement with the City impounded by the city at the expense of the owner.

(b) Trespass occurs when:

(1) Any boat, motor vehicle, or boat trailer vessel or other floating structure is placed or parked in any "Tow Away Zone" that is posted with a "Tow Away Zone" sign. The sign is the only notice required in any "Tow Away Zone." All grassed area at the marina are "Tow Away Zones."

(2) Any boat, motor vehicle, or boat trailers vessel or other floating structure placed, parked, moored, or otherwise attached to any City property other than a posted "Tow Away Zone," and the operator of the item has been verbally ordered to remove the item and has not done so, or has failed to remove the item within four (4) hours after posting of a written notice on such boat ordering the removal of the boat from City property is trespass ab initio: owner or operator fails to remove same after warning.

(3) Any vessel or other floating structure is found to be obstructing the egress and/or ingress of vessels at the City's marina.

Sec. 13-52 Sec. 13-30. Anchoring Boats in Harbor; unattended boats at anchor and mooring of vessels.

(a) No person shall establish any floating mooring device, or anchor or moor any boat vessel or floating structure in the harbor waters of the City other than mooring at a dock or similar facility for more than 24 72 hours unless a written permit for such anchoring has been obtained from the Marina Director of the City, or designee: continuous or cumulative hours during a thirty day period. No person shall leave any boat anchored in the harbor unattended for more than 12 consecutive hours.

Any vessel that anchors or moors in excess of seventy-two (72) hours is not to be considered as exercising a right of navigation.

(b) All permits required by this section shall be applied for by the owner of the boat or person in charge of the boat within twenty-four (24) hours after the boat enters the harbor if the boat is to remain at anchor in the harbor for more than 24 hours. Public anchorages may be designated by the City Manager or his authorized representative, in which areas floating mooring devices may be established by the City or by private parties at the option of the City. Establishment or use of such a device shall require a permit from the City, for which reasonable charges may be assessed. No such device shall be established or used prior to the issuance of such permit.

(c) There shall be no fee for such permit.

(d) The permit shall be displayed so that it can be seen through the left front window of the boat and must be displayed to any enforcement officer of the City upon demand to see the permit. Failure to display the permit officer shall be prima facie evidence that no valid permit exists.

(e) The Marina Director shall issue a permit only upon submittal to the Marina Director, or designee, of a completed permit application form.

(f) No permit shall be issued for more than seven (7) days. No permit shall be issued to any boat that is not in transit from another port and is anchored within the harbor as part of such transit, or is visiting the area for a period of seven (7) days or less.

(c) This section shall not apply to the following: boats operated by the State of Florida or the United States Government. Any boat that is required to have a permit issued by the marina director that is found without a valid permit issued by the Marina Director or designee, may

be immediately impounded, removed and stored, subject to subparagraph (h), below:

1. Any vessel or floating structures owned and operated by the State of Florida or the United States Government.

2. Any vessel or floating structure operating within the Florida Intracoastal Waterway.

(h) If any city enforcement officer finds a boat in the harbor that does not have a City permit and there is reason to believe the operator or owner of the boat is not aware of the need for a permit, the enforcement officer shall advise any adult aboard the boat of the need to obtain a permit within 24 hours of the time of such notice and also advise that the boat may not be left at anchor unattended for more than 12 hours. If no occupant is aboard the boat, the enforcement officer shall leave on the boat a written notice of the same information. If, after such notice, a permit is not obtained in the required time, the boat may be impounded without additional notice. No boat shall be entitled to receive more than one notice.

Sec. 13-53 Sec. 13-31. Watercraft A menace to navigation prohibited.

(a) Watercraft of any kind which, because of badly deteriorated condition, may cause damage to private or public property or which may be or become a menace to navigation, shall not be permitted to moor or tie up at any municipal dock, or in any waterways within the City except such watercraft may moor at a licensed marine facility solely for the purpose of repairs to the watercraft.

(a)(b) It shall be unlawful for any person to maintain, anchor or moor any watercraft anywhere or vessel or floating structure in such a manner as to cause or be considered whereby such watercraft is a menace or obstruction to navigation.

(b) (e) Abandoned boats shall be disposed of pursuant to Chapter 705, Florida Statutes.

Sec. 13-54 Sec. 13-32. Sunken boats.

(a) Public hazard and/or public nuisance; removal requirement. Sunken boats in any waters within the City are declared to be a public nuisance. If a boat sinks in a harbor, marina, channel, or in any of the waters within the municipal limits of the City, it shall be the duty of the owner(s) thereof to immediately remove the same at their expense, and on their failure to do so it shall be the duty of the marina director to the City Manager or designee shall remove the same at the expense of the owner or owners. The owner(s) shall be liable for the expense incurred in such removal by the director. The presence of a sunken boat in a channel, other than the Intercoastal Waterway not under city jurisdiction, is hereby declared to be a public nuisance per se, and the director is hereby authorized and directed to take emergency measures to remove same after first giving three (3) days written notice to the owner or owners to do so, if possible. If he is unable to locate the owner or owners, for whatever reason the owner or owners are not known, notice shall be given by publication one time in a newspaper of general circulation in Palm Beach County. If a boat has been sunk in waters other than a channel, same is hereby declared to be a public nuisance, but not requiring immediate, emergency action. Before exercising the powers granted to him by this section, the director shall first give the owner or owners ten (10) days written notice of his intention to remove the boat unless the owner or occupant removes same. If the director cannot locate any owner or co-owner, the director, shall give at least ten (10) days notice of intent to remove the boat by publication in a newspaper of general circulation in Palm Beach County.

(b) Collection of costs of removal. In the event it becomes necessary for the director to remove a sunken boat, the City may, at its option, attach a lien to the salvage enter suit against the owner to recover such costs, or both.

Sec. 13-55. Careless operation of watercraft.

(a) It is careless operation of a watercraft to operate any watercraft, or through operation of same, allow the manipulation of any water skis, aquaplane, or similar device in disregard for the safety of persons or property, or without due regard, caution or circumspection. It is careless operation to operate any such item at a speed or in a manner as to endanger, or that may endanger, damage, or injure life, limb, or property.

(b) Operation of any boat within fifty (50) feet of any boat launching ramp at a speed in excess of five (5) miles per hour shall be prima facie evidence of careless operation of such boat.

Sec. 13-56. Speed restrictions, water skiing prohibited.

(a) It shall be unlawful for the operator of any boat to operate the same at a speed greater than "slow down minimum wake," at all times that boat is within one hundred (100) feet of a bridge, dock, pier, wharf, mooring, or launching area, or is within a canal, lagoon, bay, estuary, or the like.

(b) Water skiing, aquaplaning, or similar activities are prohibited utilizing any watercraft within one hundred (100) feet of any bridge, dock, pier, wharf, mooring, or launching area.

Sec. 13-57 Sec. 13-33. Health and sanitation rules of City; disorderly conduct, etc. on watercraft.

All persons on board a watercraft, moored to land, docks, piers, wharves, or anchored in the waterways of the City shall observe all health and sanitary regulations of the City and all ordinances of the City relating to the conduct of persons, including those prohibiting acts

contrary to health, morals, safety, or public peace, and including ordinances prohibiting disorderly conduct or loud and boisterous noises which disturb the peace.

Sec. 13-58 Sec. 13-34. Excessive operating noise.

No operator shall cause or allow excessive noise in the operation of watercraft or in operating blowers, machinery, or motors of or on board a watercraft in violation of any noise control ordinance of the City.

Sec. 13-59 Sec. 13-35. Refuse disposal.

(a) It shall be unlawful for any person to dump or throw, or cause to be dumped or thrown waste material, refuse, petroleum products, or other debris into any waterways of the City.

(b) All watercraft moored or docked in the waterways within the City limits other than at the municipal docks, shall provide garbage cans of sufficient capacity (not larger than thirty-two (32) gallons with tight-fitting tops) to hold garbage or refuse to be collected by the City or its contractors. The City or its contractors shall have the authority to assess reasonable fees for the collection of said garbage or refuse.

(c) The City shall furnish and provide sufficient garbage containers near the municipal docks to service all watercraft moored at such docks, and the City shall make collections as established by ordinance.

(d) No one shall throw, drop or leave fish, garbage, trash, refuse, bait or other debris on docks, walls, parkways, parks, or other premises within the City except in proper receptacles provided for same.

Sec. 13-60 Sec. 13-36. Equipment for excrement, waste, refuse.

No person shall use or maintain living quarters on any motor boat, yacht, houseboat, floating home, or any other type of watercraft on any of the waters within the City

limits of the City unless the same shall be equipped with a holding tank and/or chlorinator-maserator or other equipment sufficient for the purpose of containing all excrement, waste and refuse from such craft, and the same shall be disposed of in accordance with the rules and regulations heretofore or hereafter established by resolution of the City Council for the disposal of same, but in no event shall any part thereof be released into any of the waters within in the City.

~~Sec. 13-61~~ Sec. 13-37. Enforcement.

(a) The Marina Director City Manager or designee is hereby given the power and duty of enforcing authorized to enforce the provisions of this Chapter. Article III and of making further rules and regulations to carry the provisions hereof into effect provided the rules and regulations shall be approved by resolution of the City Council before becoming effective.

(b) In the event any watercraft shall be in is impounded as the result of a violation of any provisions of this Chapter Article III, the director may subject to the notice provisions and permitting provisions, have the watercraft removed, and impounded. All costs for towing and storage will be assessed against the owner. If and the watercraft is unclaimed, after ninety (90) days, it may be sold with the proceeds therefrom paying for charges incurred, with the remaining funds going to the City's General Fund the City shall dispose of the property in accordance with Sections 705.102, 705.103, 705.104, 328.15 and 328.17, Florida Statues.

(c) The director of Community Development and Environmental Control shall have the duty to enforce the provisions of this article which pertain to building and zoning.

(d) The police department shall have concurrent jurisdiction to enforce the provisions of this Article III. The Code Enforcement Board shall have jurisdiction regarding Sections 13-51, 13-52, 13-53, and 13-54, 13-59, and 13-60 of this Article III.

(e) No boat shall be entitled to receive more than one notice for any violation of this Article II. Each notice shall be a continuing notice.

~~Sec. 13-62~~ Sec. 13-38. Penalty for violations.

Any person violating any of the provisions of this Chapter Article III shall, upon conviction thereof, be punished as provided by Section 1-8 of this Code of Ordinance. In addition, if a boat is found in violation, the boat shall not be granted a city permit within six (6) months of the last date of the violation.

~~Sec. 13-63~~ Sec. 13-39. Severability.

If any section, subsection, clause, sentence, or phrase of this Chapter Article III is for any reason held unconstitutional or invalid, such shall not affect the validity or unconstitutionality of any of the remaining portions of this Chapter Article III.

~~Sec. 13-64~~ Sec. 13-40. Reserved.

SECTION THREE

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, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions.

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

SECTION FOUR.

This ordinance shall be effective immediately upon final passage by the City Council.

PASSED and APPROVED on first reading this 16th day of January, 1991.

PASSED and ADOPTED on second and final reading this 6th day of February, 1991.

APPROVED

Elva K. Williams
MAYOR

(MUNICIPAL SEAL)

ATTEST:

Carrie E. Hard
CITY CLERK *Acting*

CHAIRMAN

James C. McGann
CHAIRMAN PRO TEM

CHAIRMAN PRO TEM

Hyscinthia Becton

[Signature]

COUNCILMEMBERS

Margaret Confrey

Motioned By: J. Cunningham
Seconded By: C. Becton

2nd & Final Reading
J. Cunningham
M. Confrey

E. Wade aye
J. McGann absent
M. Confrey aye
C. Becton aye
J. Cunningham aye

absent
aye
aye
absent during vote
aye

TCP: jb/dm
8/18/88
8/23/88
9/26/88
12/7/88
RDH/sjw 1/9/91

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.

Carrie E. Hard
Gwendolyn E. Davis
City Clerk *Acting*

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES RELATING TO SECTION 23 AA-23 R-PUD AND ADDING NEW ZONING DISTRICTS R-PUD(1); RML-12; TLI; PROVIDING FOR AUTHORITY TO CODIFY A SEVERABILITY CLAUSE, A REPEALING CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Section 166.3194 of the Florida Statutes provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice procedures were followed in accordance with the above and the Riviera Beach code of ordinances; and

WHEREAS, on February 14, 1991, the Planning and Zoning Board reviewed the amendments at a public hearing, and forwarded recommendations to City Council; and

WHEREAS, on March 16, 1991 the City Council reviewed the recommendations and the amendments at a public hearing.

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

SECTION 1. That the Riviera Beach Land Development Code, Section 23.AA-23, I. **PURPOSE**, be amended by the addition of a new class of PUD following R-PUD, entitled R-PUD(1) Residential Planned Unit Development District.

SECTION 2. That Section 23.AA-23, II. **GENERAL REQUIREMENTS.** A. Minimum Site Area be amended as follows. "... 10 acres or more," and an additional sentence be added after the first paragraph as follows. "The R-PUD(1) district shall have 50 acres or more."

SECTION 3. That Section 23.AA-23, IV.E. **MINIMUM AREA LIMITATIONS** be amended by deleting "2% of Gross Area" and substituting "As may be required by the relevant agency and the PUD developer."

SECTION 4. That Section 23.AA-23, IV. **PROPERTY DEVELOPMENT STANDARDS** be amended by the addition of a new subsection G **AMENITY PACKAGE COMPONENT.** (as contained in attachment A, and made a part hereof).

SECTION 5. That a new Sub Section 23.AA-23, IV., A.1 entitled R-PUD (1) be created. (as contained in attachment B, and made a part hereof).

SECTION 6. That a new zoning district Section 23.AA-8.1 RML-12 - **LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT** be created. (as contained in attachment C, and made a part hereof).

SECTION 7. That a new zoning district Section 23.AA-16.1 TLI - **TRANSITIONAL LIMITED INDUSTRIAL DISTRICT** be created. (as contained in attachment D, and made a part hereof).

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

SECTION 11. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED and APPROVED on first reading this 6th day of March, 1991.

PASSED and ADOPTED on second and final reading this 20th day of March, 1991.

APPROVED:

Clay K. Williams
MAYOR

Elizabeth K. Wood
CHAIRPERSON

[MUNICIPAL SEAL]

James C. McGann
CHAIRMAN PRO TEM

ATTEST:

Gwendolyn E. Davis
CITY CLERK

Hyacinthia Becton
COUNCILMEMBERS

1st Reading

2nd and Final Reading

MOTIONED BY: J. McGann
SECONDED BY: C. Becton

J. Cunningham
C. Becton

E. Wade aye
J. McGann aye
J. Cunningham nay
C. Becton aye
M. Confrey aye

aye
aye
aye
aye
aye

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.

Gwendolyn E. Davis
Gwendolyn E. Davis, City Clerk

file: codeord

APPROVED BY THE FORMER
AND UNDER THE PRESENT
[Signature]
CITY ATTORNEY

ATTACHMENT "A"

Section 23.AA-23-IV

G. AMENITY PACKAGE COMPONENT

As a condition of PUD approval, the following minimum package of amenities are required to be provided as an integral component of the PUD.

The required amenity types and standards may be modified, and substitutions made depending on the age group profile of the PUD population.

A. REQUIRED AMENITIES

- | | |
|-------------------------|--|
| a) Small Park - Tot Lot | 1 Park per 125 DUs
Min. 0.25 acres |
| b) PUD Park | 1 Park at 0.13 acres
per 100 DUs. Min. 1.0
acre. |
| c) Swimming Pool | Pool for 0-100 D.U.s
may be required
depending on general
distribution of
required pools as
follows:

Pool for 100 to 150 DUs
20'X40', Pool for 200
DUS 25'X50', Pool for
over 200 DUs 30'X 60'
(No. of pools relate to
number of DUs) |
| d) Tennis Courts | 1 per 300 DUs. |
| e) Recreation Bldg. | 150 sq. ft. per 100
DUs. |
| f) Walkway system | This shall be a
comprehensive project
wide system, linking
all the elements of the
PUD in an attractive
and convenient manner. |

ATTACHMENT "B"

Section 23.AA-23-IV R-PUD(1)

A.1. R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENTS
(MINIMUM 50 ACRES)

1. SINGLE FAMILY DETACHED

- | | |
|---------------------------|--|
| a. Min. lot size | 4000 sq. ft. |
| b. Min. lot width | 48 ft. |
| c. Max. building ht. | 35 ft. |
| d. Min. floor area | 900 sq. ft. |
| e. Min. building setbacks | |
| Front | 15 (10 ft. for a side entrance garage) |
| Side | 6 |
| Rear | 15 |
| Side Corner | 12½ |

2. CLUSTER HOUSING (PATIO AND ZERO LOT LINE ONLY)

- | | |
|------------------------------|---|
| a. Min. lot size | 3500 sq. ft. |
| b. Min. lot width | 40 ft. |
| c. Max. building ht. | 35 ft. |
| d. Min. floor area | 800 sq. ft. |
| e. Min. setbacks | |
| Front | 15 ft. (10 ft. for a side entrance garage when lot width is 48' min.) |
| Side (Interior & corner lot) | 10 ft. |
| Rear | 15 ft. |

3. TOWNHOUSES

- | | |
|--|--------------|
| a. Min. lot size | 1800 sq. ft. |
| b. Min. lot width | 24 ft. |
| c. Max. building height | 35 ft. |
| d. Min. floor area | 800 sq. ft. |
| e. Min. setbacks | |
| Front | 15 |
| Side | 7½ |
| Rear | 15 |
| f. Length of buildings | |
| The total length of each structure shall not exceed 6 units. | |

No more than 4 consecutive units shall have the same front setbacks or front building line.

4. MULTI-FAMILY HOUSING

- | | |
|---|--|
| a. Distance from R.O.W. and property line. | Min. 20 ft. + 5 ft.
per storey above 2
storeys |
| b. Distance between buildings
(face to face rear) | Min. 30 ft. + 15 ft.
per storey above 2
storeys. |
| c. Distance between buildings
(side to side) | Min. 15 ft. + 10 ft.
per storey above 2
storeys. |
| d. Distance between building
(corner to corner) | Min. 5 ft. per storey |
| e. Ht. of buildings | Max. 85 ft. or 7
storeys |
| f. Length of buildings | |
| The total length of each structure shall not exceed 200 ft. | |

No more than 4 consecutive units shall have the same front setbacks or front building line.

5. R.O.W. & SIDEWALKS STANDARDS

Generally, R.O.W. standards shall comply with City Subdivision street standards, however private streets may have a minimum width of 24 ft. pavement, including curb and gutter, subject to City Council approval. Any private utility or other easements shall be separate from the private 24 ft. R.O.W.

Sidewalks shall be provided in a comprehensive system so as to serve all pods of the PUD. It may consist of a main loop with links to the individual pods. The system may be on one side of the streets, and where possible curvilinear and landscaped.

6. PARKING STANDARDS

- (a) Common parking areas for recreation and boats. 10% of total units X 320 sq. ft.
- (b) Basic parking requirement is 2 spaces on lot for each D.U., plus 0.25 spaces per D.U. in conveniently located group parking lots. However, the 0.25 spaces per D.U. are not required where group parking is provided, and where three (3) parking spaces are provided on each individual lot. (Note: Garage car spaces are counted toward required parking spaces).

7. LANDSCAPING STANDARDS

Detailed landscaping plans shall be prepared by a State of Florida Professional landscape architect, for the major road R.O.W.s and recreation areas. Typical plans for each housing type shall be provided as well as grouped parking areas. Zeriscape techniques are encouraged, otherwise all landscaped areas shall be irrigated.

8. LIGHTING STANDARDS

All utilities shall be underground. Lighting fixtures and poles shall be aesthetically selected so as to add an attractive character to the PUD. Lighting levels may vary to provide lighting interest, recognizing the need for security. Heights of lamp supports can vary commensurate with the lighting purpose.

9. AMENITY PACKAGE COMPONENT

As a condition of PUD approval, the following minimum package of amenities are required to be provided as an integral component of the PUD.

The required amenity types and standards may be modified, and substitutions made depending on the age group profile of the PUD population.

A. REQUIRED AMENITIES

- | | |
|-------------------------|---|
| a) Small Park - Tot Lot | 1 Park per 125 DUs
Min. 0.25 acres |
| b) PUD Park | 1 Park at 0.13 acres
per 100 DUs. Min. 1.0
acre. |
| c) Swimming Pool | (No. of pools relate to
number of DUs) |
| Minimum Pool size | 25'x50'/100 to 150 DUs |
| Minimum Pool size | 30'x60'/150 to 200 DUs |
| Minimum Pool size | 40'x75'/over 200 DUs |
| | Pool for 0-100 D.U.s
may be required
depending on general
distribution of
required pools as
above. |
| d) Tennis Courts | 1 per 300 DUs. |
| e) Recreation Bldg. | 150 sq. ft. per 100
DUs. |
| f) Walkway system | This shall be a
comprehensive project
wide system, linking
all the elements of the
PUD in an attractive
and convenient manner. |

10. LOCATION OF AMENITIES

The required amenities shall be located as geographically convenient as possible, and are to be linked by the required walkway system. In the case of the phase pod development, pods may share local recreation and amenity packages, provided that the appropriate amenities will be built and usable concurrent with the completion of the first phase pod in the grouping.

11. PARKS EQUIPMENT

The required parks shall be developed with a variety of facilities such as, childrens play area, picnic area, tennis courts, fitness trails, volleyball, basketball and handball courts as well as swimming pools and recreation buildings. All parks related to specific pods shall be fully developed either before or when 66% of their DUs are built, or bond posted to provide the development.

ATTACHMENT 'C'

SEC. 23.AA-8.1 RML-12: LOW DENSITY MULTIPLE FAMILY DWELLING DISTRICT

I. PURPOSE

This district is intended to provide for development of multifamily dwellings, and allows a low density of population. The district is basically residential in character, although customary accessory uses and amenities are permitted as subordinate use to main structure.

II. USE REGULATIONS

A. Permitted Uses

- (1) Any of the Permitted Uses in the RS-8 single-family dwelling district;
- (2) Multifamily dwelling units;
- (3) Community residential home;
- (4) Family day care home.

B. Uses Permitted by Special Exception

- (1) Community care facility;
- (2) Day care center;
- (3) Home occupations;
- (4) Churches

III. PROPERTY DEVELOPMENT STANDARDS

A. Minimum Property Size/Density

- (1) *Single-family dwelling:* Six thousand five hundred (6,500) sq. ft.
- (2) *Two-family:* Seven thousand five hundred (7,500) sq. ft.
- (3) *Multiple-family:* Minimum lot size of ten thousand (10,000) square feet and maximum density of twelve (12) dwelling units per acre.

B. Minimum Property Width

- (1) *One and two family dwellings:* Sixty (60) feet.
- (2) *Multiple-family dwellings:* One hundred (100) feet.

C. Maximum Building Height

Thirty-five (35) feet or three (3) stories.

D. Minimum Building Setbacks

- (1) *Front:* Twenty (20) feet.
- (2) *Side for one-story structure:* Seven (7) feet except ten (10) feet where the rear of units face the side yard.
- (3) *Side for two-story structure:* Ten (10) feet.
- (4) *Side for corner lot:* Twelve and one half (12 1/2) feet.
- (5) *Rear:* Fifteen percent (15%) of the length of the lot or twenty (20) feet, whichever is less.

E. Minimum Floor Area

- (1) *One-bedroom apartments:* Six hundred and fifty (650) square feet.
- (2) *Two-bedroom apartments:* Seven hundred and fifty (750) square feet. For each additional bedroom, total square footage shall increase by 100.
- (3) *Single-family homes:* Eight hundred (800) square feet.

IV. PARKING

See Sec. 23.AA-25.

V. LANDSCAPING

See Sec. 23.AA-26.

VI. NONCONFORMITIES

Same as RS-6 Single-Family Dwelling District.

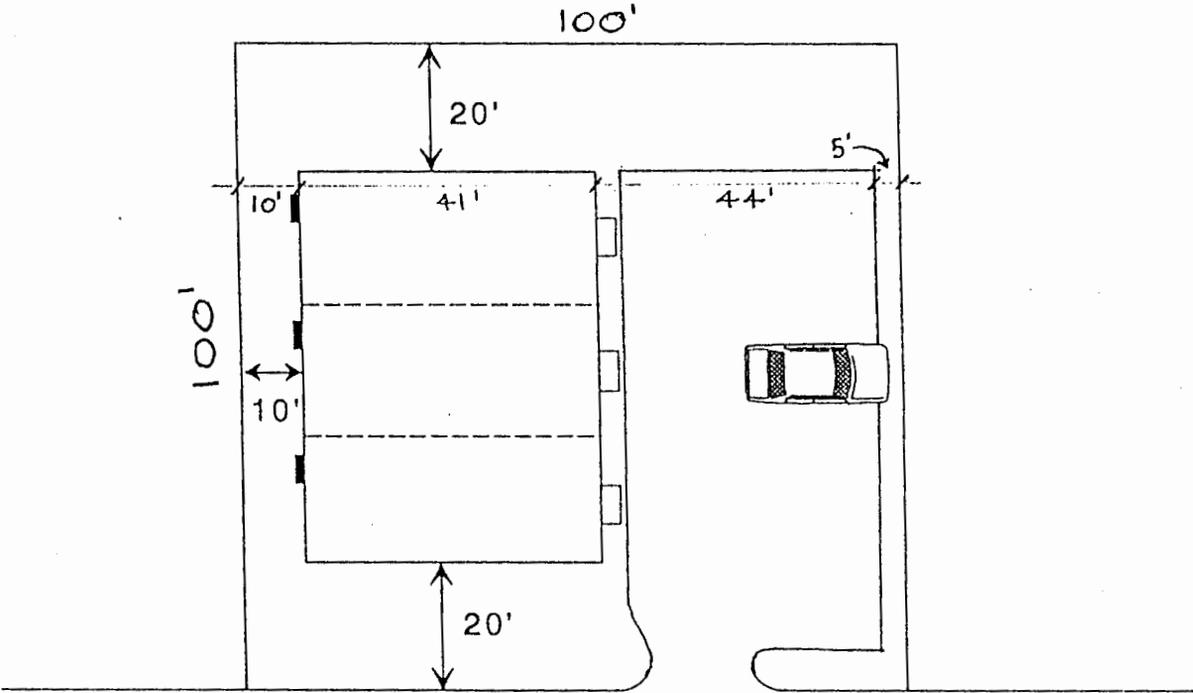
VII. SITE PLAN REVIEW

Required for all permitted uses except the following:

- (a) Residential developments with up to and including five (5) units.
- (b) Community Residential Home.
- (c) Family Day Care Home.

RML-12 SPECIAL SIDE YARD PROVISION

10 foot side yard when back doors
face the side yard



ATTACHMENT 'D'

SEC. 23.AA-16.1 TLI - TRANSITIONAL LIMITED INDUSTRIAL DISTRICT

I. PURPOSE

This district is intended to accommodate low intensity industrial uses that abut residential districts. All uses shall be of non-nuisance type and residential scale having low silhouette. This district is to provide employment near residential areas. The development standards are intended to provide adequate protection to adjacent residential uses.

II. USE REGULATIONS

A. Uses Permitted by Special Exception

1. The uses listed below provided that they are small operations, and the process of manufacturing or materials is such that the amount of dust, odor, gas, smoke, or noise resulting therefrom will not be objectionable to adjacent residential properties. To help achieve this standard, no doors or windows shall remain open during the operation of the use except for deliveries and air conditioning or a similar air handling system is required. No use shall be conducted outside of the building except for plant nursery.

Small appliance manufacturing;
Auto repairs and auto body shop;
Boat manufacturing;
Business offices accessory to primary industrial use;
Cold storage;
Confectionery, wholesale;
Contractors storage;
Electronic equipment manufacturing;
Engraving;
Food processing;
Furniture manufacturing;
Laboratories and industrial research;
Millwork;
Mini warehouse for dead storage only;
Monument works;
Precision instruments and optics manufacturing;
Printing and publishing;
Sign shop;
Textile and clothing manufacturing;
Upholstery shop;
Warehousing;
Wholesaling;
Any use similar to the above uses.

III. PROPERTY DEVELOPMENT STANDARDS

A. Minimum Property Size

Twenty thousand (20,000) square feet.

B. Maximum Building Height

Twenty-five (25) feet.

C. Minimum Building Setbacks

- (1) *Front:* Twenty-five (25) feet; forty (40) feet for properties one (1) acre or more or across the street from a residential district.
- (2) *Side:* One yard or fifteen (15) feet except twenty-five (25) feet when adjacent to residential district.
- (3) *Rear:* Twenty (20) feet except twenty-five (25) feet if adjacent to residential district.

D. Maximum Lot Coverage (Building)

Forty five percent (45%).

E. Privacy Wall and Landscaping

Where abutting the residential areas, there shall be a 10 ft. landscaped strip adjacent to the street frontage. There shall be a six (6) foot high finished masonry wall adjacent to the rear and side property lines that are adjacent to residential districts. Trees shall be planted every twenty-five (25) feet on the residential side of the wall. The trees shall be at least ten (10) feet high at planting with a minimum crown spread of six (6) feet. Automatic irrigation shall be provided. The same tree requirements shall also apply to the frontage of any industrial use across the street from a residential district. A four (4) foot hedge or wall shall screen any parking lot from the public right-of-way. All requirements of Sec. 23.AA-26 (Landscape Regulations) shall also be met.

F. Outdoor Storage

No open storage of goods and materials shall exceed six (6) feet in height or occur within the required setbacks or in front of the building.

IV. PARKING

No trucks shall be parked in front of the building if adjacent to a residential district.

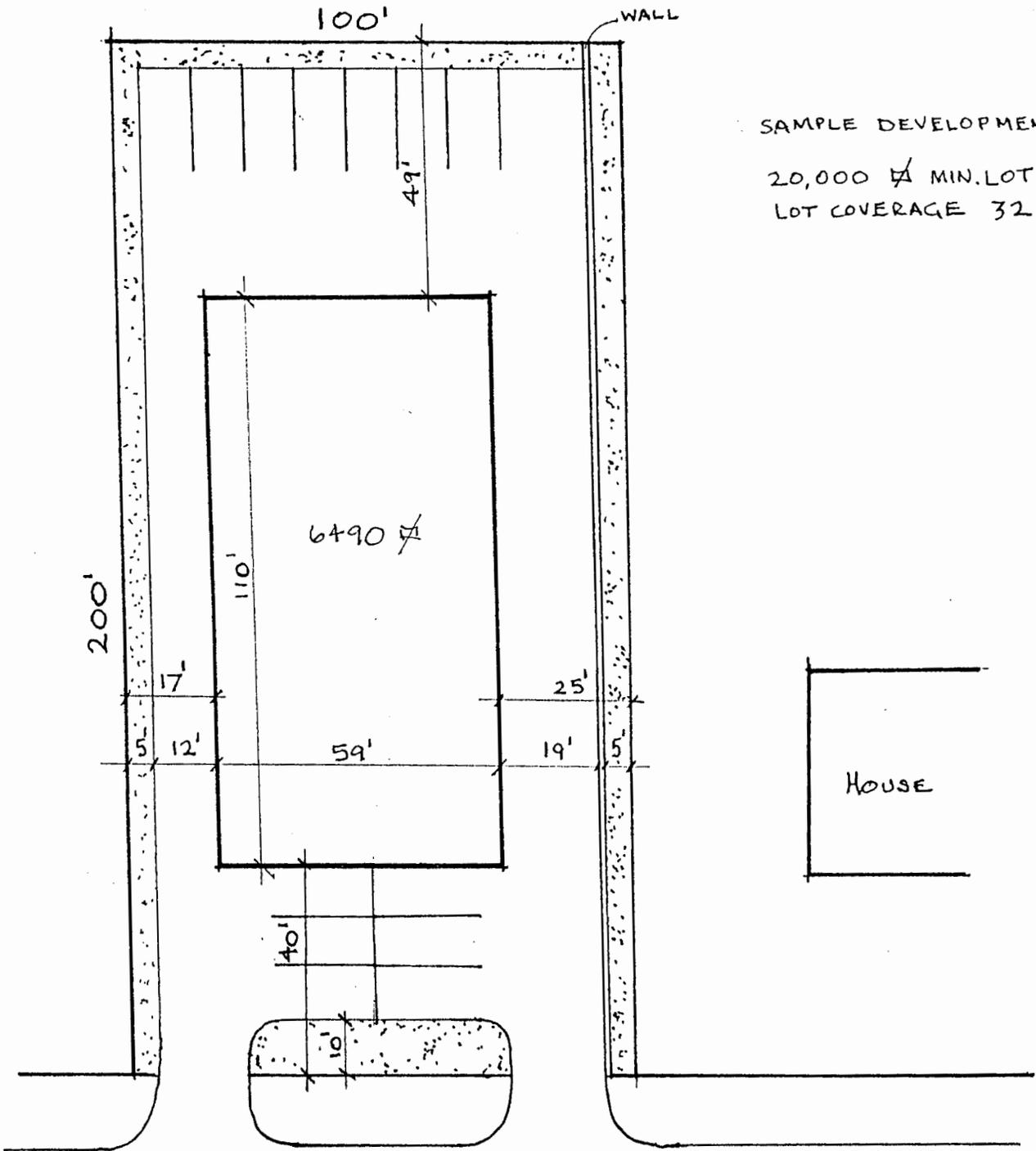
Also see Section 23.AA-25. For Bonus Reductions, see Article III.

V. NON CONFORMITIES

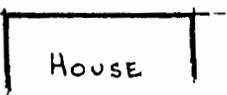
A. Lots

If a vacant lot in this district has an area or width or both, less than the above minimum and was a lot of record at the time of the passage of this Article, said lot may be occupied by a commercial structure, provided the minimum yard regulations of the districts are conformed with.

TLI SITE DESIGN STANDARDS



SAMPLE DEVELOPMENT
20,000 Δ MIN. LOT SIZE
LOT COVERAGE 32%



ORDINANCE NO. 2530

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES ADDING NEW ZONING DISTRICT SLIO, ADDING A CONCURRENCY MANAGEMENT SECTION, PROVIDING FOR AUTHORITY TO CODIFY A SEVERABILITY CLAUSE, A REPEALING CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Section 166.3194 of the Florida Statutes provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice procedures were followed in accordance with the above and the Riviera Beach code of ordinances; and

WHEREAS, on March 14, 1991, the Planning and Zoning Board reviewed the amendments at a public hearing, and forwarded recommendations to City Council; and

WHEREAS, on April 17, 1991 the City Council reviewed the recommendations and the amendments at a public hearing.

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

SECTION 1. That a new zoning district Section 23.AA-16.5 SLIO - SPECIAL LIGHT INDUSTRIAL OFFICE DISTRICT be created. (As contained in Attachment A, and made a part hereof).

SECTION 2. That a new subsection 23.AA-27.3 DEVELOPMENT REVIEW PROCEDURES: CONCURRENCY MANAGEMENT be added. (As contained in Attachment B, and made a part hereof).

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, Florida, 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 Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflicts herewith, be and the same are hereby repealed to extent of such conflict.

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

PASSED and **APPROVED** on first reading this 17th day of April, 1991.

PASSED and **ADOPTED** on second and final reading this 1st day of May, 1991.

APPROVED:

Oliver K. Williams
MAYOR

Hyacinthia Becton
CHAIRPERSON

[MUNICIPAL SEAL]

James C. McGann
CHAIRMAN PRO TEM

ATTEST:

Gwendolyn E. Davis
CITY CLERK

Bruce A. Guyton
Margaret Confrey
COUNCILMEMBERS

1st Reading

2nd and Final Reading

MOTIONED BY: J. McGann
SECONDED BY: E. Wade

J. McGann
E. Wade

E. Wade	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
B. Guyton	<u>aye</u>	<u>aye</u>
C. Becton	<u>aye</u>	<u>aye</u>
M. Confrey	<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.

Gwendolyn E. Davis
Gwendolyn E. Davis, City Clerk

file: codeord

[Signature]