

ORDINANCE NO. 2065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 23 (ZONING) OF THE CODE OF THE CITY OF RIVIERA BEACH, FLORIDA, 1957, AS AMENDED, BY CREATING A NEW SUBSECTION 28 "SIGN REGULATIONS" WHICH WILL LIMITS AND GOVERN THE EXISTING AND PROPOSED USE AND LOCATION OF SIGNS AND OTHER ADVERTISING STRUCTURES WITHIN THE CITY; REGULATING NONCONFORMING SIGNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE, AUTHORITY TO CODIFY; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Riviera Beach desires to regulate advertising and signs within its corporate limits to improve general appearance of the Community; and

WHEREAS, properly regulated signs with strict enforcement to said regulations will improve the value of property in the City of Riviera Beach and create a better visual appearance within the City; and

WHEREAS, the City Council finds that existing Chapter 3 "Advertising" of the Code of Ordinances adopted in 1961 is outdated, deficient and in need of upgrading; and

WHEREAS, the City Commission of the City of West Palm Beach, Florida after holding proper public meetings and public hearings has adopted a sign code acceptable by local courts. The Council of the City of Riviera Beach finds said sign code can be applied for this City with revisions and amendments; and

WHEREAS, the City Council has carefully considered the input provided by local businessmen and representatives of advertising and sign industry who reviewed proposed sign code in a series of meetings; and

WHEREAS, Chapter 479.155 Florida Statute grants rights and powers to local governments to establish outdoor advertising and sign ordinances. These rights are granted as general "police power" and as "zoning" authority. Various components of the Advertising and Sign Code should therefore be included in corresponding sections of the code.

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

SECTION 1: That Chapter 23 (Zoning) of the Code of Ordinances of the City of Riviera Beach, Florida, 1957, as amended, be and the same is hereby further amended by creating a new subsection 23-28 "Sign Regulations" to read as follows:

Section 23-28 Sign Regulations

These regulations should be read in conjunction with Chapter 3

(Advertising and Signs) of the Code of Ordinances of the City of Riviera Beach, more commonly known as the "sign Code" which regulates the licensing of persons in the sign and advertising business, the permit procedure for installation of signs and advertising structures and limitations on the size and maintenance of signs and other advertising structures within the City.

The regulations of this subsection, which govern and limit the existing and proposed posting, display, erection, use, location and types of signs, billboards, posters and other advertising structures within the City shall be as follows:

Section A. Prohibitions and Exceptions - From and after the effective date of this Ordinance it shall be unlawful for any person to erect or use within the City:

- (1) Any swinging sign.
- (2) Any snipe sign.
- (3) Any banner.
- (4) Any sign erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- (5) Any sign attached to a stand pipe or fire escape.
- (6) Any sign or other advertising structure which by reason of its position, shape, or color interferes, obstructs or may be confused with any authorized traffic control device or emergency vehicle signal.
- (7) No sign or advertising structure, portable or fixed, other than directional signs erected by authorized city, county or state officials, shall be placed or erected on or over any part of the public right-of-way, sidewalk, street or curb or building setback line, except as herein provided for projection clearance for wall signs (See Section 23-28 (e) (3) below).
- (8) Any other type or kind of sign which does not comply with the terms, conditions and provisions contained in this Ordinance and ordinances amendatory hereto and supplemental hereto.
- (9) Unauthorized sign on City property.
- (10) Any sidewalk, A-frame or sandwich sign.
- (11) Any animated sign, except time and temperature signs with a complete time and/or temperature sequence span of 4-8 seconds.
- (12) Any add-on signs unless they shall have been issued a permit in conformance with the Sign Code.
- (13) Any sign in or on the waters of Lake Wörth.

SECTION B. DEFINITIONS - The definitions set forth here are the same as those found in the Sign Code. Specific definitions spelled out here, if different from those found in Section 23-1 of this (Zoning Code) shall prevail.

- (1) Abandoned Sign  
A sign is considered abandoned if a business advertised on that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business on that location.
- (2) Add-On Sign  
Any additional sign area added to a previously permitted and/or conforming sign.
- (3) Advertising Structure  
Advertising Structure shall mean any structure installed for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property upon which any poster, bill, printing, painting, device or other advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed, provided, however, that said term shall not include buildings.
- (4) A-Frame Sign  
A movable sign not secured or attached to the ground as required by this Code.
- (5) Animated Sign  
A sign with action or motion using electrical energy, electronic or manufactured sources of supply, or wind actuated elements, including rotating, revolving or flashing signs.
- (6) Banner  
Any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind with only such material for foundation. The word "banner" shall also include pennant or any animated, rotating and/or fluttering device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention.
- (7) Billboard ( Off-Premise Sign)  
Any sign or framework thereof installed for the purpose of advertising merchandise, services, or entertainment, sold, produced, manufactured, or furnished at a place other than the location of such structure.
- (8) Building Facade  
That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- (9) Building Official  
The words "Building Official" shall mean the Building Official of the City of Riviera Beach and all inspectors working under his authority and direction.
- (10) Building Setback Line  
The building setback line is that line established by the Zoning Code of the Code of the City of Riviera Beach, Florida.
- (11) City  
Unless the context clearly discloses the contrary intent, City shall mean the City of Riviera Beach.
- (12) Copy Area of a Sign  
The actual area of a sign copy applied to any background. The copy area is computed by straight lines drawn closest to copy extremities encompassing individual letters or words.
- (13) Direction Sign  
The term "directional sign" shall mean any sign permanently or temporarily installed on public property by or with approval of the City or any authorized governmental agency.
- (14) Electric Sign - See Illuminated Sign
- (15) Flat or Wall Sign  
The term "flat or wall sign" shall mean any sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building.

(16) Free Standing Sign

The term shall include and replace pole and ground signs. It shall mean a sign which is supported by one or more columns, uprights, or braces in or upon the ground.

(17) Frontage Street Facade

That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building wall elevation which fronts on a street, unless said parapet wall or eaves shall be over thirty (30) feet high, in which case only the first thirty (30) feet shall be considered the frontage street facade for purposes of this Ordinance. Only one street facade shall be designated as frontage street facade.

(18) Ground Sign - See Free Standing Sign

(19) Home Nameplate

A nameplate not more than one (1) square foot in area indicating only the name of the occupant.

(20) Illuminated Sign

A sign in which a source of light is used in order to make the message readable and shall include internally and externally lighted signs.

(21) Install

To erect or apply any kind of sign or advertising device.

(22) Instructional Sign

A sign conveying instructions with respect to the premises on which it is maintained, such as, but not limited to "Exit," "Entrance," "Parking," etc.

(23) Marquee Sign

Any sign attached to the side or front or hung under a marquee which shall not extend above the top of a marquee or shall not be mounted upon the top of the marquee. Said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

(24) Nonconforming Sign

Any sign which does not comply with the regulations of this Sign Ordinance, or subsequent amendments.

(25) Off-Premise Sign - See Billboard

(26) On-Premise Sign - See Point of Purchase Sign

(27) Painted Sign

Any sign painted on any surface, including the roof of any building, visible from any public right-of-way.

(28) Parapet

That portion of the facade which extends above the roof line.

(29) Person

The word "Person" shall include individuals, partnerships, associations, and corporations.

(30) Point of Purchase Sign

The term "point of purchase sign" shall mean any structure, device, display board, screen, surface or wall, characters, letters, or illustrations placed there to, thereon, or thereunder by any method or means whatsoever where the matter displayed is used for advertising on the premises, a product or service, actually or actively offered for sale or rent thereon or therein.

(31) Pole Sign - See Free Standing Sign

(32) Premises

A distinct unit or parcel of land including the appurtenances thereon.

(33) Projecting Sign

The term "projecting sign" shall mean any sign projecting at an angle from the outside wall or walls of any building and rigidly affixed thereto.

(34) Pylon Sign

The term "pylon sign" shall refer to an advertising structure projecting from the wall or extending over the roof of any building, comprising a framework and display surface, the structural members of which are an integral part of the building upon which the sign is installed.

(35) Roof Sign

Any outdoor advertising display sign, installed, constructed or maintained or maintained on or above the roof of any building.

(36) Sandwich Sign - See A-Frame Sign

(37) Shopping Area

A commercial establishment or a group of commercial establishments related in its location, size and types of shops to the trade area which the unit serves.

(38) Sidewalk Sign - See A-Frame Sign

(39) Sign

The word "sign" shall mean any display of banners and flags, characters, letters, illustrations or any ornamentations, or the complete structure on which any such characters, letters, illustrations or ornamentations are stated or applied (except buildings to which the same may be attached); used for identification, directional purposes, advertising or promotional purposes; provided, however, that "sign" shall not be construed so as to include self-contained fixtures approved by the National Board of Fire Underwriters or nonelectrical display, wholly contained within a store building and not visible from any public right-of-way.

(40) Sign Code

Chapter 3 (Advertising and Signs) of the Code of the City of Riviera Beach.

(41) Snipe Sign

Any sign of any size, made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

(42) Swinging Sign

The term "swinging sign" shall mean any sign that swings freely from or on supports regardless of the guy wires used in connection therewith.

(43) Time and Temperature Sign

A display containing illuminated numerals flashing alternately to show the time and/or temperature.

(44) Vee-Shaped Sign

Any sign that is attached to a building, other than a flat or wall sign, and which has two faces which are not parallel.

(45) Wall Sign - See Flat or Wall Sign

SECTION C. REQUIREMENTS FOR SIGNS

(1) Residential, Commercial, Public & Industrial Districts

(a) In districts zoned R-1AA, R-1A, R-1, R-1B, R-2B, R-2 and R-TH, no signs, other than home nameplates shall be allowed, except that churches, temples, schools and hospitals shall be permitted signs totaling not more than thirty-two (32) square feet in area per street front, which shall not be placed or maintained nearer the street than five (5) feet from the building setback line.

(b) In RCUP, C-1A, C-1B, C-1C, C-1CL, C-1, C-2, P and M-1 districts, no sign shall be placed or maintained nearer the street than five (5) feet from the building setback line. All signs in said districts shall be not more than thirty-two (32) square feet in area per street front.

(2) Point of Purchase Signs (On-Premise Signs)

The number and size of point of purchase signs shall be governed by the percentages and limitations imposed herein, excluding temporary or instructional signs, which may be in addition to said percentages under the conditions contained herein.

(3) Illuminated Signs

(a) All persons, firms or corporations shall install or maintain any illuminated sign within the City in accordance with the regulations contained in the City's Electrical Code, Sign Code, Zoning Code, as well as any other applicable codes.

(b) Focus beam illumination shall be shielded from the public right-of-way and adjacent residential districts.

SECTION D. SIZE AND LOCATION REQUIREMENTS

(1) Free Standing Signs

(a) Where free standing signs are permitted by this ordinance, the property frontage must be fifty (50) feet or more, the side setback line for a free standing sign shall be twenty-four (24) feet, except that in the triangular area made by the intersection of a property corner and points twenty (20) feet from a corner, along a right-of-way line in each direction, one free standing sign may be erected within such triangle. No sign shall be placed or erected in this triangle that is over thirty (30) inches in height, unless it has a nine (9) foot clearance from the ground. The sign shall be supported by either one or two poles. Where a single pole is used, the maximum diameter of the pole shall be twelve (12) inches. Where two poles are used, each pole shall have a diameter of eight (8) inches or less and be spaced a minimum of four (4) feet apart, measured from center to center. If a rectangular or square supported member is used, the width or breadth shall not exceed the above specified diameter.

(b) There shall be a minimum of forty-eight (48) feet between free standing signs located in the same property. The number and size of free standing signs permitted shall be determined only by the lineal footage adjacent to a public right-of-way.

(c) There shall be an allowable amount of copy area for front free standing signs of one (1) square foot for each lineal foot of property frontage. Owner shall declare one street as his frontage street.

(d) There shall be an allowable amount of copy area for free standing signs along all other public right-of-way calculated on the basis of one-half ( $\frac{1}{2}$ ) square foot for each lineal foot of property along said public right-of-way.

(e) There shall be an allowable amount of copy area for free standing signs along public rights-of-way adjacent to residentially zoned property calculated on the basis of one quarter ( $\frac{1}{4}$ ) square foot for each lineal foot of property along said public rights-of-way.

(f) No free standing signs shall be permitted within twenty-four (24) feet of any common property line except instructional signs which shall be as provided herein.

(g) Instructional signs

Instructional signs shall be exempt from the limitation on total sign area allowed per business and the requirement of twenty-four (24) feet of set back from any common property line, but shall be at least five (5) feet from any common property line. However, an instructional sign shall not be more than three and one-half ( $3\frac{1}{2}$ ) feet in height nor total more than five (5) square feet in area.

(2) Signs Attached to Buildings

(a) Signs attached to building facades shall include wall, flat, painted, vee-shaped and marquee signs.

(b) There shall be an allowable amount of sign area for signs attached to the frontage streets facade of a building not in excess of that percentage shown on the "Street Facade Sign Area Graph"; said graph to be found in Section 3-15 of the Sign Code ( Chapter 3) and shall be on file in the Department of Building and Zoning.

(c) There shall be an allowable amount of sign area for signs attached to facades other than the frontage street facade not in excess of fifty percent (50%) of that percentage on the "Street Facade Sign Area Graph"; said graph to be found in Section 3-15 of the Sign Code, Chapter 3 and shall be on file in the Department of Building and Zoning. However, when said facade faces residentially zoned property, the allowable amount of sign area shall not exceed twenty-five percent (25%) of the area allowed as shown on said Street Facade Sign Area Graph.

SECTION E. DETAILED PROVISIONS APPLICABLE TO SPECIFIC TYPES OF SIGNS

- (1) Free Standing Signs (Pole or Ground Signs)  
See Section 23-28.d(1) for allowable area)

(a) No free standing sign shall project over the public right-of-way, street, sidewalk, or building setback line.

(b) Every free standing sign in excess of thirty-two (32) square feet in area shall be built of noncombustible material, except ornamental moulding, battens and decorative trim.

(c) No free standing sign shall be erected to a height exceeding thirty (30) feet above the ground or street level, except that on all interchanges of I-95 a point of purchase sign may be erected to a height not exceeding sixty (60) feet within a distance of seven hundred fifty (750) feet measured from the point of intersection of the centerline of the right-of-way of the intersecting street or highway. On those interchanges which have a cloverleaf type ramp, the sixty (60) foot point of purchase signs may extend a distance of one thousand (1,000) feet from the point of intersection. Signs shall face oncoming traffic on I-95 only. Lighting reflectors may project beyond the face of the sign.

(d) In addition, a free standing point of purchase sign not exceeding thirty (30) feet in height may be erected in a shopping area with a gross leasable area of thirty thousand (30,000) square feet or more. Only one point of purchase sign thirty (30) feet in height per shopping area will be permitted.

(e) Any person or firm occupying any vacant lot or premises by means of a free standing sign. shall be subject to the same duties and responsibilities as the owner of the lot or premises, with respect to keeping the same clean, sanitary, inoffensive, free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such free standing sign or said premises for which they may be responsible.

- (2) Roof Signs

(a) Roof signs shall not extend over public property.

(b) Roof signs shall be a point of purchase signs only.

(c) A roof sign may be substituted for a permitted free standing sign, however, the maximum allowable size shall not exceed one-half ( $\frac{1}{2}$ ) the allowable size of the free standing sign for which it is substituted or shall not exceed the allowable amount of sign area for signs attached to facades as shown on the Street Facade Sign Area Graph and Table in the Sign Code, whichever is less.

(d) A roof sign shall not exceed fifteen (15) feet above the roof level, nor be less than six (6) feet above the roof level, however, the six (6) feet minimum required height above the roof level may be waived by approval of the Fire Marshall, if in his judgment, said waiver will allow proper Fire Department maneuverability.

(e) The support members of any roof sign shall appear to be an architectural and integral part of the building, and shall appear to be free of any extra bracing angle iron, guy wires, cables, etc.

(f) Every roof sign shall be constructed entirely of noncombustible material, including the upright supports and braces.

(g) The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel, roof girders, columns or beams. The building shall be designed to avoid over-stress of these members.

(3) Flat or Wall Signs (See Section 23-28.d. (2) for allowable area)

(a) No flat, wall or vee-shaped signs shall be erected at a distance of more than eighteen (18) inches beyond the face of any building, marquees being considered as a part of a building. The outside edge of wall signs on marquees shall not be closer than twenty-four (24) inches from the curb line.

(b) Wall signs attached or applied to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of sufficient number, size and length to satisfy the structural requirements for properly mounting the sign. No wooden blocks shall be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be supported by anchorages secured to an unbraced parapet wall.

(c) The surface of all wall signs shall be of noncombustible material, except nonelectrical signs of less than thirty-three (33) square feet of solid area not over public property.

(d) No wall sign shall cover wholly or partially any required wall opening, nor project beyond the top of the wall to which it is attached, except that such signs shall be permitted to project over the roof line an amount equal to that normally permitted for parapet heights as applied to such building, but not to exceed three (3) feet.

(e) No wall sign shall project more than eighteen (18) inches over any public right-of-way or sidewalk.

(f) All bracing and/or lighting shall be hidden or covered so that it shall not be visible from the public right-of-way. The covered portion of the ends of such signs shall not be used for advertising purposes.

(4) Projecting Signs ( See Section 23-28.d (2) for allowable area)

(a) No projecting sign shall project over any public right-of-way.

(b) A projecting sign may be substituted for a permitted free standing sign, however, the maximum allowable size for such a substitution shall be determined in accordance with Section 23-28.e (2)(c) above.

(c) All projecting signs shall be constructed entirely of metal or other noncombustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. No staples or nails shall be used to secure any projecting sign to any building or structure. The use of plastic material is permitted as approved in Section 3-8.3 of the Sign Code.

(d) The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure, shall be supported with chains, guys, or steel rods, the working stress of which shall not exceed one-fifth (1/5) of their ultimate strength. Such supports shall be erected or mounted at such angle as determined by an adequate stress analysis to meet the structural requirements of the particular structure on question.

(e) Anchorage: All supports shall be secured to a bolt or expansion screw that will develop the strength of the supporting chain, guys or steel rods. Turn-buckles of equivalent strength requirements shall be placed in all chains, guys or steel rods supporting projecting signs. Said turn-buckles shall be locked in place after the desired tension has been attained.

(f) Chains, cables, guys or steel rods used to support the live or dead load of projecting signs shall be noncorrosive and may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but no such supports shall be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

(g) No projecting sign which is entirely dependent upon a wall for support shall be erected on the wall of any building so as to project above the roof or parapet wall or above the roof level where there is no parapet wall. However, a sign designed by an engineer and erected at a right angle to the building the horizontal width of which sign, perpendicular to such wall, does not exceed eighteen (18) inches, may be erected to a height not exceeding two (2) feet above the roof or parapet wall or above the roof level where there is no parapet wall. A sign attached to a corner of a building and parallel to the vertical line of such corner, shall be deemed to be erected at a right angle to the building wall.

(5) Marquee Signs ( See Section 23-28.d(2) for allowable area)

Marquee signs shall be noncombustible and shall be constructed entirely of metal, approved plastic or other materials approved by the Building Official and may be attached to sides or front of a marquee, or hung under a marquee; and such sign, when hung under a marquee shall be at least nine (9) feet at its lowest level above the sidewalk or ground level; and further, no such sign shall extend nearer than twenty-four (24) inches to the curb line. No marquee sign shall extend above, or be mounted upon, the top of the marquee.

(6) Pylon Sign (See Section 23-28.d (2) for allowable area)

(a) No pylon sign shall project over any public right-of-way.

(b) A pylon sign may be substituted for a permitted free standing sign, however, the maximum allowable size for such a substitution shall be determined in accordance with Section 23-28.e (2) (c) above.

(c) The structural members of all pylon signs will be tied into the building on which such signs are erected in such a way that they become a part of the overall structural framework of said building or its roof.

(d) Maximum height of pylon signs shall be fifteen (15) feet above the roof level.

#### SECTION F. NONCONFORMING SIGNS

(1) Any sign, billboard, or advertising structure which lawfully existed and was maintained at the same time this ordinance became effective, may be continued, although such structures do not conform to all the provisions hereof; provided that no structural alterations are made thereto and that all such nonconforming signs, billboards, commercial advertising structure and their supporting members shall be completely removed from the premises or made to conform not later than seven (7) years from the effective date of this Ordinance.

(2) Any sign which may become nonconforming as a result of any amendments to this ordinance shall be completely removed from the premises, or altered to conform, not later than five (5) years from the date on which such use becomes nonconforming.

(3) Termination of nonconforming Signs

(a) By abandonment; abandonment of a nonconforming sign shall require the owner immediately to remove such sign.

(b) By violations; any further violation of this ordinance other than the existing nonconforming status at time of adoption shall require the owner immediately to remove such sign.

(c) By destruction, damage or obsolescence; the use of any nonconforming sign shall terminate whenever the sign

is damaged or destroyed beyond fifty (50) per cent, from any cause whatever, or becomes obsolete or substandard under any applicable City Ordinance to the extent the sign becomes a hazard or danger and upon termination shall be removed.

(d) The use of an animated or abandoned sign within the City of Riviera Beach shall terminate within ninety (90) days after such sign became nonconforming and the animated or abandoned sign shall be removed on or before the date of termination.

#### SECTION G. REGULATIONS APPLICABLE TO BILLBOARDS (OFF-PREMISE SIGNS)

(1) Locations - No billboard or off-premise sign shall be installed:

(a) Upon any property zoned used or classified for residential purposes.

(b) On submerged property in the waters of Lake Worth.

(c) Within five (5) feet of the public right-of-way, street, sidewalk or building setback line.

(d) Within twenty-four (24) feet of any side or rear property line.

(e) More than 1000 feet distance from the property or business it advertises.

(f) On the roof of any building.

(g) In violation of applicable State or Federal Standards on any City Street.

(2) The allowable sign area of a billboard shall be calculated in the same manner as a free standing sign as set forth herein. (See Section 23-28.d (1) above)

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

#### SECTION H. APPEALS

Any person aggrieved by any decision of the Building Official in regard to the permitted location, size or height of a sign, or the continuance of a nonconforming sign, may appeal to the Zoning Board of Appeals. Said appeal shall be an application for a variance and shall be granted only if the Zoning Board of Appeals determines that said variance is not contrary to the intent of this Ordinance and that a literal enforcement of the provisions of this Ordinance would be impracticable and would result in an unreasonable and unnecessary hardship.

SECTION 2: PENALTIES

Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the provisions of the uniform penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

SECTION 3: REPEALING CLAUSE

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict repealed.

SECTION 4: SAVING CLAUSE

If any section, portion or clause of this Ordinance, for any reasons, shall be declared to be void or unconstitutional by any court of competent jurisdiction, such validity or unconstitutionality shall not affect or invalidate the remaining sections, portions or clauses, and the remaining section, portions and clauses thereof shall be and remain in full force and effect to the same extent as if such invalid sections, portions or clauses had not been incorporated herein.

SECTION 5:

Specific authority is hereby granted to codify this Ordinance.

SECTION 6:

This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED and APPROVED on first reading this 20th day of February, 1980.

PASSED and ADOPTED on second and final reading this 7th day of May, 1980.

Signatures on Page -14-

APPROVED:

[Signature]  
Mayor

Dary R. Nikolits  
Chairman

Clement Tolbert  
Chairman Pro Tem

ATTEST:

Robert Herdell

Phyllis E. Bates

Betty J. Butler  
City Clerk

Samuel Lawrence  
Council Members

	1st Reading	2nd Reading
MOTIONED BY:	<u>Guider</u>	<u>Guider</u>
SECONDED BY:	<u>Dodd</u>	<u>Dodd</u>
G. Nikolits	<u>Aye</u>	<u>Aye</u>
C. Guider	<u>Aye</u>	<u>Aye</u>
C. Tolbert	<u>Aye</u>	<u>Aye</u>
R. Dodd	<u>Aye</u>	<u>Aye</u>
C. Lawrence	<u>Aye</u>	<u>Aye</u>

ORDINANCE NO. 2066

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PROHIBITING ANY PERSON OWNING, MAINTAINING, OR OPERATING AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES; BEER OR WINE ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES FROM SUFFERING OR PERMITTING, ON THE PREMISES OF SAID ESTABLISHMENT, THE DISPLAYING OR SIMULATED DISPLAYING OF GENITALS, VULVA, PUBIC AREA, BUTTOCKS, ANUS AND FEMALE BREASTS, PROHIBITING EXPOSURE OR SIMULATED EXPOSURE OF GENITALS, VULVA, PUBIC AREA, BUTTOCKS, ANUS AND FEMALE BREASTS IN ESTABLISHMENTS AT WHICH ALCOHOLIC BEVERAGES, BEER OR WINE ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES; PROVIDING FOR PRESUMPTIONS AND STANDARDS OF PROOF; PROVIDING OF MINGLING AND COMMON OCCUPATION OF BOOTHS WITHIN SUCH ESTABLISHMENTS; PROVIDING PENALTIES, PROVIDING A REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY UNDER A NEW CHAPTER, CHAPTER 2 B OF THE CODE OF ORDINANCES, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. This Ordinance is enacted under the "Municipal Home Rule Powers Act" and the Charter of the City of Riviera Beach, Florida in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of the City of Riviera Beach, Florida and under the authority of the City to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment to the Constitution of the United States.

SECTION 2. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the City, at which alcoholic beverages, beer or wine are offered for sale for consumption on the premises to suffer or permit any person to engage in the following on the premises of that commercial establishment:

- (a) The actual or simulated displaying of the genitals, vulva, pubic area, buttocks or anus.

- (b) The actual or simulated displaying by a female of the area of the human breast at or below the areola. The areola is the colored ring around the nipple.

SECTION 3. It shall be unlawful for any person, while on the premises of a commercial establishment located within the City, at which alcoholic beverages, beer or wine are offered for sale for consumption on the premises, to engage in the following:

- (a) The actual or simulated displaying of the genitals, vulva, pubic area, buttocks or anus.
- (b) The actual or simulated displaying by a female of that area of the human breast at or below the areola. The areola is the colored ring around the nipple.

SECTION 4. It shall be unlawful for any entertainer or performer or employee, while on the premises of a commercial establishment located within the city, at which alcoholic beverages, beer or wine are offered for sale for consumption on the premises, wherein a striptease act or burlesque performance is conducted or engaged in, to sit at or occupy any table, counter or other seat in such place, when any of same is occupied by any patron or spectator therein.

- (a) No entertainer or performer or employee in any such establishment described in this section wherein a striptease or burlesque act is conducted or engaged in shall mingle therein with any patron or spectator for any purpose.
- (b) It shall be unlawful for any person maintaining, owning or operating any such establishment described in this section to suffer or permit any entertainer or performer or employee to sit at

or occupy any table, counter or other seat in any establishment described in this section, when any of same is occupied by any patron or spectator or to mingle therein with any patron or spectator for any purpose.

SECTION 5. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the City, at which alcoholic beverages, beer or wine are offered for sale for consumption on the premises, to suffer or permit the construction, maintenance or use of areas that are designed to be occupied or are commonly occupied together by patrons and employees of the commercial establishment for sexual contact or private dancing performances.

SECTION 6. It shall be unlawful for any person, while on the premises of a commercial establishment located within the City, at which alcoholic beverages, beer or wine are offered for sale for consumption on the premises to use areas that are designed to be occupied together by patrons and employees of the commercial establishment for sexual contact or private dancing performances.

SECTION 7. Any commercial establishment licensed for sale of alcoholic beverages, beer or wine for consumption on the premises is presumed to be selling alcoholic beverages, beer or wine for consumption on the premises.

SECTION 8. In all actions, civil or criminal, for violation of this ordinance, proof that the beverage was an alcoholic beverage, beer or wine may be made by any person who, by experience in the past in the handling or use of alcoholic beverages, beer or wine, or who by taste, smell or the drinking of such liquids, has knowledge of the alcoholic content thereof or the intoxicating effect thereof, may testify as to their opinion whether such beverage is an alcoholic beverage, beer or wine.

(a) The alcoholic content of any beverage, beer or wine

may be shown by hydrometer or gravity test made in or away from the presence of the fact finder by any person who has knowledge of the use of said instrument, but the production of such evidence is optional.

SECTION 9. Any person who violates any section of this Ordinance shall be prosecuted and punished in accordance with the provisions of the Uniform Maximum Penalty Ordinance, Ordinance 1123, enacted on October 6, 1976. The City may bring suit to restrain, enjoin or otherwise prevent the violation of this Ordinance in the Circuit Court of Palm Beach County.

SECTION 10. All Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 11. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

SECTION 12. Specific authority is hereby granted to codify this Ordinance under a new Chapter, Chapter 2 B of the Code of Ordinances.

SECTION 13. This Ordinance shall take effect upon its final passage and adoption by the City Council .

PASSED AND APPROVED on first reading this 5<sup>th</sup> day of March, 1980.

PASSED AND ADOPTED on second and final reading this 7<sup>th</sup> day of May, 1980

Signatures on Page 5

APPROVED:

[Signature]  
Mayor

[Signature]  
Chairman  
[Signature]  
Chairman Pro Tem

( MUNICIPAL SEAL )

[Signature]  
Councilmen  
[Signature]  
Councilmen

ATTEST:

[Signature]  
City Clerk

1ST READING

2ND READING

MOTIONED BY:	<u>Guiden</u>
SECONDED BY:	<u>Lawrence</u>
G. NIKOLITS	<u>Aye</u>
C. GUIDER	<u>Absent</u>
P. BATES	<u>Aye</u>
R. DODD	<u>Aye</u>
C. LAWRENCE	<u>Aye</u>

<u>Guiden</u>
<u>Lawrence</u>
<u>Aye</u>
<u>Aye</u>
<u>Aye</u>
<u>Nay</u>
<u>Aye</u>

AMENDED MOTION BY: Dodd

SECONDED BY: Lawrence

G. NIKOLITS	<u>Aye</u>
C. GUIDER	<u>Nay</u>
P. BATES	<u>Nay</u>
C. LAWRENCE	<u>Nay</u>
R. DODD	<u>Aye</u>

r.

March 6, 1980

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday March 19, 1980 at 7:30 P.M. at the City Hall, 600 West Blue Heron Boulevard and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following Ordinance:

ORDINANCE NO. 2066

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PROHIBITING ANY PERSON OWNING, MAINTAINING, OR OPERATING AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES, BEER OR WINE ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES FROM SUFFERING OR PERMITTING, ON THE PREMISES OF SAID ESTABLISHMENT, THE DISPLAYING OR SIMULATED DISPLAYING OF GENITALS, VULVA, PUBIC AREA, BUTTOCKS, ANUS AND FEMALE BREASTS, PROHIBITING EXPOSURE OR SIMULATED EXPOSURE OF GENITALS, VULVA, PUBIC AREA, BUTTOCKS, ANUS AND FEMALE BREASTS IN ESTABLISHMENTS AT WHICH ALCOHOLIC BEVERAGES, BEER OR WINE ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES; PROVIDING FOR PRESUMPTIONS AND STANDARDS OF PROOF; PROVIDING OF MINGLING AND COMMON OCCUPATION OF BOOTHS WITHIN SUCH ESTABLISHMENTS; PROVIDING PENALTIES, PROVIDING A REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY UNDER A NEW CHAPTER, CHAPTER 2 B OF THE CODE OF ORDINANCES, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

SAID ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT ANY TIME DURING WORKING HOURS IN THE OFFICE OF THE CITY CLERK

Interested parties may appeal at said meeting and be heard with respect to the Ordinance.

BY ORDER OF CITY CLERK

Publish: March 12, 1980

cw

AN EMERGENCY ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA; CITY COUNCIL'S FINDINGS OF FACT AND DECLARATION OF AN EMERGENCY; DECLARING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS OR THE ISSUANCE OF PERMITS FOR THE ERECTION, REPAIR, ALTERATION, RELOCATION OR DISPLAY OF ANY SIGN OR OTHER ADVERTISING STRUCTURE, FOR A PERIOD OF \_\_\_\_\_ DAYS, COMMENCING MARCH 14, 1980; PROVIDING A BOARD OF ADJUSTMENT AND APPEAL TO HEAR APPEALS; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City in furtherance of the health, safety and welfare of its citizens and others desires to regulate advertising and signs within its corporate limits to improve general appearance of the community; and

WHEREAS, the unregulated and competitive signs add to the "visual" pollution affecting health and welfare of the citizens and undermine property values; and

WHEREAS, Chapter 479.155, Florida Statutes grants rights and powers to local governments to establish outdoor advertising and sign ordinances. These rights are granted as general "Police Powers" and as "Zoning" authority. Various components of the Advertising and Sign Code should therefore be included in corresponding sections of the code; and

WHEREAS, the City is in the process of developing a comprehensive Sign and Advertising Ordinance; and

WHEREAS, it is in the best interest of the City during the period of time that the City is preparing and reviewing such comprehensive Sign and Advertising Ordinance for adoption and to hold public hearings thereon, that a Moratorium be enacted prohibiting the Building Department of the City from accepting applications or the issuance of permits for the erection, repair, alteration, relocation or display of any sign or other advertising structure in order to enable the staff to complete comprehensive studies necessary to make final recommendations and hold public hearings pertaining to the matters herein stated;

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

SECTION 1. There is hereby declared to be a Moratorium on the acceptance of applications or the issuance of permits for the erection, repair, alteration, relocation or display of any sign or other advertising structure, for a period of 14 days, commencing March 14, 1980.

ORDINANCE NO. \_\_\_\_\_

SECTION 2. When there are practical difficulties or unnecessary hardships on the strict application of this Moratorium Ordinance, the City Council is hereby designed as a Board of Adjustment and Appeal and any person aggrieved may appeal to such Board of Adjustment and Appeal upon written notice and after a hearing the Board of Adjustment and Appeal may grant such relief as it deems equitable and just in the premises.

SECTION 3. The City Council after consideration, study and deliberation has bound and determined that there exists an emergency that necessitates the immediate enactment of this Emergency Ordinance.

SECTION 4. Any person violating any of the provisions of this Emergency Ordinance, shall upon conviction, be subject to the provisions of the Uniform Maximum Penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

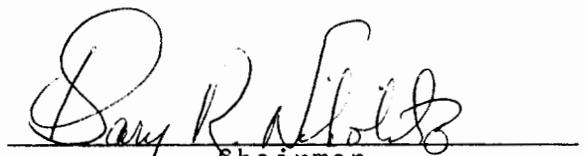
SECTION 5. All Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 6. In the event that any provisions or application of this Emergency Ordinance shall be held invalid, it is the legislative intent that the other provisions and applications hereof shall not be there affected.

PASSED AND ADOPTED as an Emergency Ordinance, this 14<sup>th</sup> day of March, 1980.

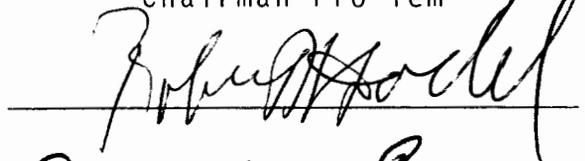
APPROVED:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Chairman Pro Tem

ATTEST:

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Members

# CITY OF RIVIERA BEACH

2214 AVENUE "E" • RIVIERA BEACH, FLORIDA 33404

OFFICE OF  
MAYOR

SPECIAL MEETING OF THE CITY COUNCIL  
HELD FRIDAY, MARCH 14, 1980 AT 5:00 P.M.

THIS IS TO ACKNOWLEDGE THE CERTIFIED MOTION BY COUNCIL-  
MAN GUIDER, SECONDED BY COUNCILMAN DODD TO BE INCORPORATED  
IN EMERGENCY ORDINANCE NO. 2067, REGARDING SIGNS AND  
ADVERTISING.

MOTION WAS MADE BY COUNCILMAN GUIDER, TO IN-  
CORPORATE ON THE BLANK LINE....."IN CONJUNCTION WITH  
THE IMPLEMENTATION OF THE SIGN CODE FOR THE CITY OF  
RIVIERA BEACH", SECONDED BY COUNCILMAN DODD AND PASSED  
UNANIMOUSLY. Those voting : COUNCILMAN GUIDER, DODD,  
LAWRENCE AND NIKOLITS.

STATE OF FLORIDA            )  
COUNTY OF PALM BEACH    )        SS.  
CITY OF RIVIERA BEACH    )

I, BETTY J. BUTLER, CITY CLERK OF THE CITY OF RIVIERA  
BEACH, PALM BEACH COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THIS IS  
A TRUE AND CORRECT COPY OF Ordinance

No. 2067

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED  
THE SEAL OF THE CITY OF RIVIERA BEACH, FLORIDA, THIS THE 18<sup>th</sup>  
DAY OF March, 19 80.

SEAL

Betty J. Butler  
BETTY J. BUTLER

GENERAL PROVISIONS:

1. THE EFFECTIVE DATE OF ANNEXATION SHALL BE 10 DAYS AFTER THE PASSAGE OF ANNEXATION ORDINANCE.
2. BEGINNING THAT DATE MUNICIPAL SERVICES TO THE ANNEXED AREA SHALL BE PROVIDED ON SAME BASIS AS THE REST OF THE CITY.
3. IN COMPLIANCE WITH STATE ANNEXATION LAWS, THE EXISTING ZONING SHALL REMAIN IN FORCE FOR TWO YEARS.
4. THE CITY WILL HONOUR MASTER SITE DEVELOPMENT PLANS PREVIOUSLY APPROVED BY COUNTY
5. ANY FRANCHISE OR OTHER AGREEMENTS IN FORCE AT THE TIME OF ANNEXATION SHALL BE HONOURED UNTIL RENEGOTIATED OR TERMINATED.
6. ALL PREVIOUS AGREEMENTS BETWEEN PROPERTY OWNERS AND THE CITY SHALL REMAIN IN FORCE UNTIL RENEGOTIATED OR TERMINATED.
7. THE RESIDENTS AND BUSINESSMEN SHALL PAY REGULAR UTILITY BILLS WITH NO 25% SURCHARGE AFTER ANNEXATION.
8. ALL PROPOSALS FOR CONSTRUCTION AFTER ANNEXATION SHALL BE REVIEWED BY THE CITY AND PERMITS WILL BE ISSUED BY THE CITY OF RIVIERA BEACH.
9. COST OF PROPOSED CAPITAL IMPROVEMENTS AS/APPROVED MASTER PLANS SHALL BE BORNE BY DEVELOPERS.

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, ACCEPTING PETITION 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 PARCEL IN ACCORDANCE WITH CHAPTER 171, SECTION 171.044 FLORIDA STATUTES 1979, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, in June 1970, the Legislature of the State of Florida by House Bill No. 5263 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, in 1976, City of Riviera Beach, after holding referendum, annexed certain contiguous properties by Ordinance 1101 which extended City corporate limits to westerly right of way line of I-95. Said Ordinance 1101 was later declared null and void by court action and the subject areas was ordered de-annexed, and

WHEREAS, the City of Riviera Beach provided municipal services e.g. water, sewer, police and fire in the de-annexed area from January 1, 1977 to April 1, 1980 at same rate and level of services as rest of the City. City of Riviera Beach also controlled Planning, Zoning, subdivision platting, building permits and occupational licenses in the de-annexed area.

WHEREAS, Mr. Ben C. Holleman, as Chairman for Port Commission, in the de-annexed areas has signed a Voluntary Petition for Annexation (Exhibit A) to City of Riviera Beach of following described land:

Commence at the Southeast corner of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, thence Westerly along the South line of said Section 31 to the point of intersection with the Southerly right-of-way line of the Seaboard Air Line Railroad

right-of-way as laid out and now in use, thence Northwesterly along said Southerly right-of-way line to the point of intersection with a line running parallel to and 300 feet north of the South line of Section 31, Township 42 South, Range 43 East said point being the point of beginning, thence, continue northwesterly along said Southerly right-of-way line of Seaboard Air Line Railroad to its point of intersection with the easterly right-of-way line of I-95 (State Road No. 9), thence South easterly along said easterly right-of-way line of I-95 (State Road No. ()), thence Southeasterly along said easterly right-of-way line of I-95 to the point of interesection with a line parallel to and 420 feet north of the South line of said Section 31, Township 42 South, Range 43 East, thence easterly along said parallel line to the point of intersection with the westerly right-of-way line of Central and Southern Florida Flood Control District Canal C-17, thence Southeasterly along said Westerly right-of-way line to the point of intersection with a line parallel to and 300 feet North of the South line of said Section 31, thence Easterly along said parallel line to the point of beginning, less all that portion of Central and Southern Florida Flood Control District Canal C-17 contained within this parcel.

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

- (a) The petitioner(s) are the owner(s) of the property described therein.
- (b) The petition bears the notarized signatures of owners of property in the area proposed to be annexed.
- (c) The property proposed to be annexed is 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 same level of services as such services are provided within the rest of the municipality.
- (f) Subject parcel is presently zoned IL (Light Industries) and is being developed as such.
- (g) This Ordinance is being initiated by the City of Riviera Beach, Florida, under Section 171.044 Voluntary Petition, F.S. 1979.

NOW, THEREFORE, BE 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, hereby declares its intent and desire to extend its municipal boundaries to include above described land after the approval of this Ordinance on second and final reading. (See Exhibit A)

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 its passage and adoption, and the annexation shall become effective ten (10) days thereafter.

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 Ordinance 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 other 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: Palm Beach County Zoning classification IL (Light Industries) shall remain applicable to subject parcel upon effective date of the annexation until two (2) year limitation has expired.

SECTION 8: The corporate limits of the City of Riviera Beach shall be redefined to include subject parcel of land within 30 days from effective date of this Ordinance.

PASSED AND APPROVED on first reading this 2nd day of April, 1980.

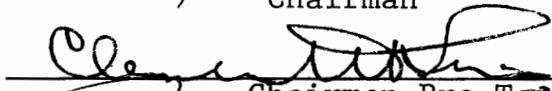
PASSED AND ADOPTED on second and final reading this 21st day of May, 1980.

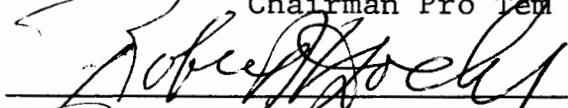
APPROVED:

  
\_\_\_\_\_  
Mayor

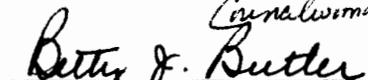
  
\_\_\_\_\_  
Chairman

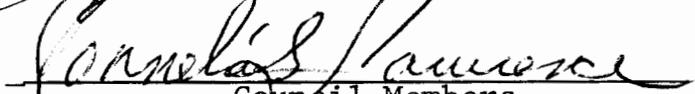
ATTEST:  
Motioned by Guider  
Seconded by Nodd  
Councilman Guider - Aye  
Councilman Nodd - Aye  
Councilman Laurena - Aye  
Councilman Nikelto - Aye  
Councilwoman - Bates - Aye

  
\_\_\_\_\_  
Chairman Pro Tem

  
\_\_\_\_\_  
Council Member

  
\_\_\_\_\_  
Council Member

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Council Members

PETITION  
AND  
AFFIDAVIT  
FOR  
VOLUNTARY ANNEXATION

STATE OF FLORIDA            )  
  ) SS  
COUNTY OF PALM BEACH    )

Before me, the undersigned authority personally appeared

C. Ben Holleman, Chairman, who being first duly sworn, on  
(Title, Corporate Officer)

oath deposes and says:

1. That Port of Palm Beach District the fee simple own-  
(Name of Corporation)

er of the following described property, to wit: (Give legal description  
of property to be annexed and indicate same on attached map):

31-42-43-FRS-Marked-Par--A-&-B-In-OR655P444-LYG-S-of-SAL-RR-R/W-  
In-S-1/2-(Less-Congress-Ave--&-SR-9-R/WS)-

SEE EXHIBIT A

(Attach if insufficient  
space)

2. That said corporation desires annexation of said property to  
the City of Riviera Beach, Palm Beach County, Florida.

3. That said corporation has appointed C. Ben Holleman  
(Name of Agent)

to act as agent in its behalf to accomplish the above.

PORT OF PALM BEACH DISTRICT (Seal)  
(Name of Corporation)

By C. Ben Holleman  
(Title, Corporate Officer)

C. Ben Holleman, Chairman  
Board of Commissioners

test:

Stanley Weiss  
(Secretary)

RECEIVED

APR - 3 1980

PLANNING & ENGINEERING DEPT.

STATE OF FLORIDA )  
COUNTY OF PALM BEACH ) SS.  
CITY OF RIVIERA BEACH )

Before me personally appeared Charmond C Bent  
(Title Corporate  
Hallenman of Board of Commissioners, Port  
Officer) (Name of Corporation)  
of Palm Beach District and known to me to be the person de-  
scribed in and who executed the foregoing Petition and Affidavit  
for Voluntary Annexation and acknowledged before me that said  
instrument is the free act and deed of said corporation executed  
by said officer for the uses and purposes therein mentioned; that  
the seal thereunto attached is the corporate seal of the corporation;  
all under the authority vested in said officer by the Board of  
Directors of said corporation. Witness my hand and official seal  
this 30th day of March, 1980.

Arlette L. Moore  
Notary Public

My commission expires:

**NOTARY PUBLIC STATE OF FLORIDA AT LARGE**  
**MY COMMISSION EXPIRES JULY 29 1982**  
**BONDED THRU GENERAL INS. UNDERWRITERS**

EXHIBIT "A"

Commence at the Southeast corner of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, thence Westerly along the South line of said Section 31 to the point of intersection with the Southerly right-of-way line of the Seaboard Air Line Railroad right-of-way as laid out and now in use, thence Northwesterly along said Southerly right-of-way line to the point of intersection with a line running parallel to and 300 feet north of the South line of Section 31, Township 42 South, Range 43 East said point being the point of beginning, thence, continue northwesterly along said Southerly right-of-way line of Seaboard Air Line Railroad to its point of intersection with the easterly right-of-way line of I-95 (State Road No. 9), thence Southeasterly along said easterly right-of-way line of I-95 (State Road No. 9), thence Southeasterly along said easterly right-of-way line of I-95 to the point of intersection with a line parallel to and 420 feet north of the South line of said Section 31, Township 42 South, Range 43 East, thence easterly along said parallel line to the point of intersection with the westerly right-of-way line of Central and Southern Florida Flood Control District Canal C-17, thence Southeasterly along said Westerly right-of-way line to the point of intersection with a line parallel to and 300 feet North of the South line of said Section 31, thence Easterly along said parallel line to the point of beginning, less all that portion of Central and Southern Florida Flood Control District Canal C-17 contained within this parcel.

RECEIVED

APR - 9 1980

PLANNING & ENGINEERING DEPT.

CITY OF RIVIERA BEACH

VOLUNTARY ANNEXATION REPORT

DATE PETITION FILED: April 2, 1980

NAME OF OWNER: Ben C. Holleman, as Chairman for Port Commission

DESCRIPTION OF PROPERTY: South and West of S. A. L. Railroad, East of I-95,  
and North of F. P. & L. Transmission Lines.

COMMENTS & CONCERNS FOR MUNICIPAL SERVICES:

DEVELOPMENTAL:

The property is zoned IL (Light Industries) by County Zoning Map and has a pond which occupies the eastern portion (east of C-17 Canal). Access to the buildable area shall be studied with the Port when development plans are presented for review.

UTILITIES

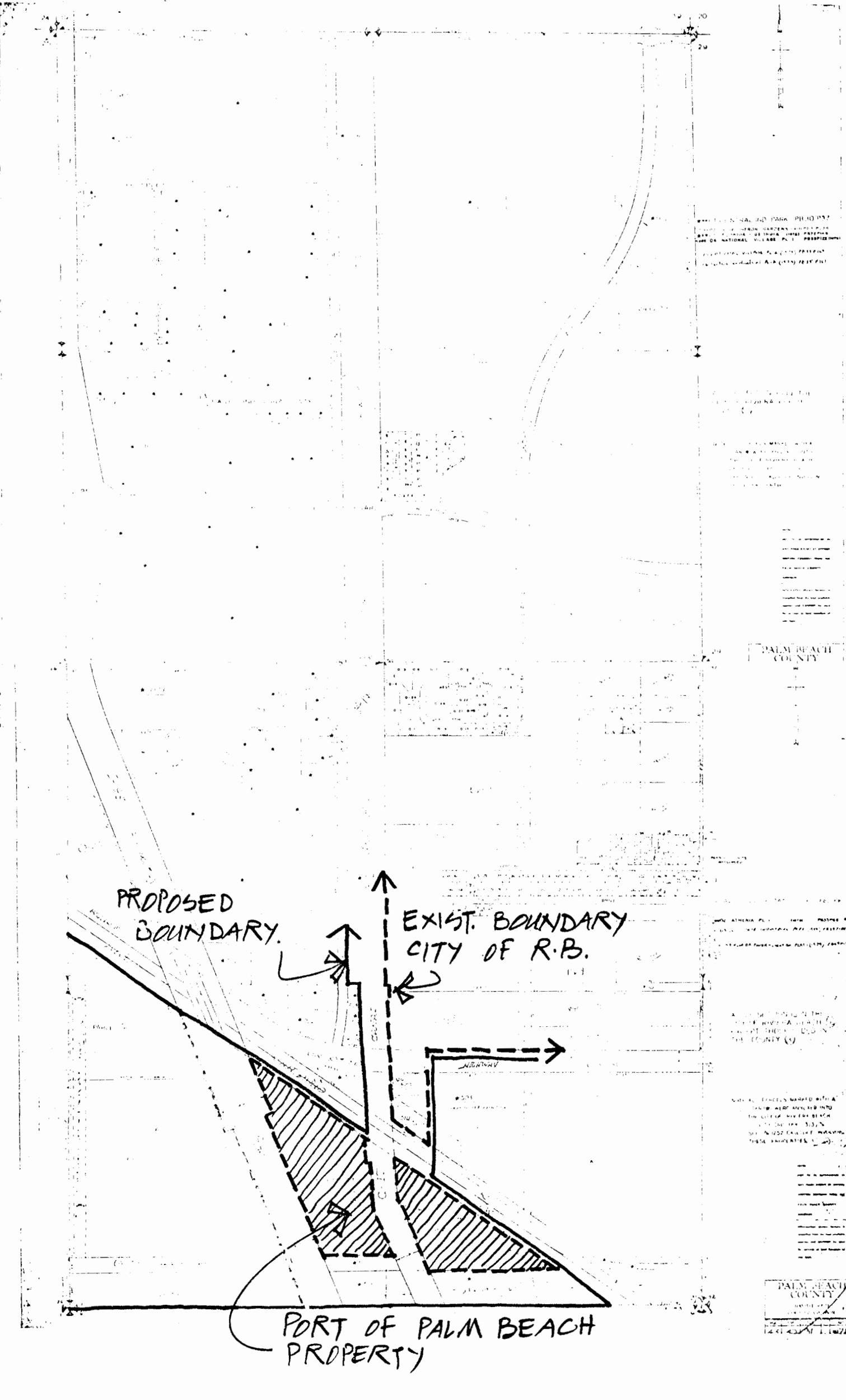
There are water and sewer mains in the general vicinity of the property and the City has the capacity to service future development at the site.

PUBLIC SAFETY:

Subject property has been furnished with City Fire and Police Protection since January 1, 1977 and same services shall continue to be provided after annexation.

BENEFITS TO CITY:

The property fills the gap between the main City and the portion west of I-95 (F. P. & L., Port West Blvd., and Lone Pine Estates) which was created by Court Order (de-annexation). It also makes the area more compatible for delivery of City Services.



PROPOSED  
BOUNDARY.

EXIST. BOUNDARY  
CITY OF R.B.

PORT OF PALM BEACH  
PROPERTY

NATIONAL VILLAGE PLANNING  
CORPORATION  
1000 S. PALM BEACH BLVD.  
PALM BEACH, FLORIDA 33480

PALM BEACH  
COUNTY

ALL LOTS WITHIN THE  
CITY OF RIVERA BEACH  
COUNTY (Y)

SEVERAL LOTS MARKED WITH A  
STAR WERE REVERTED INTO  
THE CITY OF RIVERA BEACH  
COUNTY (Y)

PALM BEACH  
COUNTY

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, ACCEPTING PETITION 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 PARCEL IN ACCORDANCE WITH CHAPTER 171, SECTION 171.044 FLORIDA STATUTES 1979, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, in June 1970, the Legislature of the State of Florida by House Bill No. 5263 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, in 1976, City of Riviera Beach, after holding referendum, annexed certain contiguous properties by Ordinance 1101 which extended City corporate limits to westerly right of way line of I-95. Said Ordinance 1101 was later declared null and void by court action and the subject areas was ordered de-annexed, and

WHEREAS, the City of Riviera Beach provided municipal services e.g. water, sewer, police and fire in the de-annexed area from January 1, 1977 to April 1, 1980 at same rate and level of services as rest of the City. City of Riviera Beach also controlled Planning, Zoning, subdivision platting, building permits and occupational licenses in the de-annexed area.

WHEREAS, Ferdoss Pulling, Secretary-Treasurer, Big "H" & Sons Building Supplies, Inc. in the de-annexed areas has signed a Voluntary Petition for Annexation (Exhibit A) to City of Riviera Beach of following

described land:

Commencing at the Southeast Corner of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, thence Westerly along the South line of said Section 31, to the point of intersection with the Northerly Right of Way line of the Seaboard Airline Railroad Right of Way as laid out and now in use, thence Northwesterly along said Northern Right of Way line to the point of intersection with the proposed center line of Congress Avenue Right of Way, thence North to the point of intersection with a line parallel to and 50 feet North of the Northerly Right of Way line of the Seaboard Airline Railroad Right of Way, said point being the point of beginning, thence Northerly along said proposed center line a distance of 1117.10 feet to the point of intersection with the southerly Right of Way line of State Road No. 710 (Port Road), thence westerly along said Southerly Right of Way line a distance of 807.69 feet to a point, thence Southerly at a right angle to the preceding course to the point of intersection with a line parallel to and 50 feet North of the Northerly Right of Way line of the Seaboard Airline Railroad Right of Way, thence Southeasterly along said parallel line to the point of beginning.

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

- (a) The petitioner(s) are the owner(s) of the property described therein.
- (b) The petition bears the notarized signatures of owners of property in the area proposed to be annexed.
- (c) The property proposed to be annexed is 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 same level of services as such services are provided within the rest of the municipality.
- (f) Subject parcel is presently zoned IL (Light Industries) and is being developed as such.
- (g) This Ordinance is being initiated by the City of Riviera Beach, Florida, under Section 171.044 Voluntary Petition, F.S. 1979.

NOW, THEREFORE, BE 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,

hereby declares its intent and desire to extend its municipal boundaries to include above described land after the approval of this Ordinance on second and final reading. (See Exhibit A)

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 its passage and adoption, and the annexation shall become effective ten (10) days thereafter.

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 be 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 other 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: Palm Beach County Zoning classification IL (Light Industries) shall remain applicable to subject parcel upon effective date of the annexation until two (2) year limitation has expired.

SECTION 8: The corporate limits of the City of Riviera Beach shall be redefined to include subject parcel of land within 30 days from effective date of this Ordinance.



STATE OF FLORIDA )  
COUNTY OF PALM BEACH ) SS.  
CITY OF RIVIERA BEACH )

Before me personally appeared FERDOSS PULLING  
Secy TREAS (Title Corporate  
Officer) of BIG H & SONS BROS SUP INC  
(Name of Corporation)

\_\_\_\_\_, and known to me to be the person de-  
scribed in and who executed the foregoing Petition and Affidavit  
for Voluntary Annexation and acknowledged before me that said  
instrument is the free act and deed of said corporation executed  
by said officer for the uses and purposes therein mentioned; that  
the seal thereunto attached is the corporate seal of the corporation;  
all under the authority vested in said officer by the Board of  
Directors of said corporation. Witness my hand and official seal  
this 2 day of APRIL, 1980.



\_\_\_\_\_  
Notary Public

My commission expires:

**NOTARY PUBLIC STATE OF FLORIDA AT LARGE**  
**MY COMMISSION EXPIRES JAN. 17 1981**  
**BONDED THRU GENERAL INS. UNDERWRITERS**

GENERAL PROVISIONS:

1. THE EFFECTIVE DATE OF ANNEXATION SHALL BE 10 DAYS AFTER THE PASSAGE OF ANNEXATION ORDINANCE.
2. BEGINNING THAT DATE MUNICIPAL SERVICES TO THE ANNEXED AREA SHALL BE PROVIDED ON SAME BASIS AS THE REST OF THE CITY.
3. IN COMPLIANCE WITH STATE ANNEXATION LAWS, THE EXISTING ZONING SHALL REMAIN IN FORCE FOR TWO YEARS.
4. THE CITY WILL HONOUR MASTER SITE DEVELOPMENT PLANS PREVIOUSLY APPROVED BY COUNTY
5. ANY FRANCHISE OR OTHER AGREEMENTS IN FORCE AT THE TIME OF ANNEXATION SHALL BE HONOURED UNTIL RENEGOTIATED OR TERMINATED.
6. ALL PREVIOUS AGREEMENTS BETWEEN PROPERTY OWNERS AND THE CITY SHALL REMAIN IN FORCE UNTIL RENEGOTIATED OR TERMINATED.
7. THE RESIDENTS AND BUSINESSMEN SHALL PAY REGULAR UTILITY BILLS WITH NO 25% SURCHARGE AFTER ANNEXATION.
8. ALL PROPOSALS FOR CONSTRUCTION AFTER ANNEXATION SHALL BE REVIEWED BY THE CITY AND PERMITS WILL BE ISSUED BY THE CITY OF RIVIERA BEACH.
9. COST OF PROPOSED CAPITAL IMPROVEMENTS AS/APPROVED MASTER PLANS SHALL BE BORNE BY DEVELOPERS.

This property described as:

A parcel of land lying and being in the Southeast One-Quarter (SE $\frac{1}{4}$ ) of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, and more particularly described as follows:

Commencing at the Southeast corner of said Section 31; thence North 2° - 42' - 20" East, along the East line of said Section 31, a distance of 400.01 feet to a point on a line lying 400.00 feet North of, when measured at right angles and parallel with the South line of said line of said Section 31; thence North 87° - 40' - 02" West, along the said parallel line, a distance of 840.95 feet to a point on a line 50.00 feet Northeasterly of, when measured at right angles, and parallel with the Northeasterly right of way line of the Seaboard Coastline Railroad; thence North 53° - 18' - 58" West, along the said parallel line, a distance of 789.13 feet to a point on a line 1495.32 feet West of, when measured at right angles, and parallel with the East line of said Section 31 and the point of beginning of the parcel to be herein described; thence North 2° - 42' - 20" East, along the said parallel line, a distance of 1117.10 feet, more or less, to a point on the South right of way line of State Road No. 710, as recorded in Road Plat Book 3, pages 151-160, inclusive, in and for the Public Records of Palm Beach County, Florida, and more particularly described in O.R.B. 908, page 1001; thence North 87° - 39' - 12" West, along the said South right of way line, a distance of 807.69 feet to a point 195 feet Easterly of the point of curvature of a curve in the South right of way line of S.R. 710, also being the Easterly line of that certain property deeded to the 84 Lumber Co. by deed dated February 25, 1975; thence South 2° - 20' - 48" West, along said Easterly line, a distance of 570.12 feet more or less to a point on said line parallel with and 50 feet Northeasterly from, measured at right angles to, the Northeasterly right of way line of the seaboard coastline railroad; thence South 53° - 18' - 58" East, along said parallel line, a distance of 969.67 feet to the point of beginning.

PROPERTY OF: Big H. & Sons Building Supplies, Inc.,

I HEREBY CERTIFY that the survey represented hereon meets the minimum requirements adopted by the F.S.P.L.S. and the F.L.T.A. and there are not encroachments, overlaps, easements appearing on the plat or visible easements other than as shown hereon.

*Rouven H. Jones*  
FL. Reg. Surveyor No. 2243  
FL. Reg. Engineer No.

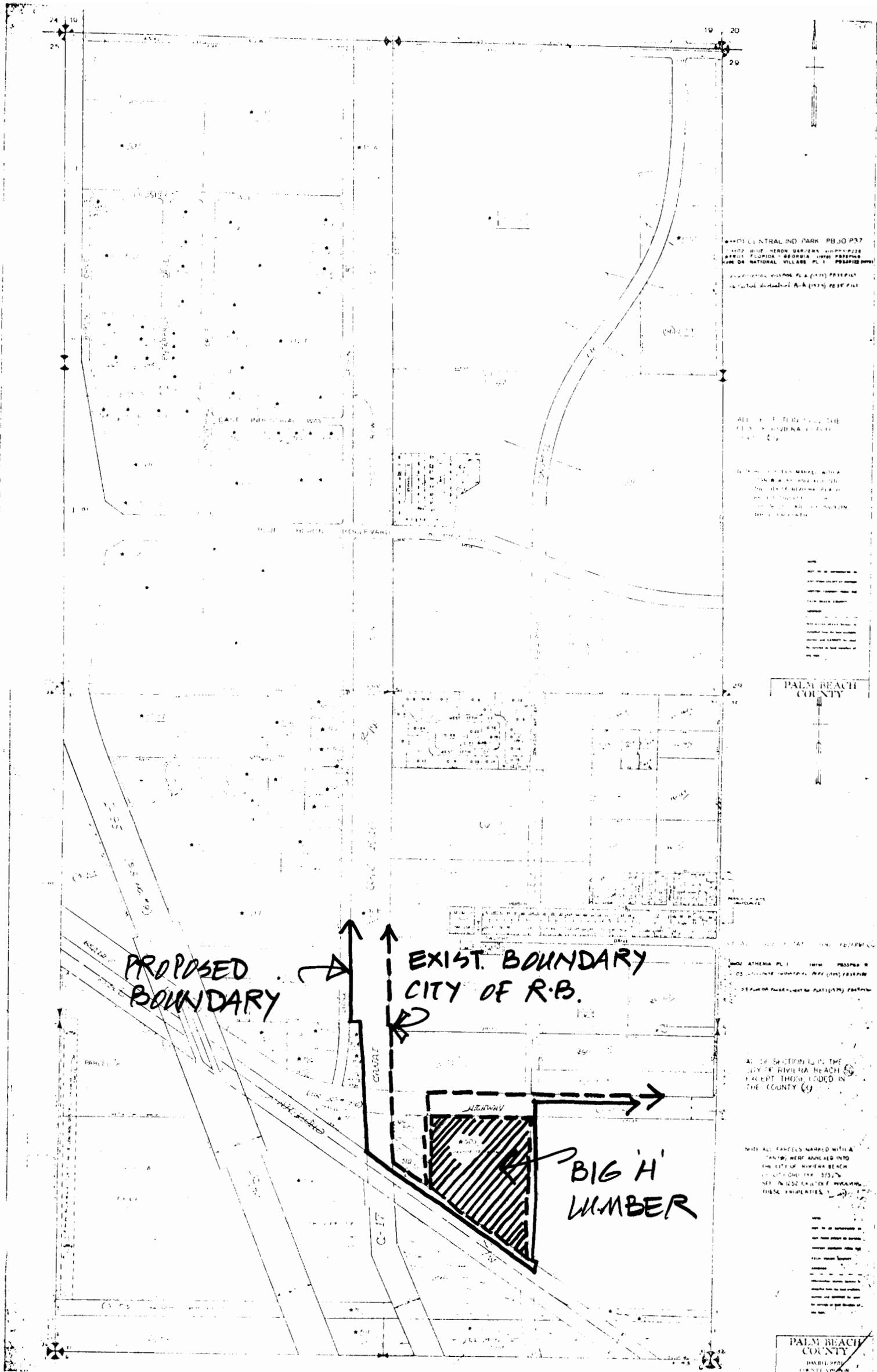
LANNES and GARCIA, INC.

ENGINEERS - LAND SURVEYORS - LAND PLANNERS

P. O. Box 561131  
Miami, Florida 33156

DATE 2-11-80	SCALE —	DRAWN BY —	DRWG. NO. 180-751
-----------------	------------	---------------	----------------------





\*\*\*CENTRAL IND PARK PB 30 P37  
 1902 BLUE HERON GARDENS 1911 P228  
 1901 FLORIDA - GEORGIA 1911 P228  
 1904 NATIONAL VILLAGE PL. 1 P2812 1904  
 1904 NATIONAL VILLAGE PL. 2 (1911) P2812  
 1904 NATIONAL VILLAGE PL. 3 (1911) P2812

ALL OF SECTION 19 IS THE  
 CITY OF RIVIERA BEACH

WITH ALL PARCELS MARKED WITH A  
 (A) WERE ANNEXED INTO  
 THE CITY OF RIVIERA BEACH  
 ON 11/1/1978 BY RESOLUTION  
 1978-10-11 ALL OTHER PARCELS  
 REMAIN IN THE COUNTY

PALM BEACH COUNTY

1904 ATHENA PL. 1 1911 P2812  
 1904 ATHENA PL. 2 (1911) P2812  
 1904 ATHENA PL. 3 (1911) P2812

ALL OF SECTION 19 IS THE  
 CITY OF RIVIERA BEACH  
 EXCEPT THOSE CODED IN  
 THE COUNTY (C)

WITH ALL PARCELS MARKED WITH A  
 (A) WERE ANNEXED INTO  
 THE CITY OF RIVIERA BEACH  
 ON 11/1/1978 BY RESOLUTION  
 1978-10-11 ALL OTHER PARCELS  
 REMAIN IN THE COUNTY

PALM BEACH COUNTY  
 DANIEL P. ...  
 1978-10-11

PROPOSED BOUNDARY

EXIST. BOUNDARY CITY OF R.B.

BIG H' LUMBER

CITY OF RIVIERA BEACH

VOLUNTARY ANNEXATION REPORT

DATE PETITION FILED: April 2, 1980

NAME OF OWNER: Ferdoss Pulling, Secretary-Treasurer

DESCRIPTION: South of Port Road, North of SAL Railroad, East of  
84 Lumber and West of Proposed Congress Avenue.

COMMENTS & CONCERNS FOR MUNICIPAL SERVICES:

DEVELOPMENTAL:

The property has been with the City since January 1, 1977 for planning and development considerations. Big H Lumber Company is proposing to build a lumber and building supply store at the site which will be compatible with 84 Lumber to the West of the property. Property is zoned IL (Light Industry) under County's zoning map.

UTILITIES:

Neighboring property 84 Lumber already has city water and sewer and no problem is anticipated in servicing this property.

Garbage and trash service shall also be made available when the facility has been constructed.

PUBLIC SAFETY:

Fire and Police service has been available to the property since January 1, 1977 and no problem is anticipated in continuing that service at same level as rest of the City.

BENEFITS TO CITY:

This property helps in consolidation of municipal boundaries and compaction of service area for efficient delivery of full municipal services. Upon development, the revenues generated are anticipated to outweigh the cost of providing City services.

PASSED AND APPROVED on first reading this 2nd day of April, 1980.

PASSED AND ADOPTED ON second and final reading this 2/01 day of May, 1980.

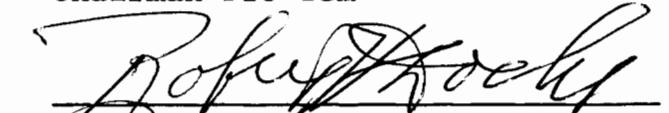
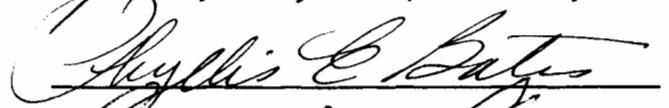
APPROVED:

  
Mayor

  
Chairman

  
Chairman Pro Tem

ATTEST:

  
  
  
Council Members

  
City Clerk

Motined by: Dodd  
Secoded by: Laurence  
Councilman Dodd - Aye  
Councilman Guider - Aye  
Councilman Laurence - Aye  
Councilman Nikelits - Aye  
Councilwoman Bates - Aye

# CITY OF RIVIERA BEACH

600 WEST BUILTON BLVD • RIVIERA BEACH, FLORIDA 33404

OFFICE OF  
CITY CLERK

April 8, 1980

Palm Beach Post Times  
2751 S Dixie Highway  
West Palm Beach, FL 33405

ATTENTION: LEGAL NOTICES

Please publish the enclosed six (6) Ordinances, #2068, 2069, 2070, 2071, 2072, 2073, and map on Monday, April 14, 21, 28 and May 5 in their entirety and bill the City of Riviera Beach for same.

Thank you,

*Betty J. Butler*

Betty J. Butler, City Clerk  
CITY OF RIVIERA BEACH

BJB/gmd

Enclosures: