

ORDINANCE NO. 2944

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, DIVISION 25 ENTITLED "RESORT HOTEL DISTRICT" SECTION 31-526 ENTITLED "PURPOSE", SECTION 31-527 ENTITLED "DEFINITIONS", SECTION 31-528 ENTITLED "USE REGULATIONS", SECTION 31-529 ENTITLED "PROPERTY DEVELOPMENT STANDARDS", SECTION 31-530 ENTITLED "PARKING", SECTION 31-531 ENTITLED "LANDSCAPING", SECTION 31-532 ENTITLED "SITE PLAN REVIEW", SECTION 31-533 ENTITLED "PROPERTY WITHIN THE COMMUNITY REDEVELOPMENT AREA" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

**WHEREAS**, on September 4, 2002, the City Council adopted the Resort Hotel zoning regulations; and

**WHEREAS**, on October 16, 2002, the City Council adopted a resolution declaring a "zoning in progress" for all Resort Hotel parcels except the recently approved Island Spa Hotel development for the purpose of reviewing the Zoning District; and

**WHEREAS**, on February 10, 2003, the City of Rivera Beach Staff held a public information meeting regarding the amendments to the Resort Hotel Zoning District, and receive public comments; and

**WHEREAS**, on February 27, 2003, the Planning and Zoning Board held a public meeting to consider the amendments to the Resort Hotel Zoning District, and to receive public comments; and

**WHEREAS**, on April 10, 2003, the Planning and Zoning Board held a public hearing to consider the amendments to the Resort Hotel Zoning District, to receive public comments, and provided a recommendation to the City Council.

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

Section 1. Chapter 31, Sections 31-526 through 31-533 of the City of Riviera Beach Code of Ordinances is hereby amended as follows:

**DIVISION 25. RH: RESORT HOTEL DISTRICT**

**Sec. 31-526. Purpose.**

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

**Sec. 31-527. Definitions.**

(a) ~~Resort Hotel: May have meeting room facilities, a restaurant open to the public, and each resort suite or each resort unit may be individually owned and/or offered for hotel rental or timeshare purposes.~~

A facility licensed by the State of Florida offering transient lodging accommodations for the general public for a fee and which may include restaurants, meeting rooms, entertainment and recreational facilities. All suites and rooms shall have maid service provided by the establishment; be fully furnished; and be served by a central switchboard telephone system. No permanent residential uses are permitted, all suites and/or rooms must be offered for use as transient lodging accommodations for the general public during each year.

(b) ~~Resort Hotel Suite: A Resort Hotel Suite shall be two resort units each having a door directly accessible to the common area hallway and may have an interior door connecting both resort units. A resort suite may include a kitchen facility and have multiple bedrooms. An area within an establishment licensed as a hotel or motel by the State of Florida, which area provides a sleeping accommodation and one kitchen or cooking facility for the use of one or more transient guests registered under one entry with the establishment. A resort hotel suite shall consist of a minimum floor area of 450 square feet (exclusive of bathroom, closet and balcony areas), and is permitted a maximum of two bedrooms. A Resort Hotel Suite shall have only one door directly accessible to the common area hallway.~~

(c) ~~Resort Unit-Hotel Room: A resort hotel unit may include kitchen facilities and have multiple bedrooms. A resort hotel unit is synonymous with the term "room". A room for the use of transient guests registered under one entry with the establishment. A resort hotel room shall consist of a minimum floor area of 120 square feet (exclusive of bathroom, closet and balcony areas), and is permitted a maximum of one bedroom.~~

No kitchen or cooking facilities are permitted in a resort hotel room. A Resort Hotel Room shall have only one door directly accessible to the common area hallway.

(d) **High-rise structure:** Any part of a structure three stories in height or more.

**Sec. 31-528. Use regulations.**

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

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

(b) Uses prohibited. No commercial use building or structure, ~~except that which provides for access to the public beach~~ shall be permitted east of the 1979 Coastal Construction Control setback line, except dune walkovers, ramps or other similar structures whose sole purpose is to provide beach access.

**Sec. 31-529. Property development standards.**

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

- (1) ~~Minimum/maximum~~ Density:
  - a. Multifamily dwellings, ~~condominiums:~~ base minimum permitted density shall be 17 dwelling units per acre; When the Minority Employment and Affordable Housing Opportunity Plan bonus provision is used, the maximum permitted density shall be 20 residential dwelling units per acre. including the density bonus referred to in subsection (2) of this section.
  - b. The base density for hotels, motels and resort hotels shall be 30 Resort Hotel Suites per acre, 60 Resort Hotel Rooms ~~units~~ per acre. When the Minority Employment and Affordable Housing Opportunity Plan bonus provision is used, the maximum permitted density for hotels, motels and resort hotels shall be 40 Resort Hotel Suites per acre, 80

Resort Hotel Rooms ~~units~~ per acre.

- (2) Bonus density: the bonus density shall be as established in the Minority Employment and Affordable Housing Opportunities Plan Chapter of the Land Development Code.
- (3) Density Calculation:
  - a. Density shall be calculated based on 100% of the total area of the site.
  - ~~b. Total area of wetlands, marshes and lagoons, etc., shall not be computed for gross density purposes.~~
  - b. No area of submerged land on Lake Worth shall be computed for gross density purposes.
- (4) Maximum building height: 20 stories or 200 feet, excluding mechanical facilities, ornamental towers and antennas, which shall not exceed twenty feet in additional height.
- (5) Minimum building setbacks:
  - a. Front:
    1. ~~Main~~ All structures three stories or more in height ~~more than two stories in height~~, 100 feet.
    2. ~~Main~~ All structures two stories or less in height, 50 feet.
    3. ~~Accessory structures, e.g., parking garages, recreational decks, boiler and generator rooms, etc., 50 feet. For properties on Lake Worth, the front yard shall be 30 feet. This regulation does not apply to~~ Ornamental walls and gatehouses, which shall be set back a minimum of five 15 feet from the front property line.
  - b. Side:
    1. ~~Ten percent of the lot width or 20 feet, whichever is greater, shall be maintained for all structures excluding accessory structures recreation decks two stories or less which may be setback 20 feet provided they do not exceed 12 feet in height,~~
    2. ~~The accessory structures, e.g., parking garages, recreational decks, boiler and generator rooms, etc., which are two stories or less shall be set back a minimum of 20 feet.~~
  - ~~c. Rear: 15 percent of the lot depth, but not to exceed 100 feet.~~
  - c. Ocean: The 1979 Coastal Construction Control Line or 25 feet from the

crest of the dune, which ever is greater.

- d. High-rise setback: all buildings in excess of two stories shall provide two feet additional setback from each property line (with exception of ocean side setback line) for each additional story of height.
- (6) Maximum ~~let~~ Impervious coverage: ~~50~~ 70 percent of ~~aggregate~~ site area as computed in subsection (3,a) of this section, for all structures inclusive of accessory structures, i.e., parking garages, recreational decks, boiler and generator rooms, etc.
- (7) Maximum north/south building width: ~~140~~ 120 feet for ~~main~~ high-rise structures. ~~For the purposes of this regulation, all structures 10 three stories or less in height shall not be considered as part of the a main high-rise building.~~
- (8) Maximum east/west building width: 200 feet for each high-rise structure.
- (9) Distance Between High-rise Structures: 100 feet for ~~main~~ high-rise buildings. ~~in excess of 10 stories~~
- (10) Minimum recreation facilities and amenities:
- a. Outdoor: one swimming pool, one regulation tennis court and designated area for sunning, picnics, etc., for occupants of project.
  - b. Indoor: one multipurpose room for parties, games or group assembly; one exercise room or sauna.
- (11) Floor Area Ratio: The Floor Area Ratio shall not exceed 2.0

**Sec. 31-530. Parking.**

- (a) The required off-street parking requirements for an RH zoning district should conform to section 31-566 et seq., Resort Hotel Suites shall provide 1.5 parking spaces per suite.
- (b) Seventy-five percent of all required parking shall be placed under a permanent structure in a manner to effectively conceal such parking facility from the public right-of-way by landscaping and other means.
- (c) For bonus, see Minority Employment and Affordable Housing Opportunity Plan regulations Chapter.
- (d) The maximum height for a Parking Garage shall be sixty feet.
- (e) Parking Garages shall be concealed from S.R. 703 (A1A) using buffer landscaping and utilizing façade treatments which blend the parking garage

structure with the main high-rise structures.

**Sec. 31-531. Landscaping.**

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

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

**Sec. 31-532. Site plan review.**

A site plan review shall be required for all development within the RH zoning district. Notice of all site plan reviews shall be given to all property owners within 300 feet of the subject property and a notification sign shall be posted on the property at least 10 days before said review.

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

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

Section 2. The City confirms the continued validity of any approvals granted under the prior RH Zoning Ordinance and RH Zoning District and confirms that the previously approved projects under such prior Ordinance and District are not subject to the provisions of the new RH Zoning Ordinance or new RH Zoning District.

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

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

Section 6. Specific authority is hereby granted to codify this Ordinance.

Section 7. This Ordinance shall take effect 10 days after adoption.

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

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

APPROVED:

[Signature]

MICHAEL D. BROWN,  
MAYOR

[Signature]

DAVID G. SCHNYER,  
CHAIRPERSON

[MUNICIPAL SEAL]

[Signature]

SYLVIA LEE BLUE,  
CHAIR PRO-TEM

[Signature]

DONALD R. WILSON  
COUNCILPERSON

ATTEST:

[Signature]

CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

[Signature]

ELIZABETH "LIZ" WADE  
COUNCILPERSON

[Signature]

ANN ILES  
COUNCILPERSON

1st Reading

2nd & Final Reading

MOTIONED BY:

E. Wade

D. Wilson

SECONDED BY:

D. Wilson

E. Wade

D. SCHNYER

aye

aye

S. BLUE

aye

aye

D. WILSON

aye

aye

E. WADE

aye

aye

A. ILES

aye

aye

Reviewed as to legal sufficiency

[Signature]

PAMALA HANNA RYAN, CITY ATTORNEY

Date: 10/7/03

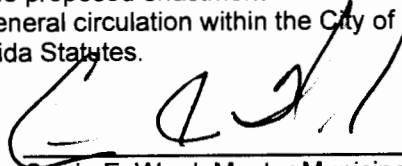


**CERTIFICATION OF PUBLICATION**

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

November 5, 2003

Date



Carrie E. Ward, Master Municipal Clerk  
City Clerk

ORDINANCE NO. 2945

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, LICENSES AND BUSINESS REGULATIONS, ARTICLE V, SECTION 10-131 ENTITLED "DEFINITIONS"; SECTION 10-150 ENTITLED "CLASSIFICATIONS AND RATE STRUCTURE"; AND ADDING SECTION 10-154 ENTITLED "TERMINATION OF LICENSES UPON BANKRUPTCY" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

**WHEREAS**, Florida Statutes Chapter 205, gives municipalities the authority to increase occupational license fees every other year up to five percent (5%); and

**WHEREAS**, The last time the City Council increased its occupational license fees was in 1996 by Ordinance No. 2711; and

**WHEREAS**, It is fiscally responsible for the City of Riviera Beach to increase these fees to be comparable to Occupational License fees in other municipalities.

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

Section 1. Chapter 10, Section 10-131 entitled "Definitions" of the City of Riviera Beach Licenses and Business Regulations is hereby amended to include the following terms:

Section 10-131. Definitions.

\* \* \*

**Merchandise** means any goods, wares, commodities, and items more specifically enumerated herein below, bought or sold in the usual course of business or trade.

**Merchant** means any person engaged in the business of selling merchandise at retail or wholesale.

\* \* \*

**Retail merchant** means any merchant who sells to the consumer or for any purpose other than resale, except sales to manufacturers and sales to the United

States government, the State, or any political subdivision of either of them, shall be considered wholesale sales.

**Sale** means the transfer of ownership, title, or possession, transfer, exchange, or barter, whether conditional or otherwise, for a consideration.

**Stock of merchandise** means the full cash value of merchandise or goods on hand for the applicant's fiscal year, and not the amount of capital stock invested in the business.

\* \* \*

**Wholesale merchant** means any merchant who sells to another for the purpose of resale.

Section 2. Chapter 10, Section 10-150 entitled "Classification and rate structure" of the City of Riviera Beach Licenses and Business Regulations is hereby amended as follows: (This section shall not be codified due to the length and context of the section, but shall be placed on reserve in the City Clerk's Office.)

### Occupational License Fee Schedule

<b>Contractors</b>	<u>current fee</u>	<u>5 % increase</u>	<u>new fee</u>
(1) Electrical- general builder, sub building & specialty plumbing, gas or steam fitting			
1 to 6 employees	\$175.00	\$ 8.75	\$ 183.75
7 to 10 employees	\$ 216.00	\$ 10.80	\$ 226.80
11 to 15 employees	\$ 340.00	\$ 17.00	\$ 357.00
16 to 20 employees	\$ 422.50	\$ 21.13	\$ 443.63
over 20 employees	\$ 533.05	\$ 26.65	\$ 559.70
	\$175.00	\$ 8.75	\$ 183.75
(2) Specialty contractors- any sub contractor or specialty contractor, including installer or construction service provider not covered in (1) above	\$ 98.00	\$ 4.90	\$ 102.90
<b>Manufacturing, Repair shops or machine shops</b>	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
not exceeding 4 persons	\$ 65.00	\$ 3.25	\$ 68.25
not exceeding 6 persons	\$ 68.00	\$ 4.90	\$ 72.90
more than 7 not exceeding 10	\$175.00	\$ 8.75	\$ 183.75
more than 10 not exceeding 20	\$ 216.25	\$ 10.81	\$ 227.06
more than 20	\$ 340.00	\$ 17.00	\$ 357.00
<b>Transportation</b>			
(a) mobile service for hauling of retail, or wholesale goods	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
one vehicle	\$ 131.00	\$ 6.55	\$ 137.55

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each additional vehicle	\$ 120.00	\$ 6.00	\$ 126.00
maximum	\$ 731.00	\$ 36.55	\$ 767.55

(b) Vehicles for hire includes taxis, limo's, para-transit buses and jitney's each ( for base office refer to professional offices/services fee)

	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
first vehicle	\$ 131.00	\$ 6.55	\$ 137.55
each additional vehicle	\$ 120.00	\$ 6.00	\$ 126.00

**For retail and wholesale sales merchants, druggist, storekeepers, or others selling goods at retail or wholesale**

<b>Inventory value for retail and wholesale</b>	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
for the first 10,000 of inventory or fraction thereof	\$ 122.00	\$ 6.10	\$ 128.10
per 1,000 up to 30,000 of inventory	\$ 9.00	\$ 0.45	\$ 9.45
for inventory of 31,000 to 60,000	\$ 471.00	23.55	\$ 494.55
for inventory of 61,000 to 100,000	\$ 635.00	\$ 31.75	\$ 666.75
for inventory of 101,000 and over	\$ 2,200.00	\$ 110.00	\$ 2,310.00

<b>Restaurants</b>	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
0-30 seats	\$ 76.00	\$ 3.80	\$ 79.80
31-60 seats	\$142.00	\$ 7.10	\$ 149.10
61-90 seats	\$ 208.00	\$ 10.40	\$ 218.40
91-100 seats	\$ 230.00	\$ 11.50	\$ 241.50

\$3.00 per seat over 100

**Gasoline service stations** current fee    5% increase    new fee  
(for convenience stores associated with gas station refer to retail schedule)

Up to four (4) fuel dispensing nozzles	\$ 87.00	\$ 4.35	\$ 91.35
Over four (4) nozzles (each nozzle)	\$ 37.50	\$ 1.88	\$ 39.38

<b>Financial</b>	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
(a) all financial institutions, including banks, savings and loan associations, credit unions, lenders, check cashing facilities, and offices of bank holding companies.	\$ 340.00	\$ 17.00	\$ 357.00
(b) security and commodity brokers	\$ 697.00	\$ 34.85	\$ 731.85

<b>Professional Offices</b>	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
(a) Real Estate, insurance agencies, offices and clinics of medical practitioners.	\$ 120.00	\$ 6.00	\$ 126.00
(b) Broker and salespersons (each)	\$ 32.00	\$ 1.60	\$ 33.60

<b>Personal services, including manicurists, tanning salons, beauty shops, barbers, etc.</b>	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
Flat fee	\$ 80.00	\$ 4.00	\$ 84.00
each additional chair	\$ 21.00	\$ 1.05	\$ 22.05

<b>Housing and lodging</b>	<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
(a) single family home	\$ 25.00	\$ 1.25	\$ 26.25
(b) multi-family, hotels and motels, mobile home sites under five (5) units	\$ 65.00	\$ 3.25	\$ 68.25

over five (5) units add \$5.25 per unit

**Coin-operated vending machines**  
 laundries and dry cleaning (each operator)  
 plus per machine

<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
\$ 54.00	\$ 2.70	\$ 56.70
\$ 25.00	\$ 1.25	\$ 26.25

**Amusement and Recreation Services**

Amusement Parks, Golf Courses,  
 Baseball Parks, plus riding devices  
 Circuses/Carnivals  
 Riding Devices, including golf carts, go-  
 carts (each)  
 Gymnasiums, Dance Studios,  
 miscellaneous recreation services  
 Astrologers, Clairvoyants, Fortunetellers  
 Bowling alley, per lane  
 Billiard Parlors, per table  
 Sports agents, promoters  
 Machine operator, amusement device  
 per coin-operated device

<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
\$ 340.00	\$ 17.00	\$ 357.00
\$ 422.50	\$ 21.13	\$ 443.63
\$ 32.00	\$ 1.60	\$ 33.60
\$ 205.00	\$ 10.25	\$ 215.25
\$ 175.00	\$ 8.75	\$ 183.75
\$ 43.00	\$ 2.15	\$ 45.15
\$ 65.00	\$ 3.25	\$ 68.25
\$ 175.00	\$ 8.75	\$ 183.75
\$ 275.50	\$ 13.78	\$ 289.28
\$ 32.00	\$ 1.60	\$ 33.60
\$ 257.50	\$ 12.88	\$ 270.38

**Theaters, Drive In, Cinema**  
 plus .47 cents per seat or space  
**Charter: Ferries, boats, sightseeing,  
 water taxis, excursion boats**

Flat fee  
 Marinas  
 plus \$3.15 each storage slip (dry or  
 wet)

<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
\$ 120.00	\$ 6.00	\$ 126.00
\$ 164.00	\$ 8.20	\$ 172.20

**For profit: Hospitals, laboratories, care  
 facilities,**

general medical and surgical hospitals,  
 kidney dialysis centers, nursing facilities,  
 animal hospitals  
 X-Ray service, dental and medical  
 laboratories  
 nursing personal care facilities

<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
\$ 175.00	\$ 8.75	\$ 183.75
\$ 120.00	\$ 6.00	\$ 126.00
\$ 87.00	\$ 4.35	\$ 91.35

**Other**

Home Occupations  
 Recreational Vehicle dealers  
 Telephone communications, television  
 broadcasting station  
 Schools  
 Air courier services and freight express

<u>current fee</u>	<u>5% increase</u>	<u>new fee</u>
\$ 87.00	\$ 4.35	\$ 91.35
\$ 340.00	\$ 17.00	\$ 357.00
\$ 560.00	\$ 28.00	\$ 588.00
\$ 120.00	\$ 6.00	\$ 126.00
\$ 340.00	\$ 17.00	\$ 357.00

**Nightclubs**

**Aircraft operation for hire**  
 each additional aircraft  
 Automotive dealers and other motor  
 vehicle agencies

\$ 257.50	\$ 12.88	\$ 270.38
\$ 216.25	\$ 10.81	\$ 227.06
\$ 65.00	\$ 3.25	\$ 68.25
\$ 340.00	\$ 17.00	\$ 357.00

Car washes, auto detailing	\$ 120.00	\$ 6.00	\$ 126.00
<b>Child Care Services</b> including Family Day Care, Residential Homes, ACLF's	\$ 87.00	\$ 4.35	\$ 91.35
<b>Boat building and Repairing</b> , including marinas	\$ 164.00	\$ 8.20	\$ 172.20
per slip (dry or wet slips)	\$ 3.00	\$ 0.15	\$ 3.15
Boat dealers	\$ 340.00	\$ 17.00	\$ 357.00
second lot to sell boats	\$ 65.00	\$ 3.25	\$ 68.25
Publishing Companies including book stores, newspaper printers	\$ 298.75	\$ 14.94	\$ 313.69
Funeral Homes, cemeteries, crematoriums	\$ 230.00	\$ 11.50	\$ 241.50
Pawn shops	\$ 257.50	\$ 12.88	\$ 270.38
Gas Production & Distribution companies, including Utility Services	\$ 560.00	\$ 28.00	\$ 588.00

Section 3. That a new Section 10-154 entitled "Termination of Licenses Upon Bankruptcy" of the City of Riviera Beach Licenses and Business Regulations is hereby created to read as follows:

It shall be unlawful for any person to engage in the business of selling or sell, any goods, wares, merchandise, or other personal property, advertised as or generally referred to as bankrupt sale, wholesale's or manufacturer's closing out sale, or as goods damaged by fire, smoke, water, or otherwise, before the person shall have filed an application with the city for a license to conduct the business or make the sale.

Section 4. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 5. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

Section 6. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

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

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Section 8. This Ordinance shall take effect immediately upon its final passage and adoption and will be applicable to all occupational license renewable as of October 1, 2003.

Approved & Adopted July 2, 2003

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APPROVED:

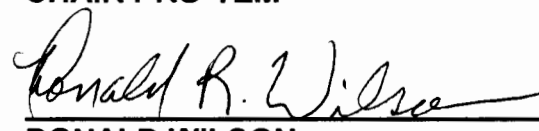
  
MICHAEL D. BROWN,  
MAYOR

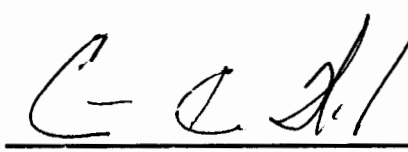
  
DAVID SCHNYER,  
CHAIRPERSON


{MUNICIPAL SEAL}

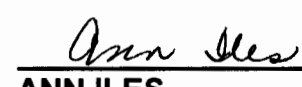
  
SYLVIA LEE BLUE,  
CHAIR PRO-TEM

ATTEST:

  
DONALD WILSON,  
COUNCILPERSON

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

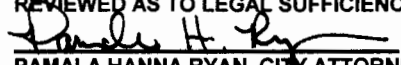
  
ELIZABETH WADE,  
COUNCILPERSON

  
ANN ILES,  
COUNCILPERSON

MOTIONED BY:  
SECONDED BY:

1 <sup>ST</sup> Reading	2 <sup>ND</sup> & Final Reading
<u>S. Blue</u>	<u>S. Blue</u>
<u>D. Wilson</u>	<u>A. Iles</u>
<u>aye</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>
<u>out</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>

D. SCHNYER:  
S. BLUE:  
D. WILSON:  
E. WADE:  
A. ILES:

REVIEWED AS TO LEGAL SUFFICIENCY  
  
PAMALA HANNA RYAN, CITY ATTORNEY

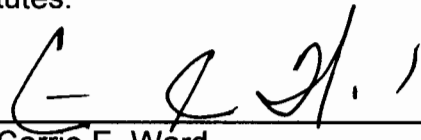
DATE: 6/10/03



**CERTIFICATION OF PUBLICATION**

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

6/10/2003  
Date

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

# Ordinance No. 2946 Was Omitted

ORDINANCE NO. 2947

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH, COUNTY, FLORIDA AMENDING THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN TO INCLUDE GOALS, OBJECTIVES AND POLICIES ESTABLISHING A TRANSPORTATION CONCURRENCY EXCEPTION AREA AND UPDATING EXISTING GOALS, OBJECTIVES, AND POLICIES OF THE CITY'S TRANSPORTATION ELEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

**WHEREAS**, Florida State Statute Section 163.3180 entitled "Concurrency" establishes that a local government may grant an exception from the concurrency requirements for transportation facilities; and

**WHEREAS**, the City in coordination with Palm Beach County has developed Goals Objectives and Policies supporting a Transportation Concurrency Exception Area (TCEA); and

**WHEREAS**, on July 21, 2003, the Palm Beach County Board of County Commissioners approved an amendment to the Palm Beach County Comprehensive Plan for transmittal to the Department of Community Affairs, establishing a TCEA within the City of Riviera Beach; and

**WHEREAS**, on August 14, 2003, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendment at a Public Hearing, and forwarded a recommendation to the City Council; and

**WHEREAS**, on August 20, 2003, the City Council sitting as the Local Governing Body, reviewed the request and recommendations and conducted a Public Hearing and approved this Ordinance on First Reading; and

**WHEREAS**, the Department of Community Affairs (CDCA) provided an Objections, Recommendations, and Comments (ORC) Report to the City; and

**WHEREAS**, the Ordinance has been amended after First Reading to comply with DCA's Report; and

**WHEREAS**, on November 24, 2003, the Palm Beach County Board of County Commissioners approved an amendment to the Palm Beach County Comprehensive Plan, establishing a TCEA within the City of Riviera Beach.

**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 above recitals are true and hereby incorporated herein.

**Section 2.** The Riviera Beach Comprehensive Plan is hereby amended in accordance with Exhibit A (attached) to establish a Transportation Concurrency Exception Area, and for other purposes.

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

**Section 4.** That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, are hereby repealed to the extent of such conflict.

**Section 5.** That this Ordinance shall not be codified.

**Section 6.** The Director of Community Development is hereby authorized and directed to update the City's Comprehensive Plan as described by this Ordinance.

**Section 7.** That the effective date of this plan amendment shall be the date a final order of compliance is issued by the Florida Department of Community Affairs

ORDINANCE NO. 2947  
PAGE 3

development orders, development permits, or land uses dependant on this amendment may be issued or commence before it has become effective.

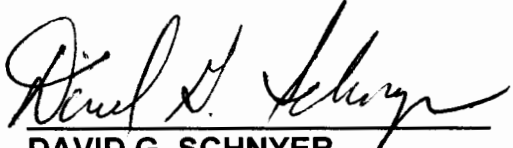
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**PASSED AND APPROVED** on First Reading this 20th day of August 2003.

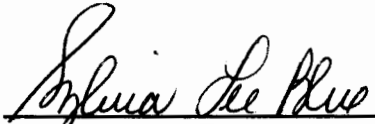
**PASSED AND ADOPTED** on Second Reading this 17th day of December 2003.

APPROVED:

  
MICHAEL D. BROWN,  
MAYOR

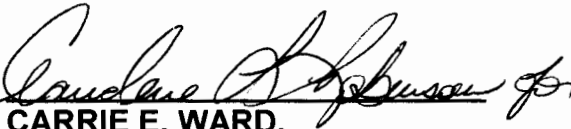
  
DAVID G. SCHNYER,  
CHAIRPERSON

[MUNICIPAL SEAL]

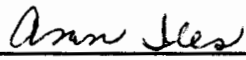
  
SYLVIA LEE BLUE,  
CHAIR PRO-TEM

  
DONALD R. WILSON  
COUNCILPERSON

ATTEST:

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

  
ANN ILES  
COUNCILPERSON

1st Reading

2nd & Final Reading

MOTIONED BY:

S. Blue

D. Wilson

SECONDED BY:

E. Wade

S. Blue

D. SCHNYER

aye

aye

S. BLUE

aye

aye

D. WILSON

absent

aye

E. WADE

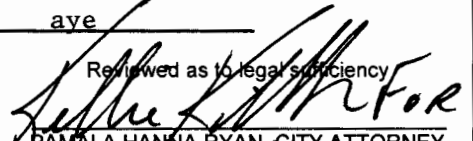
aye

absent

A. ILES

aye

aye

Reviewed as to legal sufficiency  
  
PAMALA HANNA RYAN, CITY ATTORNEY  
Date: 12/11/03

ORDINANCE NO. 2948

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004 FIXING THE MILLAGE RATE OF 9.50 MILLS THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the assessment of ad valorem taxes requires the establishment of a rate of taxation.

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

**SECTION 1:** That for the fiscal year beginning October 1, 2003 and ending September 30, 2004, the adjusted valuation on all real property and tangible business personal property within the City of Riviera Beach is hereby determined to be and is fixed as follows:

- (a) Real Property and Tangible Business Personal Property on which tax can be extended, exclusive of homestead property, \$2,015,620,061  
\* **Subject to final approval of the County Equalization Board**

**SECTION 2:** That for the fiscal year beginning October 1, 2003 and ending September 30, 2004, a tax of nine point five (9.5) mills, which is greater than the rolled-back rate of 8.4730 mills by 12.12%, on the dollar shall be, and is levied and shall be collected on all real property and tangible business personal property within the City of Riviera Beach, Florida, not specifically designated as homestead property or owned by the municipality and/or expressly exempted by the laws of the Constitution of the State of Florida for the purpose of raising funds for the improvements and government of the City, and for the payment of its obligations and expenses, and for the purpose of carrying out the purpose and duties granted and imposed by the City Charter and Code. Said real property and tangible business personal property being specifically set forth as Items A in Section I hereof and valued in the amount of \$2,015,620,061 subject to final approval of the County Equalization Board.

**PAGE 2**

**ORDINANCE NO.** 2948

**SECTION 3:** As provided by Section 200.065 (5) Florida Statutes, upon notification from the Property Appraiser of any aggregate change in the certified assessment roll, the City Manager is hereby authorized to certify to the Property Appraiser, within three (3) days of notification, an adjusted millage rate which shall be such that taxes computed by applying the adopted rate against the certified taxable value are equal to the taxable value on the roll to be extended.

**SECTION 4:** The millage rate is 9.5 mills which is greater than the rolled-back rate of 8.4730 mills by 12.12 percent.

**SECTION 5:** 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 6:** That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict.

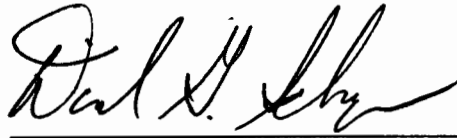
**SECTION 7:** This ordinance shall be in full force and effect immediately upon its passage and adoption.

**PASSED AND APPROVED** on first reading this 3rd day of SEPTEMBER, 2003.

**PASSED AND ADOPTED** on second and final reading this 17th day of SEPTEMBER, 2003.



APPROVED:

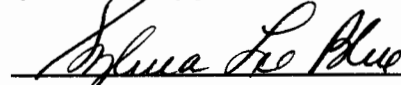


DAVID G. SCHNYER  
CHAIRPERSON

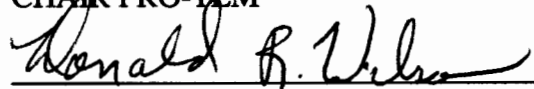


MICHAEL D. BROWN  
MAYOR

(MUNICIPAL SEAL)



SYLVIA LEE BLUE  
CHAIR PRO-TEM

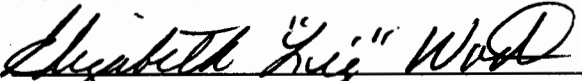


DONALD R. WILSON  
COUNCILPERSON

ATTEST:



CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK



ELIZABETH "LIZ" WADE  
COUNCILPERSON



ANN ILES  
COUNCILPERSON

MOTIONED BY: D. Wilson

MOTIONED BY: E. Wade

SECONDED BY: S. Blue

SECONDED BY: S. Blue

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY

*Donald H. King*  
CITY ATTORNEY  
CITY OF RIVIERA BEACH

DATE: 8/26/03

**ORDINANCE NO. 2949**

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager has prepared and submitted to the City Council a Budget Estimate of the expenditures and revenues of all City departments, divisions, and offices for the fiscal year commencing October 1, 2003 and ending September 30, 2004, copies of such estimates having been made available to the newspapers in the city and to the municipal library that is open to the public; and

**WHEREAS**, the City Council has met in workshop sessions and held public hearings to ascertain the amount of money that must be raised to conduct the affairs of the municipality for the 2003-2004 fiscal year so that the business of the municipality may be conducted on a balanced budget and on sound business principles; and

**WHEREAS**, it has been determined that the amount necessary to be raised by ad valorem taxes and other taxes upon all of the property, real and personal, within the corporate limits of the City of Riviera Beach.

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

**Section One**

The following appropriations are made for the municipal operations of the City of Riviera Beach, Florida for the fiscal year 2003-04.

FUNDS & DEPARTMENTS

GENERAL FUND

APPROPRIATIONS

Legislative

\$ 350,061

**PAGE 2**  
**ORDINANCE NO. 2949**

Executive	6,173,840
Finance	1,181,467
City Clerk	406,913
Human Resources	640,169
City Attorney	394,589
Community Development	1,509,856
Police	11,952,802
Fire	7,966,832
Public Works	2,485,432
Recreation & Parks	2,924,895
Library	580,044
Purchasing	317,909
<b>TOTAL GENERAL FUND</b>	<b>\$36,884,809</b>

**ENTERPRISE FUNDS**

Water and Sewer Fund	12,998,000
Water and Sewer Renewal and Replacement Fund	679,053
Water and Sewer Debt Service Fund	1,416,638
Marina Fund	2,131,157
Marina Debt Service Fund	621,342
Marina Renewal and Replacement	116,380
Storm Water Utility	1,836,000
<b>TOTAL ENTERPRISE FUNDS</b>	<b>\$ 19,798,570</b>

**OTHER FUNDS**

Sales Tax	\$ 2,198,188
Advance Police Training	10,000
Police Interlocal Agreements	410,988
D.A.R.E	3,500
Street Improvement Program Debt Service	640,753
Paving and Drainage Construction	286,552
Lot Cleaning	40,000
Liability Insurance Trust	5,175,022
Housing Trust Fund	120,000

**TOTAL OTHER FUNDS** **\$ 8,885,003**

**Section Two**

That the above appropriations are made based on the following anticipated sources of revenue for the 2003-2004 fiscal year:

**GENERAL FUND**

	<b><u>REVENUE</u></b>
Taxes	\$23,211,274
Franchise Fees	2,157,913
Other Fees, Licenses and Permits	2,571,445
Grants and Other Government Shared Revenues	1,174,461
Fines and Forfeitures	340,000
Rents and Leases	68,200
Other Revenues	3,407,559
Interfund Transfers	3,953,957

**TOTAL GENERAL FUND** **\$36,884,809**

**PAGE 4**

**ORDINANCE NO.** 2949

**ENTERPRISE FUNDS**

Water and Sewer	\$ 12,998,000
Water and Sewer Renewal and Replacement	679,053
Water and Sewer Debt Service	1,416,638
Marina	2,131,157
Marina Debt Service	621,342
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Storm Water Utility	1,836,000

**TOTAL ENTERPRISE FUNDS** **\$ 19,798,570**

**OTHER FUNDS**

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Liability Insurance Trust	5,175,022
Housing Trust	120,000

**TOTAL OTHER FUNDS** **\$ 8,885,003**

**PAGE 5**

**ORDINANCE NO.** 2949

**Section Three**

This ordinance is an ordinance of precedence and all other ordinances in conflict with it are held null and void insofar as they pertain to these appropriations. The appropriations are the anticipated expenditure requirements for the City, but are not mandatory should efficient administration of City departments, divisions and offices or altered economic conditions indicate that a curtailment in certain expenditures is necessary or desirable for the general welfare of the City.

**Section Four**

The City Manager is directed to prepare and file with the City Clerk a statement of the proposed expenditures and estimated revenues for the fiscal year 2003-2004, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 2003 through September 30, 2004".

**Section Five**

The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from fiscal year 2002-2003.

**Section Six**

The City Manager is hereby authorized to invite or advertise for bids for the purchase of any material, equipment, or service provided by the budget for which formal bidding is required; such bids to be returnable to the City Council or City Manager in accordance with Charter or Code provisions.

**Section Seven**

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

**Section Eight**

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

**PASSED AND APPROVED** on first reading this 3rd day of September, 2003.

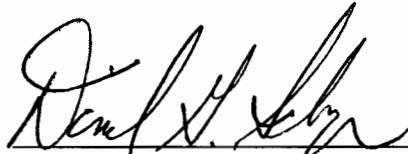
**PASSED AND ADOPTED** on second and final reading this 17th day of September, 2003.

APPROVED:

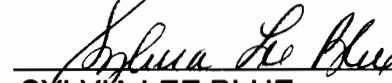


MICHAEL BROWN  
MAYOR

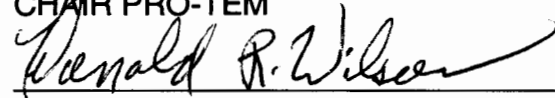
(MUNICIPAL SEAL)



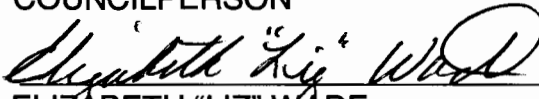
DAVID G. SCHNYER  
CHAIRPERSON



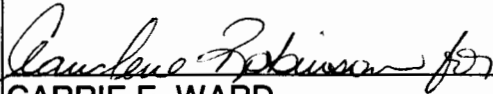
SYLVIA LEE BLUE  
CHAIR PRO-TEM



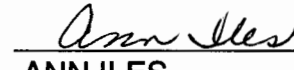
DONALD R. WILSON  
COUNCILPERSON



ELIZABETH "LIZ" WADE  
COUNCILPERSON

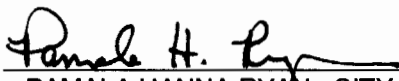


CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK



ANN ILES  
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY  
CITY OF RIVIERA BEACH



**PAGE 7**  
**ORDINANCE NO. 2949**

MOTIONED BY: S. Blue MOTIONED BY: E. Wade

SECONDED BY: D. Wilson SECONDED BY: S. Blue

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carrie E. Ward  
Master Municipal Clerk  
City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE V, ENTITLED "PUBLIC NUISANCE ABATEMENT" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 11, Entitled "Nuisances" currently regulates nuisances and their abatement; and

**WHEREAS**, Florida Statutes have been amended and now authorize much broader enforcement powers than the City's existing Code allows for; and

**WHEREAS**, the City Council of the City of Riviera Beach believes that amending Chapter 11 is necessary to protect the residents of the City from nuisances to the fullest extent permissible under state law; and

**WHEREAS**, the Police General Counsel will prosecute violators of the Ordinance.

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

**Section 1.** That Chapter 11, Article V, entitled "Public Nuisance Abatement" of the Code of Ordinances of the City of Riviera Beach is hereby amended to read:

Sec. 11-181. Creation of public nuisance abatement board.

Pursuant to F.S. ch. 166 and section 893.138, as amended from time to time, the city council of the City of Riviera Beach creates the City of Riviera Beach Public Nuisance Abatement Board.

Sec. 11-182. Intent.

(a) It is the intent of this article to establish the public nuisance abatement board of the city to promote, protect and improve the health, safety and welfare of the citizens of the city by providing an equitable, expeditious and effective method to abate public nuisances.

(b) This article is not intended to restrict the right of any person to proceed under F.S. 60.05 for an injunction against any public nuisance.

Sec. 11-183. Certain conditions, activities and actions are declared public nuisances.

The city council of Riviera Beach hereby declares that:

(1) Any place or premises that has been used on more than two occasions, within a six-month period, as a site of unlawful sale, manufacture, cultivation, or delivery of controlled substances is a public nuisance.

(2) A place or building used by a criminal youth ~~or street gang~~ for the purpose of conducting a pattern of criminal youth ~~and street gang~~ activity is a place of public nuisance.

(3) Any place, structure, building, premises or location that has been used on more than two occasions within a six-month period as a site for violation of F.S. 796.07, relating to prostitution, assignation or lewdness as defined in F.S. 796.07, is a place of public nuisance.

(~~3~~4) Any place, premises or location that has been used on two or more occasions within a six-month period as a site for prostitution is a place of public nuisance.

(5) Any building, premises or structure which has been used on more than two occasions within a six-month period as a site to traffic or deal in stolen property, as defined in F.S. 812.019, is a place of public nuisance.

(~~4~~6) Any place, premises or location that has been used on one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance is a place of public nuisance. ~~health and sanitary conditions that affect the well being of citizens of this city.~~

(~~5~~7) Any building, premises or structure which has been used on more than two occasions within a six-month period, as a site to traffic in stolen property is a place of public nuisance. ~~become dangerous to life, safety, morals and the general welfare and health of the citizens of this city.~~

~~(6) Any location, premises or area that persons congregate in which there have been two or more disturbances, breaches of the peace, drive-by shootings or other illegal activity in a six-month period.~~

Sec. 11-184. Definitions.

*Board* or board shall mean the Riviera Beach Public Nuisance Abatement Board.

Controlled substance shall include those substances defined in F.S. ch. 893 and also includes any substance sold in lieu of a controlled substance in violation of F.S. 817.563 or any imitation controlled substance defined in F.S. 817.564.

*Council* shall mean the Riviera Beach City Council.

Criminal street gang means a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols and have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.

Criminal street gang member is a person who is a member of a criminal street gang as defined above and who meets two or more of the following criteria:

- (a) Admits to criminal street gang membership.
- (b) Is identified as a criminal street gang member by a parent or guardian.
- (c) Is identified as a criminal street gang member by a documented reliable informant.
- (d) Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known criminal street gang members.
- (e) Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
- (f) Has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity.

(g) Is identified as a criminal street gang member by physical evidence such as photographs or other documentation.

(h) Has been stopped in the company of known criminal street gang members four or more times.

*Operator* shall mean tenant, lessee, occupant, or person having control or possession of the place, structure, premises, vessel, conveyance or location which is the subject of a complaint filed with the nuisance abatement board.

*Owner* shall mean the owner of the place, structure, premises, conveyance or location which is the subject of a complaint filed with the nuisance abatement board.

*Party* shall mean a complainant, owner or operator.

*Pattern of criminal street gang activity* means the commission or attempted commission of, or solicitation or conspiracy to commit, two or more felony or three or more misdemeanor offenses, or one felony and two misdemeanor offenses, or the comparable number of delinquent acts or violations of law which would be felonies or misdemeanors if committed by an adult, on separate occasions within a 3-year period.

*Public Nuisance* shall mean any place, premises, location, building or structure upon which or within which the conditions, activities or actions described in Sec. 11-183 occur.

*Secretary* shall mean the person appointed to perform the clerical and administrative duties and such duties as provided herein necessary to carry out the activities of the nuisance abatement board.

Sec. 11-185. Jurisdiction.

The public nuisance abatement board shall have jurisdiction throughout the incorporated area of the city.

Sec. 11-186. Organization.

(a) The council shall sit as the public nuisance abatement board. The chairperson and vice-chairperson of the city council shall be the chairperson and vice-chairperson, respectively, of the nuisance abatement board. A majority of the members of the city council shall constitute a quorum. The affirmative vote of a

majority of the members present at any meeting shall be necessary to adopt any order.

(b) The city attorney shall provide legal counsel to the board.

(c) The council shall assign the clerical and secretarial duties as provided herein of the public nuisance abatement board to the city clerk's office. The council will also assign administrative assistance as may be reasonably required by the board for proper performance of its duties to the police department, code enforcement division. ~~of community development and environmental control.~~

Sec. 11-187. Initiation of procedures.

(a) Any employee, officer, or resident of the city ~~one person or entity~~ may file a complaint with the police department, code enforcement division, ~~public nuisance abatement board~~ with regard to any public nuisances described in section 11-183. No member of the public nuisance abatement board may file a complaint with the board. ~~All complaints will be filed with the secretary of the board.~~ Each complainant must provide a written notice copy of their complaint to the police department, code enforcement division, ~~board secretary~~ at least ten days prior to the next board hearing. The complainant must also provide notice a copy of the complaint, after giving not less than three (3) days written notice of such complaint, to the owner of the place or premises at his or her respondent's last known address ~~at least ten days prior to the next scheduled hearing date of the board to determine the date the complaint will be heard.~~ The police department, code enforcement division, shall notify the nuisance abatement board of the complaint and request a hearing, said hearing to be held not less than three (3) days after the owner was provided written notice by the complainant. The Police General Counsel or other police department, code enforcement division designee, shall prosecute violators of the ordinance.

(b) ~~The police department, code enforcement division, nuisance abatement board, through its secretary,~~ shall give written notice of every hearing ~~by certified mail or hand delivery~~ to the respondent(s), owner(s) and operator(s) at the last known address at least ~~ten~~ five (5) days prior to the scheduled hearing. ~~If an attempt to reach an owner or operator by certified mail or hand delivery is unsuccessful, notice of hearing may be by publication as provided in F.S. ch. 49.~~ Notice shall include the following:

(1) The time, date, place and nature of the hearing-;

(2) A reference to the city's public nuisance abatement board ordinance-;

(3) A short and plain statement summarizing the incidents which form the basis of the complaint;

(4) A statement that "Failure to attend may result in an order being issued adverse to your interests;"

(5) A statement that all parties may be represented by counsel;

(6) A statement that all parties shall be given an opportunity to present evidence in support of their position, submit rebuttal evidence, and conduct cross examination; and

(7) A conspicuous statement reflecting the requirements of F.S. ch. 286, that a person deciding to appeal any decision of the public nuisance abatement board will need to ensure that a verbatim record of the proceedings is made.

(8) All notices required by this part shall be provided to the owner(s), operator(s) or occupant(s) by:

(a) Certified mail, return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the city by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsection (9) and by first class mail directed to the addresses furnished to the city with a properly executed proof of mailing or affidavit confirming the first class mailing;

(b) Hand delivery by a law enforcement officer, code inspector, or other person designated by the city;

(c) Leaving the notice at the owner's, operator's or occupant's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(9) In addition to providing notice as set forth in subsection (8), at the option of the police department, code enforcement division, notice may also be served by posting, as follows:

(a) Notice may be posted at least ten (10) days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at city hall.

(b) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (8).

(10) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (8), together with proof of posting as provided in subsection (9), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the owner, operator, or occupant actually received such notice.

(c) Meetings of the public nuisance abatement board may also be scheduled by the chairperson, by written notice signed by at least three board members, or by the board at any meeting. All meetings shall be open to the public and minutes shall be kept.

Sec. 11-188. Conduct of hearings.

(a) The public nuisance abatement board shall adopt rules for the conduct of its hearings. All hearings and proceedings shall be open to the public and minutes shall be kept. All testimony shall be taken under oath and shall be recorded.

(b) The public nuisance abatement board shall proceed to hear complaints on the agenda for the day scheduled for the public hearings. Before the public nuisance abatement board may hear a complaint, the board must make a finding that the notice requirements as set forth in section 11-187 have been satisfied. In no case shall the public nuisance abatement board proceed to hear any complaint unless the notice requirements set forth in section 11-187 have been met.

(c) Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The nuisance abatement board may consider any evidence, including evidence of the general reputation of the place or premises. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a state court.



(d) Each party shall have the following rights:

- (1) To call and examine witnesses.
- (2) To introduce documentary evidence, exhibits, or physical evidence.
- (3) To cross examine opposing witnesses on any relevant matter.
- (4) To impeach any witness.
- (5) To submit rebuttal evidence.
- (6) To be represented by counsel.

(e) The owner of the place or premises in question may introduce evidence as to any remedial measures taken to ameliorate the conditions which led to the public nuisance complaint.

(f) All findings of the public nuisance abatement board shall be based on a preponderance of the evidence. ~~The board shall not find that a place or premise was the site of an unlawful delivery of a controlled substance unless it has received evidence of convictions for said offense at the place or premise in question or has received the testimony of a sworn law enforcement officer who directly observed the sale or delivery of a controlled substance at the place or premise in question. These shall be the minimum basis for such a finding and in either case, the board may rely on rebuttal evidence, impeachment evidence or other factors to find that no sale or delivery took place.~~ Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible in a civil action. The burden of proof shall be on the complaining party.

(g) At the conclusion of the hearing, the public nuisance abatement board shall issue findings of fact and conclusions of law with respect to the issues before it.

(h) If the public nuisance abatement board finds that a public nuisance does exist on a place or premises, the board may declare the place or premises in question a public nuisance. Upon such declaration, the board may enter an order immediately prohibiting:

(1) The maintaining of the nuisance;

(2) The operating or maintaining of the place or premises including the closure of the place or premises or any part thereof if prior notice and a reasonable opportunity to cure has been provided at a previous hearing; or

(3) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

(i) The board may also find other abatement measures for public nuisances which may be appropriate to the nuisance including, but not limited to, continuing jurisdiction over the place and or premises for a period of one year; imposition of fines not to exceed \$250.00 per day for an initial violation and fines not to exceed \$500.00 per day for recurring public nuisances; payment of reasonable costs, including reasonable attorney's fees associated with investigations of and hearings on public nuisances; the recording of orders on public nuisances that may become liens against the real property that is the subject of the order; and payment of reasonable costs and attorney fees incurred in any action to enforce an order of foreclosure based upon same.

(j) An order entered under this section shall expire after one year or at such earlier time as is stated in the order. ~~The board may order a dangerous structure either rehabilitated or demolished within ten days of notice to owner(s) by notice requirements set forth in section 11-187.~~

Sec. 11-189. Enforcement.

(a) The board, upon notification that a nuisance has not been abated or, upon finding that a recurring public nuisance exists, may order the owner or operator to pay a fine in an amount specified in this section for each day the nuisance continues past the date set by the board for abatement or, in the case of a recurring nuisance, for each day the recurring nuisance continues past the date of notice to the owner or operator of such recurring nuisance. If a finding of a nuisance or a recurring nuisance has been made as provided herein, a hearing shall not be necessary for issuance of the order imposing the fine.

(b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. The total fines imposed pursuant to this section shall not exceed \$15,000.00.

(c) A certified copy of an order imposing a fine or other penalties may be recorded in the public records and thereafter shall constitute a lien against the land on which the nuisance exists. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the owner or operator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the owner or operator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising

from a fine pursuant to this section runs in favor of the city and the city may execute a satisfaction or release of lien entered pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the board may authorize the foreclosure of the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under section 4, article X of the State Constitution.

(d) If the board should find that the nuisance is based upon a stolen property nuisance against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.

(e) In addition to the foregoing, the public nuisance abatement board may authorize the city attorney to file a complaint under F.S. 60.05 seeking a permanent injunction against any place, property or premises found to be a public nuisance. The board may further authorize the city attorney to institute enforcement proceedings under F.S. 120.69 and seek any other appropriate relief as may be provided or permitted. However, this subsection does not subject the city or the board created by the city to any other provisions of F.S. ch. 120.

Sec. 11-190. Appeal

An aggrieved party, including the local governing body, may appeal a final administrative order of the board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

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

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

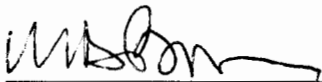
**Section 5.** Specific authority is hereby granted to codify this Ordinance.

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

**PASSED and APPROVED** on first reading this 15th day of October, 2003.

**PASSED and ADOPTED** on second and final reading this 5 day of November, 2003.

**APPROVED:**



**MICHAEL D. BROWN,  
MAYOR**

(MUNICIPAL SEAL)

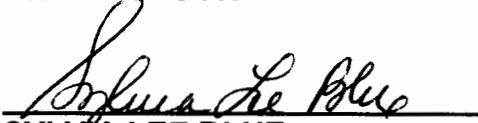
**ATTEST:**



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



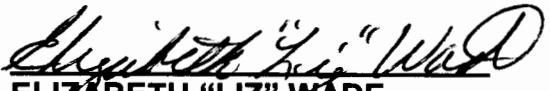
**DAVID G. SCHNYER  
CHAIRPERSON**



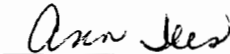
**SYLVIA LEE BLUE  
CHAIR PRO-TEM**



**DONALD R. WILSON  
COUNCILPERSON**



**ELIZABETH "LIZ" WADE  
COUNCILPERSON**



**ANN ILES  
COUNCILPERSON**

REVIEWED AS TO LEGAL SUFFICIENCY



**PAMALA H. RYAN  
CITY ATTORNEY**

DATE: 10/15/03

ORDINANCE NO. 2950  
PAGE 13

MOTIONED BY: S. Blue

MOTIONED BY: D. Wilson

SECONDED BY: A. Iles

SECONDED BY: S. Blue

**1<sup>ST</sup> READING**

**2<sup>ND</sup> & FINAL READING**

D. SCHNYER nay

nay

S. BLUE aye

aye

D. WILSON aye

aye

E. WADE aye

aye

A. ILES aye

aye

**AN ORDINANCE OF THE CITY COUNCIL OF RIVIERA BEACH, PALM BEACH COUNTY AMENDING ARTICLE II, SECTION 12 CHARTER ENTITLED "SALARIES OFFICIALS" BY INCREASING THE SALARY OF THE MAYOR AND CITY COUNCIL; REPEALING ORDINANCE NUMBER 2192 REQUIRING A PUBLIC HEARING BEFORE A PUBLIC HEARING PROVIDING FOR SEVERABILITY, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has determined that the current salaries of the Mayor and City Council; and

**WHEREAS**, the Charter provides that an increase in salaries of elected officials shall be placed before the electors of Riviera Beach; and

**WHEREAS**, this Charter provision was amended (uncodified) which provides, among other things, that in the event of a public hearing on such increase is first held before the electors;

**WHEREAS**, said increases in salary have occurred in 1991 and 1993; and

**WHEREAS**, in compliance with Ordinance Number 2192, a public hearing to consider the salary increases on November 19, 1993;

**WHEREAS**, the City Council finds it in the best interest of the City of Riviera Beach to amend the Charter provisions requiring a referendum or additional public hearing on salary increases.

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

**SECTION 1.** That Article II, Section 12 of the City Charter, "SALARIES OF ELECTED OFFICIALS" is hereby amended to read:

The salaries of the elected officials of the City shall be \$8,000 for the Mayor and \$9,600 for the members of the City Council and ~~\$9,600.00~~ \$11,200 for the Mayor and City Council. ~~Establishing higher salaries shall be first placed before the electors of Riviera Beach for approval at the next regular election after adoption of this ordinance. No salary shall not be raised until approved by a vote of a majority of the electors at said election.~~ The City Council member serving as Chairman shall have the authority to call a public hearing on the salaries of the Mayor and City Council.

**ORDINANCE NO. 2951**

**PAGE -2-**

annual stipend of \$1,200.00 in addition to the above stated salary.

**SECTION 2.** That Ordinance number 2192 (uncodified) which provides:

“As an alternative, supplemental, cumulative and additional method of procedure in lieu of any provisions to the contrary in this section, any increase in salaries of elected officials may be established by ordinance, provided a public hearing on such increase is first held by the City Council.”

is hereby REPEALED in its entirety.

**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 City Charter of the City of Riviera Beach.

**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.** Specific authority is hereby granted to codify this Ordinance.

**SECTION 7.** This Ordinance shall take effect upon its adoption by the City Council.

**PASSED and APPROVED** on first reading this 19th day of November, 2003.

**PASSED and ADOPTED** on second and final reading this 3rd day of December, 2003.

**[The Remainder of this Page Intentionally Left Blank]**

APPROVED:


  
\_\_\_\_\_  
MICHAEL D. BROWN,  
MAYOR

  
\_\_\_\_\_  
DAVID G. SCHNYER  
CHAIRPERSON

(MUNICIPAL SEAL)

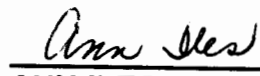
  
\_\_\_\_\_  
SYLVIA LEE BLUE  
CHAIR PRO-TEM

ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
DONALD R. WILSON  
COUNCILPERSON

  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

  
\_\_\_\_\_  
ANN ILES  
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY  
 For  
PAMALA H. RYAN, CITY ATTORNEY

DATE: 12/23/03



ORDINANCE NO. 2951  
PAGE 4

MOTIONED BY: S. Blue

MOTIONED BY: E. Wade

SECONDED BY: E. Wade

SECONDED BY: A. Iles

**1<sup>ST</sup> READING**

**2<sup>ND</sup> & FINAL READING**

D. SCHNYER nay

nay

S. BLUE aye

aye

D. WILSON nay

nay

E. WADE aye

aye

A. ILES aye


aye

**ORDINANCE NO.** 2951  
**PAGE 5**

**CERTIFICATION OF PUBLICATION**

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

12/03/03  
Date

  
\_\_\_\_\_  
Carrie E. Ward, MMC  
City Clerk

**ORDINANCE NO. 2952**

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA APPROVING 12 SEPARATE SMALL-SCALE FUTURE LAND USE MAP AMENDMENTS TO THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, Section 163.3187 (1) (c) provides the requirements for adoption of small-scale amendments to the Future Land Use Map of the Comprehensive Plan; and

**WHEREAS**, the City Council approved Ordinances 2921, 2932, 2940, and 2943, which annexed property into the Riviera Beach Municipal Boundary; and

**WHEREAS**, on November 13, 2002, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change at a Public Hearing, and forwarded a recommendation for approval to the City Council.

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

Section 1. The Future Land Use Map of the City of Riviera Beach is hereby amended in accordance with the 12 separate small-scale amendments shown on Exhibit "A" attached, and detailed below:

<b>Parcel Control Number</b>	<b>Acres</b>	<b>Existing Land Use</b>	<b>New Future Land Use</b>
00434323001004000	<b>1.57</b>	PBC Light Industrial	Industrial
00434230000003014	<b>1.52</b>	PBC Light Industrial	Industrial
00424225000007090	<b>0.84</b>	PBC Commercial	Commercial
00434230000007040	<b>1.91</b>	PBC Ind / Commercial	Commercial

0042423600001050	1.21	PBC Light Industrial	Industrial
00424236000003160	1.83	PBC Light Industrial	Industrial
00424236000003070	0.72	PBC Light Industrial	Industrial
00424236000003080	0.66	PBC Light Industrial	Industrial
00424236000003130	0.99	PBC Light Industrial	Industrial
<b>Total Acres</b>	<b>4.20</b>		
00424236020030011	1.47	PBC Light Industrial	Industrial
00424236000001012	2.13	PBC Light Industrial	Industrial
00424236010000020	1.70	PBC Light Industrial	Industrial
56424236020010040	0.29	PBC Light Industrial	Industrial
<b>Total Acres</b>	<b>5.59</b>		
00434231000003020	2.80	PBC Light Industrial	Industrial
00434231000007110	1.17	PBC Light Industrial	Industrial
00434231000007100	1.28	PBC Light Industrial	Industrial
<b>Total Acres</b>	<b>2.45</b>		
56434228170000280	0.14	Single Family Residential	General Mixed Use
56434228130000210	0.11	Multi-Family Residential	General Mixed Use
56434228130000420	0.11	Commercial	General Mixed Use
56434228000000420	0.14	Commercial	General Mixed Use
<b>Total Acres</b>	<b>0.50</b>		
56434228170000190	0.14	Community Facility	General Mixed Use
56434228170000200	0.22	Community Facility	General Mixed Use
<b>Total Acres</b>	<b>0.36</b>		
00424236000001040	2.47	PBC Light Industrial	Industrial

Section 2. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

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

Section 4. That this Ordinance shall not be codified.

Section 5. That the Director of Community Development is hereby authorized and directed to update the City's Future Land Use Map in accordance with the changes described by this Ordinance.

Section 6. That the effective date of this plan amendment shall be 31 days after adoption, or if the amendment is challenged the effective date will not be until the state land planning agency or the Administration Commission issues a final order determining that adopted small-scale amendment is in compliance.


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**PASSED AND APPROVED** on First Reading this 3rd day of December 2003.

**PASSED AND ADOPTED** on Second Reading this 17th day of December 2003.

**APPROVED:**

  
\_\_\_\_\_  
**MICHAEL D. BROWN,**  
**MAYOR**


  
\_\_\_\_\_  
**DAVID G. SCHNYER,**  
**CHAIRPERSON**

**[MUNICIPAL SEAL]**

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

  
\_\_\_\_\_  
**DONALD R. WILSON**  
**COUNCILPERSON**

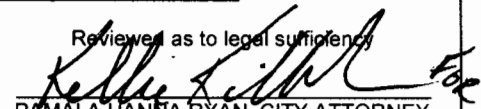
**ATTEST:**

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

  
\_\_\_\_\_  
**ELIZABETH "LIZ" WADE**  
**COUNCILPERSON**

  
\_\_\_\_\_  
**ANN ILES**  
**COUNCILPERSON**

	<u>1st Reading</u>	<u>2nd &amp; Final Reading</u>
<b>MOTIONED BY:</b>	<u>S. Blue</u>	<u>D. Wilson</u>
<b>SECONDED BY:</b>	<u>E. Wade</u>	<u>S. Blue</u>
<b>D. SCHNYER</b>	<u>aye</u>	<u>aye</u>
<b>S. BLUE</b>	<u>aye</u>	<u>aye</u>
<b>D. WILSON</b>	<u>aye</u>	<u>absent</u>
<b>E. WADE</b>	<u>aye</u>	<u>aye</u>
<b>A. ILES</b>	<u>aye</u>	<u>aye</u>

Reviewed as to legal sufficiency  
  
\_\_\_\_\_  
**PAMALA HANNA RYAN, CITY ATTORNEY**  
Date: 11/26/03

**VII. REGULAR:**

**ITEM NO. 6**

**ORDINANCE NO. 2952 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING 12 SEPARATE SMALL-SCALE FUTURE LAND USE MAP AMENDMENTS TO THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned Ordinance into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wade** to approve Ordinance No. 2952.

**MOTION**

A presentation was made by **Mary McKinney**, Community Development Director.

**Robert Wummer, 110 Shore Dr**, made comments regarding property he owns within the affected area.

**Gerald Ward, 31 W 20<sup>th</sup> Street**, made comments referring to the letter he submitted to the City Clerk for the record.

A discussion ensued amongst the City Council and staff.

Upon a roll call by City Clerk Ward, the vote was unanimous.

**MOTION APPROVED**

**ITEM NO. 7**

**ORDINANCE NO. 2953 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT AND FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the aforementioned Ordinance into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Iles** to approve Ordinance No. 2953.

**MOTION**

A presentation was made by **Mary McKinney**, Community Development Director.

ORDINANCE NO. 2954

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM DENNIS DEMPSEY, FOR LAND LOCATED IN PALM BEACH COUNTY, FLORIDA, CONTAINING 2.95 ACRES, LOCATED AT 3787 INTERSTATE PARK ROAD WEST, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES.**

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

- a. The petitioner is the owner of the property described therein.
- b. The petition bears the notarized signature of the owner of the property proposed for annexation.
- c. The proposed annexed property is in Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- d. No part of the proposed annexed property is included 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 property at the same level of service as such services are provided within the rest of the municipality.
- f. This ordinance is pursuant to Section 171.044, Voluntary Annexation, Florida Statutes.
- g. The proposed annexation will not create an enclave; and

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

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

**Section 1.** The above recitals are true and correct and are incorporated herein.

**Section 2.** Pursuant to Chapter 171, Florida Statutes, the City of Riviera Beach, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this Ordinance on second and final reading.



Petitioner Dennis Dempsey – owner  
Property Control Number: 00-43-42-31-03-000-0020

**Section 3.** This Ordinance shall be read by Title on first reading, and shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida.

**Section 4.** Within seven (7) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

**Section 5.** All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

**Section 6.** The corporate limits of the City of Riviera Beach are hereby redefined to include the legal description of the subject property.

**LOT 2, ACCORDING TO THE PLAT OF PLAT NO. 1 INTERSTATE INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK 34, PAGE 158, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

**Section 7.** The City Clerk is hereby directed to include the above named parcel within the municipal boundaries of the City of Riviera Beach.

**Section 8.** Upon annexation, the City shall assign the land use and zoning designations to said parcel, in accordance with Chapter 163, Florida Statutes.

**Section 9.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

**Section 10.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 11.** That all 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 12.** Specific authority is hereby granted to codify this Ordinance.

**Section 13.** That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

PASSED AND APPROVED on First Reading this 17th day of December 2003.

PASSED AND ADOPTED on Second Reading this 7th day of January 2004.

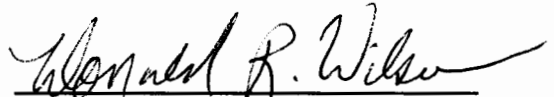
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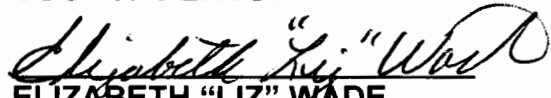
  
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MICHAEL D. BROWN,  
MAYOR

  
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DAVID G. SCHNYER,  
CHAIRPERSON

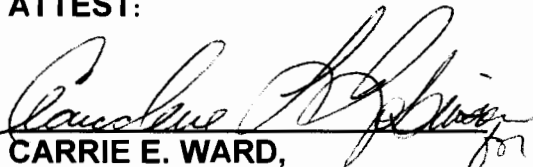
[MUNICIPAL SEAL]

  
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SYLVIA LEE BLUE,  
CHAIR PRO-TEM

  
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DONALD R. WILSON  
COUNCILPERSON

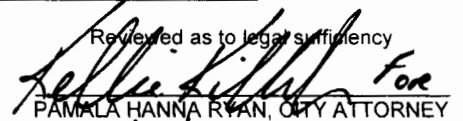
  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
ANN ILES  
COUNCILPERSON

	<u>1st Reading</u>	<u>2nd &amp; Final Reading</u>
MOTIONED BY:	<u>S. Blue</u>	<u>E. Wade</u>
SECONDED BY:	<u>A. Iles</u>	<u>A. Iles</u>
D. SCHNYER	<u>aye</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>absent</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
A. ILES	<u>aye</u>	<u>aye</u>

Reviewed as to legal sufficiency  
  
\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

12/9/03