

ORDINANCE NO. 3070

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I, SECTION 31-1 ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE VI, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", BY CREATING A NEW SECTION ENTITLED "ADVERTISEMENT" ADDING NEW LANGUAGE REGULATING ADVERTISING WITHIN THE MUNICIPAL CITY LIMITS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board requested that City Staff develop regulations pertaining to advertising within the city limits; and

WHEREAS, the Planning and Zoning Board recommended approval of the amended development regulations to include new language regulating advertising within the municipal City limits on April 9, 2009; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to develop regulations for advertising within the municipal City limits; and

WHEREAS, the City Council desires to amend Chapter 31 of the Code of Ordinances entitled "Zoning", Article I, Section 31-1 entitled "Definitions VI, and Article VI, entitled "Supplemental District Regulations", on the effective date of this Ordinance; and

WHEREAS, the City Council desires to add a section to Chapter 31 "Zoning", Article VI, "Supplemental District Regulations", on the effective date of this Ordinance; and

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

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

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

SECTION 2. Chapter 31 "Zoning", Article VI, Section 31-"Definitions", is amended, by adding the following definition, as read below:

Advertisement – A form of communication used to persuade potential customers to purchase or consume a particular brand, product or service. Common methods used for advertising may include, but are not limited to: banners, billboards, business cards, brochures, electronic communication, fliers, the internet, letter head, magazines, mailings, newspapers, phone books, prints, publications, radio, signage, stamps, and television.

SECTION 3. Chapter 31 "Zoning", Article VI, "Supplemental District Regulations", is amended, by creating a new section entitled "Advertisement" adding new language regulating advertisements advertising within the municipal city limits, as read below:

Advertising within the City of Riviera Beach

PURPOSE OF ARTICLE

The purpose of this ordinance is to establish advertising regulations for businesses within the City of Riviera Beach, resulting in greater recognition of the City. The City's intent is to prevent the misleading and/or incorrect use of the names of municipalities in advertisements. Incorrect, misleading or false advertising of a municipality or region is subject to fees and penalties as outlined in this ordinance.

ADVERTISEMENTS

All businesses that are located within the city limits of Riviera Beach are required to correctly advertise their location, regardless of the method used. If a business located within the city limits of Riviera Beach, chooses to advertise the name of the municipality or specific location in which it is situated, the following applies:

- (a) Listing a municipality incorrectly, or in a misleading manner in an advertisement is prohibited and will be subject to fees and penalties.
- (b) Advertising only a specific location within the city limits of Riviera Beach without listing the City of Riviera Beach is prohibited and will be subject to fees and penalties.

- (1) "Riviera Beach" must appear in a similar style of text and a font size equal to or greater than the specific location that is also listed in the advertisement.
- (2) Regardless of text style or font size selected, the size of lettering used to display "Riviera Beach", measured by height and width per letter, must be equal to or greater than the text used for any specific location listed in the advertisement.
- (3) The color of text selected for displaying "Riviera Beach" must be as visible and as legible as the text displaying the specific location. Background colors or graphics that mask or conceal the text "Riviera Beach" are prohibited.

ANNEXED PARCELS

Businesses annexed into the city limits of Riviera Beach have a one year grace period following their annexation to update their advertisements to conform to this code. After the one year grace period has ended, the business will be subject to fees and penalties as stated in this ordinance.

FEES AND PENALTIES

Any business existing when this ordinance was enacted has one year to comply with the provisions of this ordinance, then shall be subject to the following fees and penalties. New businesses must immediately adhere to this code in its entirety; any advertisements failing to adhere to this ordinance shall be subject to the following fees and penalties.

(a) Upon first violation, a notice of guidance will be sent and a penalty of \$500 will be assessed. The cited business will have one month from the date the notice was received, to come into compliance with this code.

(1) This \$500 fee may be waived if the business comes into compliance within this one month period or if the business demonstrates exigent circumstances to the satisfaction of the City Manager.

(2) If the business in violation does not come into compliance after thirty days, a running fine of \$500 per day will be assessed until compliance is achieved. If a separate timeline is agreed upon by the business entity and the City Manager, these fees may be waived by the City Manager if compliance to this code is achieved in the agreed amount of time.

(a) The Department of Community Development may choose not to renew a business's tax receipt until all

violations are addressed and all fines are paid. If fines are not paid, the City of Riviera Beach has the right to place a lien on the property for the amount due.

- (b) The Department of Community Development may also choose to deny the issuance of permits pertaining to a party in noncompliance of this code.

ENFORCEMENT OF FEES AND PENALTIES

The Department of Community Development and the Code Enforcement Division will be responsible for enforcement of these provisions.

FUTURE RESOLUTIONS

The following phrase will be added to all future site plan approval and business approval resolutions: "All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with the Advertising Ordinance will be levied against the property owner and/or business for violation of this condition."

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

SECTION 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 the extent of such conflict.

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

SECTION 8. This ordinance shall be in full force and effect immediately upon its final passage and approval.

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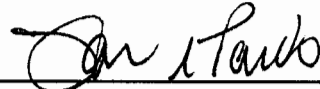
PASSED AND APPROVED on the first reading this 16TH day of SEPTEMBER,
2009.

PASSED AND ADOPTED on second and final reading this 7TH day of
OCTOBER, 2009.

APPROVED:



THOMAS A. MASTERS
MAYOR

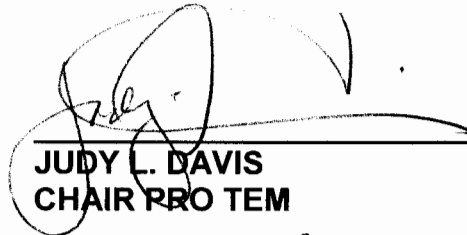


DAWN S. PARDO
CHAIRPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



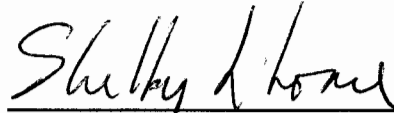
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

1ST READING

MOTIONED BY: C. Thomas

SECONDED BY: J. Davis

C. THOMAS AYE

J. DAVIS AYE

D. PARDO AYE

B. BROOKS AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: B. Brooks

SECONDED BY: J. Davis

T. D. JOHNSON AYE

J. DAVIS AYE

D. PARDO AYE

B. BROOKS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I, SECTION 31-1 ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE VI, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", BY REVISING CURRENT LANGUAGE AND ADDING NEW LANGUAGE REGULATING ELECTRIC FENCES TO SECTION 31-547 ENTITLED "WALLS AND FENCES"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Section 31-547 entitled, "Walls and Fences" of the City of Riviera Beach Code of Ordinances establishes the requirements for walls and fences throughout the city; and

WHEREAS, the City Council directed Staff to develop regulations for the provision of electric fences on February 18, 2009; and

WHEREAS, the Planning and Zoning Board recommended approval of the amended development regulations to include language governing electric fences on July 9, 2009; and

WHEREAS, the City Council desires to amend Chapter 31 of the Code of Ordinances entitled "Zoning", Article I, Section 31-1 entitled "Definitions", and Article VI, entitled "Supplemental District Regulations", Section 31-547 entitled, "Walls and Fences" of the City of Riviera Beach Code of Ordinances, on the effective date of this Ordinance; and

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

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

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

SECTION 2. Chapter 31 "Zoning", Article VI, Section 31-"Definitions", is amended, by adding the following definition, as read below:

Outdoor Storage Area – An area permitted by the City of Riviera Beach, containing an improved surface area utilized for the permanent storage of goods, wares, merchandise, commodities, supplies or materials as an accessory use to an enclosed primary building.

SECTION 3. Chapter 31 "Zoning", Article VI, "Supplemental District Regulations", Section 31-547 entitled, "Walls and Fences" of the City of Riviera Beach Code of Ordinances, is amended, by adding language regulating electric fences and revising current language, as read below:

Sec. 31-547. Walls and fences.

(a) ~~On all p~~Property zoned for residential use, walls ~~or~~ and fences shall be erected or maintained in accordance with the following:

- (1) Along or adjacent to lot lines in the required rear or side yard, maximum height shall be six feet.
- (2) In the required front yard, the maximum height shall be four feet.
- (3) On a corner lot, no fences or walls shall be erected or maintained to a height exceeding three feet above the crown of the roadway within 25 feet of the intersection of two streets.

~~(b)(4)~~ On ~~in~~ all property zoned for commercial use, maximum height shall be six feet.

~~(c)(5)~~ On ~~in~~ all property zoned for industrial use, maximum height shall be eight feet.

(d) A waiver from the height provisions in the subsections above may be granted by the Director of Community Development for nonelectric walls and fences used for athletic fields or recreational purposes.

~~(b) No barbed wire shall be permitted as fencing within the corporate limits of the city, except that it may be permitted on the top of a fence five feet high or higher in industrial districts, provided it is installed in the usual manner at an angle with adjacent properties.~~

~~(e)(e)~~ On all commercial or industrial property development adjoining residential districts, a six-foot solid masonry wall shall be constructed prior to final certificate of occupancy or certificate of completion. ~~Such wall may be required adjacent to residential uses, as determined by the planning board.~~

(f)(d) All easements shall be free and clear without fences or walls, except that special of walls and fences. An exemption may be granted only when the property owner has first agreed, in writing, to remove such obstruction upon the request of the eCity eCouncil and at the property owner's expense. This documentation shall be submitted, reviewed and approved by the City prior to the issuance of a permit.

(g) No barbed wire shall be permitted as fencing within the corporate limits of the city, except that it may be permitted on the top of a fence six feet high or higher in industrial districts, not to exceed eight feet in total height.

(h) Electric fences shall be permitted only in the General Industrial (IG) Zoning District, not to exceed eight feet in total height.

(i) Electric fences shall be permitted only for use within outdoor storage areas in the General Industrial (IG) Zoning District, provided that the electric fence is installed and operated in the following manner:

(1) Electric fencing shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard 60335-2-76.

a) The energizer for an electric security fence must be driven by a commercial storage battery not to exceed 12 volts DC.

b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 of the IEC and depicted in Figure 102 of IEC Standard No. 60335-2-76.

(2) Fifty percent or more of the energy needed to electrify the fencing must be generated on site with the use of solar panels or an alternate zero emission power source.

(3) No electric fence shall be installed unless its exterior is completely surrounded by an additional non-electric fence or wall, a minimum of six feet in height. If an electric fence is installed adjacent to a residentially zoned parcel, its exterior must be completely surrounded by an additional solid masonry wall, a minimum of six feet in height, in addition to landscape buffer requirements.

(a) There must be a clearance of four to twelve inches between the electric fence and the additional wall or fence, for the entire length of the electric fence.

(b) The exterior of this additional wall or fence must be landscaped according to Article VIII. Landscape Regulations, of the City of Riviera Beach Code of Ordinances. An application for an electric fence shall be treated as a renovation development for which the city issues a building permit, as described in Sec. 31-597(b) of the City's code.

(4) The following required signage must be maintained and visible at all times denoting the electric fence. Signs that read: "Warning Electric Fence" at intervals of not less than twenty feet must be installed, maintained, and remain visible at all times. In no instance may there be less than one sign visible on each side of the fence. Signs can be a minimum of four inches by eight inches but must not exceed twelve inches by eighteen inches. Additional signage may be required if determined necessary by the Chief of Police or the Director of Community Development. Sign details must be submitted during the permitting process.

(5) Electric fences shall be governed by burglar alarm fees and regulations.

(6) Electric fences may be operational only after business hours. The fence must remain off during business hours.

(7) ~~Six months~~ One year after the issuance of an electric fence permit and ~~every six months~~ yearly thereafter, the electric fence's owner must submit a maintenance report to the ~~building department, police department and fire department~~ Building Official, Police Chief and Fire Chief, affirming concurrency with the aforementioned guidelines and regulations.

(j) It shall be unlawful for any persons to install, maintain or operate an electric fence in violation of this section. The Chief of Police shall immediately abate, through the Code Enforcement process, any electric fence that is not properly maintained or does not meet any standard set forth in this ordinance. The City may also avail itself of injunctive relief should the electric fence fail to be operated in accordance with this Ordinance.

(k) Businesses that choose to own, operate and maintain an electrified fence, barbed wire, are solely responsible for any liability or damage caused by or stemming from the ownership or operation of these materials.

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

SECTION 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 the extent of such conflict.

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

SECTION 8. This ordinance shall be in full force and effect immediately upon its final passage and approval.

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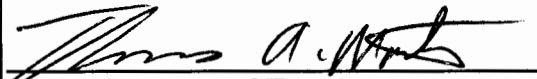
ORDINANCE NO. 3071

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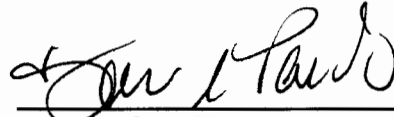
PASSED AND APPROVED on the first reading this 16th day of September,
2009.

PASSED AND ADOPTED on second and final reading this 7 day of
October, 2009.

APPROVED:



THOMAS A. MASTERS
MAYOR

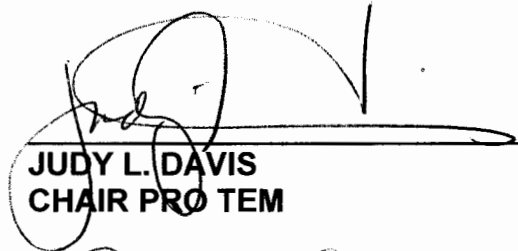


DAWN S. PARDO
CHAIRPERSON

ATTEST:



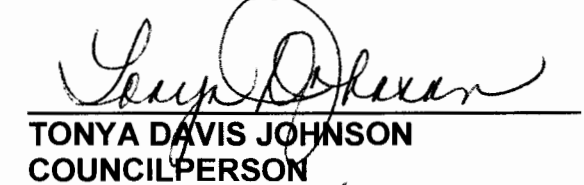
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



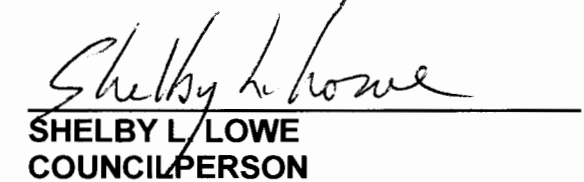
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3071
PAGE 7

1ST READING

MOTIONED BY: C. Thomas

SECONDED BY: S. Lowe

C. THOMAS AYE

J. DAVIS AYE

D. PARDO AYE

B. BROOKS AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: T. Johnson

SECONDED BY: J. Davis

T. D. JOHNSON AYE

J. DAVIS AYE

D. PARDO AYE

B. BROOKS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

ORDINANCE NO. 3072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE I, SECTION 31-1 ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE V, DIVISION 18 ENTITLED "IG GENERAL INDUSTRIAL DISTRICT" AMENDING SECTION 31-382 ENTITLED "USE REGULATIONS" BY INCLUDING NEW USES AND BY PROHIBITING SCRAP METAL PROCESSING; BY AMENDING ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY CREATING A NEW SECTION ENTITLED "RECYCLING FACILITIES AND RECYCLING CENTERS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council implemented a Zoning In Progress on June 4, 2008 to develop regulations for Scrap Metal Processing Facilities and Recycling Centers and Facilities in conformance with the Land Development Code; and

WHEREAS, the Planning and Zoning Board held a public workshop on January 22, 2009 to solicit input from the public and the business community regarding Scrap Metal Processing; and

WHEREAS, the Planning and Zoning Board voted on April 9, 2009 to recommend an amendment to the City's land development regulations in the IG General Industrial Zoning District to prohibit Scrap Metal Processing and to provide regulations for Recycling Centers and Facilities; and

WHEREAS, the City Council desires to modify the zoning code to prohibit Scrap Metal Processing in the City and to provide regulations for Recycling Centers and Facilities; and

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

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

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

SECTION 2. Chapter 31 "Zoning", Article I, "Definitions", is amended by adding the following definitions to the code and revising definitions already in existence, as follows:

Baling means to tightly compress and secure into bales by wires, hoops, cords, or the like.

Briquetting means a molded block of any material.

CDDEC means the Community Development and ~~environmental control~~ Department.

Ferrous metal means any metals containing significant quantities of iron or steel.

Nonferrous metals means metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

Recycling means to treat or process used or waste materials so as to make suitable for reuse.

Recycling center means a facility solely for the collection and sorting and/or separating of recyclable materials from the general public. On-site storage containers and bins used solely for the recycling of material such as aluminum, food and beverage containers, glass, paper, and plastic generated by residential property and business offices may be placed on the site.

Recycling facility means a facility for the collection and/or processing of recyclable materials with on-site storage containers or processing facilities used solely for the recycling of materials. These materials include aluminum, glass, paper, plastic, and excluding toxic and heavy metals such as but not limited to lead, cadmium, mercury, chromium, nickel, copper, arsenic, ferrous metals other than food and beverage containers generated by residential property, business or light manufacturing and are not recycling centers for the purposes of this section.

Scrap metal processing means a process by which metal materials ferrous or nonferrous, which would otherwise become solid waste, are collected, separated or processed, and reused or returned to use in the form of raw materials or products for efficient shipment, or to an end-user's specifications, by such means as baling,

briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing of products.

Shredding is a process by which metal is smashed, split, ripped, ground and cut into smaller pieces.

Smelting is a metallurgical thermal processing operation in which the metal or matte is separated in fused form from nonmetallic materials or other undesired metals with which it is associated.

Toxic and heavy metals are metals that are poisonous, such as lead or mercury also metals that form poisonous soluble compounds and are not essential minerals, or are in a form that can negatively impact persons health.

SECTION 3. Chapter 31 "Zoning", Article V. "District Regulations", Division 18 "IG General Industrial" is modified to add "Recycling Center" and "Recycling Facility" as permitted uses and removes "Scrap Metal Processing" as a use permitted by special exception, as follows:

31-381. Purpose.

The IG general industrial district is intended to promote development of industrial and manufacturing uses which would increase the tax base of the city and provide increased employment opportunities for the area residents.

31-382. Use regulations.

(a) *Uses permitted.* The following uses are permitted in the IG general industrial district:

- (1) Any use permitted in the IL districts.
- (2) Manufacturing, processing and fabrication of any product or commodity except those enumerated hereinafter as prohibited uses or provided as special exceptions.
- (3) Outdoor drive-in theaters.
- (4) Public utility structures.
- (5) Railroad switching and make-up yards.
- (6) Petroleum storage but not in excess of 50,000 gallons at any one manufacturing or industrial location.
- (7) Liquid gas storage not in excess of 15,000 gallons at any one manufacturing or industrial location.
- (8) Any customary accessory use to all above facilities.

(9) The following uses shall be permitted east of Broadway (U.S. No. 1) in this district only if directly related to Port of Palm Beach activities and not in conflict with the requirements of this district:

- a. Piers, docks and wharves.

- b. Terminals for freight or passengers arriving or departing by ship.
- c. Railroad lines and sidings for service wharfs and piers, and railroad right-of-way freight, terminals' team-tracks and spur tracks.
- d. Facilities for maintenance and repair of vessels.
- e. Ship supply establishments and facilities.
- f. Wholesale warehouse and retail establishments dealing primarily in bulk materials delivered by ship, and railroad or ship and truck in combination.
- g. Government and professional.
- h. Refueling stations for Port of Palm Beach District.

(10) CN district uses excluding residential shall be in accordance with chapter 26.

(11) Temporary labor employment office.

(12) Pawn shop.

(13) Recycling Center

(14) Recycling Facility

(b) *Special exception.* The following uses may be permitted by special exception in the IG general industrial district:

(1) PUD.

(2) Warehouses and storage uses.

(3) Reserved

(4) Asphalt and concrete mixing and batching, and product manufacture.

(5) Foreign trade zone.

(6) Adult entertainment establishments (see Ordinance No. 2648 [ch. 2.5]).

(7) ~~Scrap metal processing.~~

(c) *Uses prohibited.* The following uses shall be prohibited in the IG general industrial district:

(1) Residential uses.

(2) Acid manufacture.

(3) Cement, lime manufacture.

(4) Distillation of bones.

(5) Manufacture of explosives.

(6) Fat, tallow or lard rendering.

(7) Garbage, offal, or dead animal reduction.

(8) Paper and pulp manufacture.

(9) Petroleum refining.

(10) Stockyards and slaughter of animals.

(11) Soap manufacture.

(12) Creosote treatment and manufacture.

(13) Tanning, curing of hides or skins.

(14) Tar distillation or manufacture.

(15) Automobile wrecking or junkyards.

(16) Radioactive materials, manufacturing of.

- (17) Construction demolition debris recycling.
- (18) Scrap metal processing.

SECTION 4. Chapter 31 "Zoning", Article VI. "Supplemental District Regulations" is amended to add a new section entitled "Recycling Center" and a new section entitled "Recycling Facility", and is read in its entirety, as follows:

Recycling Center

- (1) All materials must be stored indoors, other than receptacles/bins screened from the view of public rights of way used solely for the collection of recyclable materials from the general public on a concrete surface engineered to specific load. This includes the storage of materials waiting to be separated and separated materials waiting to be shipped.
- (2) Only sorting and separating of materials is allowed at recycling centers.
- (3) Landscape buffers must include a combination of walls, fences, gates, berms, trees, shrubbery, and sod and shall be located around the perimeter of the site and shall be at least 75 percent opaque.
 - a. Buffers for abutting properties shall be a minimum of 5 feet for Industrial properties, 10 foot minimum for commercial properties, and 20 foot minimum for residential properties.
- (4) The City Council reserves the right to limit the hours of operation for any new Recycling Center.
- (5) Internet Protocol (IP) based surveillance cameras must be installed and monitoring access given to the Police Department.

Recycling Facility

- (1) All separating, crushing, compacting, processing and equipment must be indoors.
 - a. The facility must include a roof and be entirely enclosed other than large roller/bay doors and windows.

All materials must be stored indoors on a concrete surface engineered to specific load with an oil and water separation pit to accommodate liquid collection and containment to ensure no contamination of ground water or soil. This includes the storage of materials waiting to be processed and processed materials waiting to be shipped. There shall be a minimum of 500 feet between proposed recycling facilities and residential properties.

 - a. These distances shall be measured along a straight line of travel from the location of proposed facilities property line to the nearest residential property line.
- (2) Landscape buffers must include a combination of walls, fences, gates, berms, trees, shrubbery, and sod and shall be located around the perimeter of the site and shall be at least 75 percent opaque.

- a. Buffers for abutting properties shall be a minimum of 5 feet for Industrial properties and 10 foot minimum for commercial properties.
- (3) Shredding, smelting, melting or changing the chemical content of material is prohibited.
- (4) Standard hours of operation shall be 7:00 AM to 6:00 PM of the same day. The City Council reserves the right to limit the hours of operation for any new recycling facility.
- (5) Internet Protocol (IP) based surveillance cameras must be installed and monitoring access given to the police department.

Building Construction Requirements

All office and administrative buildings constructed and/or renovated in conjunction with the operation of a Scrap Metal Processing or Recycling Facility must at a minimum meet the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver Certification prior to the issuance of a Certificate of Occupancy.

Existing and Nonconforming uses

Existing Scrap Metal or Recycling Facilities existing prior to the adoption of this code are exempt from these regulations unless and until one of the following occurs. If any of the conditions listed in this section occurs, every future use of such premises shall be in conformity with the provisions of this code within one year. **Nothing in this code restricts existing facilities from adding or purchasing new processing equipment, however a building permit is required to add any fixed structure. Nothing herein shall be construed as allowing or permitting the addition of land to the nonconforming use.**

1. Modification, repair, upgrades, additions, renovations, voluntary or caused by acts of nature, equal to or greater than 50% ~~100%~~ of the appraised value of the structure.
2. If such nonconforming use of such structure is discontinued for a continuous period of ~~90~~ **180** days.

Parking Requirements

Parking shall be calculated using a combination of warehouse and office parking ratios added together for the total amount of spaces required. The warehouse ratio shall be calculated by the total square footage of storage area on the entire site at one space per 1000 square feet up to 30 parking spaces with a letter or statement declaring the total number of employees that will be working at any given time. The office parking ratio shall be calculated by the total square footage of office space on the entire site at one space per 300 square feet.

Site Assessment

Prior to operation of any facilities an American Society for Testing and Materials (ASTM) Phase 1 Environmental Site Assessment on the proposed site must be completed and submitted to the City for approval, said approval to occur within 30 days of submission of the site plan application.

SECTION 5. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 6. 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 7. 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 8. Specific authority is hereby granted to codify this Ordinance.

SECTION 9. This ordinance shall be in full force and effect immediately upon its final passage and approval.

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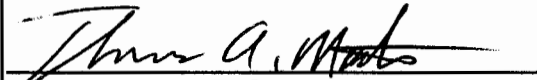
ORDINANCE NO. 3072

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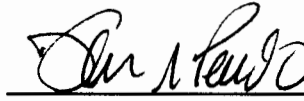
PASSED AND APPROVED on the first reading this 16th day of September,
2009.

PASSED AND ADOPTED on second and final reading this 7 day of
October, 2009.

APPROVED:




THOMAS A. MASTERS
MAYOR

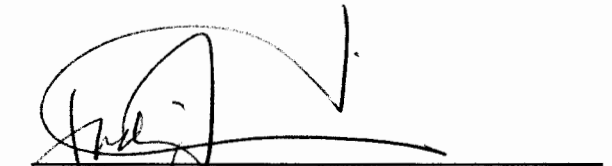


DAWN S. PARDO
CHAIRPERSON

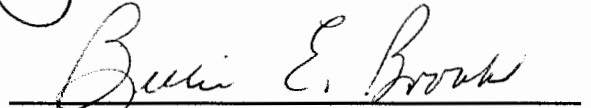
ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



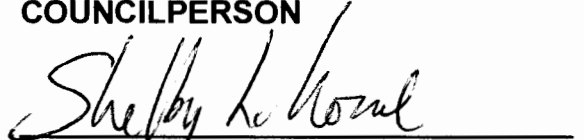
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

1ST READING

2ND & FINAL READING

MOTIONED BY: S. Lowe

MOTIONED BY: T. Johnson

SECONDED BY: B. Brooks

SECONDED BY: B. Brooks

C. THOMAS AYE

T. D. JOHNSON AYE

J. DAVIS AYE

J. DAVIS AYE

D. PARDO AYE

D. PARDO AYE

B. BROOKS AYE

B. BROOKS AYE

S. LOWE AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____