



MEETING AGENDA PLANNING AND ZONING BOARD CITY OF RIVIERA BEACH, FL

LOCAL PLANNING AGENCY

Department of Community Development: (561)845-4060 / comdev@rivierabch.com

Commencement – 6:30 PM
Thursday, December 14, 2017

Municipal Marina Event Center
190 East 13th Street, Riviera Beach, FL 33404

If you wish to speak on any item(s) on this agenda, please complete a public comment card and provide it to Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item. Thank you.

I. EXTENDED MOMENT OF SILENCE IN HONOR OF MR. JULIUS WHIGHAM, SR.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Rena James, Chairperson

Tradrick McCoy, Vice-Chair

Vacant, Board Member

James Gallon, Board Member

Edward Kunuty, Board Member

Margaret Shepherd, Board Member

*Julius Whigham, Sr., Board Member**

**Posthumously Recognized*

Jon Gustafson, 1st Alternate Member

Anthony Brown, 2nd Alternate Member

IV. ACKNOWLEDGEMENT OF BOARD MEMBER ABSENCE NOTIFICATION

V. ADDITIONS AND DELETIONS TO THE AGENDA

VI. DISCLOSURE BY BOARD MEMBERS AND ADOPTION OF THE AGENDA

VII. APPROVAL OF MINUTES – October 26, 2017.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS – None.

X. WORKSHOP ITEMS

- A. A PRESENTATION BY APPLICANT REGARDING PROPOSED RENOVATIONS WITHIN THE STONYBROOK APARTMENTS, INCLUDING A NEWLY PLANNED CLUBHOUSE AND REQUESTED ABANDONMENT OF AN EXISTING RIGHT-OF-WAY, LOCATED AT 1555 DR. MARTIN LUTHER KING JR. HIGHWAY.
- B. DISCUSSION AND DELIBERATION REGARDING LAND DEVELOPMENT REGULATIONS ASSOCIATED WITH MEDICAL MARIJUANA USES WITHIN THE CITY'S MUNICIPAL LIMITS AND ORDINANCE NO. 4090 WHICH ENACTED A ONE-YEAR MORATORIUM FOR THE FILING, RECEIVING AND PROCESSING OF ANY APPLICATION OR PERMIT FOR THE ESTABLISHMENT, DEVELOPMENT OR OPERATION OF A MEDICAL MARIJUANA DISPENSARY OR TREATMENT CENTER.

XI. GENERAL DISCUSSION

- A. PUBLIC COMMENTS
- B. CORRESPONDENCE
- C. PLANNING AND ZONING BOARD COMMENTS

1. Project Updates / Upcoming Projects
2. Upcoming P&Z Board Meetings – January 11, 2018 / January 25, 2018.

XII. ADJOURNMENT

NOTICE: In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the City of Riviera Beach, 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4000 or TDD 561-840-3350, www.rivierabch.com.

Page 1	Page 3
<p style="text-align: center;">CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD</p> <p style="text-align: center;">---</p> <p style="text-align: center;">Thursday, October 26, 2017</p> <p style="text-align: center;">Marina Event Center 190 East 13th Street Riviera Beach, Florida</p> <p style="text-align: center;">6:38 p.m. - 8:14 p.m.</p> <p style="text-align: center;">---</p> <p>IN ATTENDANCE:</p> <p>Rena James, Chair Tradrick McCoy, Vice Chair James Gallon, Board Member Edward Kunuty, Board Member Margaret Shepherd, Board Member Jon Gustafson, First Alternate Member Anthony Brown, Second Alternate Member Jeff Gagnon, Acting Director of Community Development Lina F. Busby, Assistant City Attorney Simone Davidson, Staff Assistant</p>	<p>1 MS. DAVIDSON: Julius Whigham. 2 (No response.) 3 MS. DAVIDSON: James Gallon. 4 MR. GALLON: Here. 5 MS. DAVIDSON: Jon Gustafson. 6 MR. GUSTAFSON: Here. 7 MS. DAVIDSON: Anthony Brown. 8 MR. BROWN: Present. 9 MS. DAVIDSON: You have a quorum. 10 CHAIR JAMES: Acknowledgment of Board member 11 absence notification. 12 MR. GAGNON: Good evening, Chair. Thank you. 13 Jeff Gagnon, Acting Director of Community Development. 14 The one notification we did receive, 15 unfortunately, we received a resignation letter from 16 Mr. Blackwell this morning, so that was effective 17 immediately. And Mr. Whigham will also be out tonight, 18 and everyone else is present. Being that we have two 19 acting members absent, I would ask that both alternate 20 members, Mr. Gustafson and Mr. Brown, receive voting 21 rights. Thank you. 22 CHAIR JAMES: Additions and deletions to the 23 agenda. 24 MR. GAGNON: I would like to make note under 25 this section, if you notice within the heading of the</p>
Page 2	Page 4
<p>1 BE IT REMEMBERED that the following Planning 2 and Zoning Board meeting was had at Riviera Beach 3 Marina Event Center, 190 East 13th Street, Riviera 4 Beach, Florida, on Thursday, October 26, 2017, 5 beginning at 6:38 p.m., with attendees as hereinabove 6 noted, to wit: 7 --- 8 CHAIR JAMES: Good evening. We'll now call 9 the October 26 meeting of the Planning and Zoning Board 10 to order. The time is now 6:38 p.m. We'll begin with 11 a moment of silence, followed by the Pledge of 12 Allegiance. 13 (Moment of silence observed. Pledge of 14 Allegiance recited.) 15 CHAIR JAMES: Roll call, please. 16 MS. DAVIDSON: Rena James. 17 CHAIR JAMES: Present. 18 MS. DAVIDSON: Tradrick McCoy. 19 VICE CHAIR McCOY: Here. 20 MS. DAVIDSON: Corey Blackwell. 21 (No response.) 22 MS. DAVIDSON: Edward Kunuty. 23 MR. KUNUTY: Here. 24 MS. DAVIDSON: Margaret Shepherd. 25 MS. SHEPHERD: Here.</p>	<p>1 agenda itself, it does indicate the Department of 2 Community Development. In our existing budget for this 3 fiscal year, come October 1st, or previously October 4 1st, the department has been rebranded, and it's now 5 the Development Services Department. So we're 6 envisioning a rollout of the new branding come January 7 1st. So those changes will be reflected at that time. 8 VICE CHAIR McCOY: I'm sorry, can you repeat 9 that, Mr. Gagnon? 10 MR. GAGNON: Sure. 11 VICE CHAIR McCOY: You said Development 12 Services? 13 MR. GAGNON: It's Development Services 14 Department. 15 VICE CHAIR McCOY: Okay. 16 MR. GAGNON: So we were formerly known as 17 Department of Community Development, and we'll be known 18 in the future as Development Services Department. They 19 also changed -- within that is the Code Enforcement 20 Division, is within our department, and that has been 21 renamed from Code Enforcement to Code Compliance. So 22 those changes occurred in this year's budget. 23 CHAIR JAMES: Thank you. 24 Are there any disclosures by Board Members? 25 None. Moving on to adoption of the agenda. Is there a</p>

1 (Pages 1 to 4)

Page 5	Page 7
<p>1 motion?</p> <p>2 VICE CHAIR McCOY: Move to adopt, Madam</p> <p>3 Chair.</p> <p>4 CHAIR JAMES: Is there a second?</p> <p>5 MR. KUNUTY: Second.</p> <p>6 CHAIR JAMES: Roll.</p> <p>7 MS. DAVIDSON: Rena James.</p> <p>8 CHAIR JAMES: Yes.</p> <p>9 MS. DAVIDSON: Tradrick McCoy.</p> <p>10 VICE CHAIR McCOY: Yes.</p> <p>11 MS. DAVIDSON: Edward Kunuty.</p> <p>12 MR. KUNUTY: Yes.</p> <p>13 MS. DAVIDSON: Margaret Shepherd.</p> <p>14 MS. SHEPHERD: Yes.</p> <p>15 MS. DAVIDSON: James Gallon.</p> <p>16 MR. GALLON: Yes.</p> <p>17 MS. DAVIDSON: Jon Gustafson.</p> <p>18 MR. GUSTAFSON: Yes.</p> <p>19 MS. DAVIDSON: Anthony Brown.</p> <p>20 MR. BROWN: Yes.</p> <p>21 MS. DAVIDSON: Unanimous vote.</p> <p>22 CHAIR JAMES: Thank you.</p> <p>23 Approval of the minutes from September 28.</p> <p>24 Is there a motion?</p> <p>25 VICE CHAIR McCOY: Move to approve with the</p>	<p>1 the computer.</p> <p>2 I did want to make note of the fact, so the</p> <p>3 applicant did originally submit, months back -- I think</p> <p>4 the original submittal was back in April. And as you</p> <p>5 know, we had some employees leave the City, so we were</p> <p>6 short staffed. So this development was kind of caught</p> <p>7 in this timeframe of not having a full staff, so</p> <p>8 they've been really penalized by default, and they</p> <p>9 haven't been able to move through the process.</p> <p>10 Unfortunately, when I scheduled this item for</p> <p>11 this meeting, I communicated with the architect, and</p> <p>12 he's actually out of town currently. So I was hoping</p> <p>13 that it would still be okay with the Board and would so</p> <p>14 please the Board to move forward with the site plan</p> <p>15 application, review the application. If there are any</p> <p>16 questions, I'll be happy to answer to the greatest</p> <p>17 extent that I can.</p> <p>18 If there's something that really can't be</p> <p>19 worked through just by my comments, then it can always</p> <p>20 be moved to an upcoming meeting. However, I didn't</p> <p>21 want to delay this project from moving forward if the</p> <p>22 Board was comfortable reviewing it at this time.</p> <p>23 CHAIR JAMES: Is there any concern from the</p> <p>24 Board? We're good to move on tonight?</p> <p>25 Okay, we're good, Jeff.</p>
Page 6	Page 8
<p>1 necessary changes, Madam Chair.</p> <p>2 CHAIR JAMES: Is there a second?</p> <p>3 MR. KUNUTY: Second.</p> <p>4 CHAIR JAMES: Roll call.</p> <p>5 MS. DAVIDSON: Rena James.</p> <p>6 CHAIR JAMES: Yes.</p> <p>7 MS. DAVIDSON: Tradrick McCoy.</p> <p>8 VICE CHAIR McCOY: Yes.</p> <p>9 MS. DAVIDSON: Edward Kunuty.</p> <p>10 MR. KUNUTY: Yes.</p> <p>11 MS. DAVIDSON: Margaret Shepherd.</p> <p>12 MS. SHEPHERD: Yes.</p> <p>13 MS. DAVIDSON: James Gallon.</p> <p>14 MR. GALLON: Yes.</p> <p>15 MS. DAVIDSON: Jon Gustafson.</p> <p>16 MR. GUSTAFSON: Yes.</p> <p>17 MS. DAVIDSON: Anthony Brown.</p> <p>18 MR. BROWN: Yes.</p> <p>19 MS. DAVIDSON: Unanimous vote.</p> <p>20 CHAIR JAMES: Okay, we'll move right into new</p> <p>21 business, since there is no old business or unfinished</p> <p>22 business.</p> <p>23 MR. GAGNON: Yes, thank you, Madam Chair.</p> <p>24 So they gave me a clicker, but it never wants</p> <p>25 to work, so I'm going to have to go back and forth to</p>	<p>1 MR. GAGNON: Thank you. So for the record,</p> <p>2 new business, letter A is a resolution of the City</p> <p>3 Council of the City of Riviera Beach, Palm Beach</p> <p>4 County, Florida, approving site plan application</p> <p>5 SP-17-02 to construct three buildings for industrial</p> <p>6 and office use on approximately 1.7 acres of vacant</p> <p>7 land identified by parcel control number</p> <p>8 56-43-42-31-20-000-0090, and providing for an effective</p> <p>9 date.</p> <p>10 So as you can see from the aerial, the</p> <p>11 location is identified in red on the screen. Let me</p> <p>12 see if can I cursor over it. So this is the location</p> <p>13 of the site. It's off of West 10th Street, which is</p> <p>14 located off of North Congress Avenue, which is north of</p> <p>15 Dr. MLK, Jr. Boulevard.</p> <p>16 This is a little closer perspective of the</p> <p>17 site itself. It was previously partially developed.</p> <p>18 The site is somewhat improved as far as a parking area,</p> <p>19 however, there's no structures currently on site.</p> <p>20 For the record, both the site plan and</p> <p>21 landscape plan have been provided within the hard copy</p> <p>22 packet available to the Board. Identical information</p> <p>23 is also available in the informational packet for the</p> <p>24 public in the back of the room tonight.</p> <p>25 So this is the site plan. It's somewhat</p>

2 (Pages 5 to 8)

Page 9	Page 11
<p>1 difficult to see, and I actually have a color rendering 2 that I want to show the Board following the 3 presentation. The size of the file was so large, I was 4 unable to include it in this presentation, but it 5 really does highlight the location of the buildings, as 6 well as landscaping and parking areas for the site. So 7 again, this is the site plan, for the record. 8 And this is the landscape plan. Because the 9 site is adjacent to two other industrial parcels that 10 have been built out for some time now, there are a few 11 large, mature trees, shade trees on the property line, 12 so the landscape plan accommodated the existing trees 13 in order to make sure that their growth and their 14 growing area would be protected. So that's 15 incorporated into this landscape plan as well. 16 So staff is recommending approval of the site 17 plan, with the six conditions provided below and also 18 in the staff report. 19 In summary, it's a two year landscaping 20 performance bond for 110 percent of the value of 21 landscaping and irrigation. 22 Construction and landscape improvements must 23 be initiated within 18 months of the effective date of 24 the resolution, in accordance with Section 31-60(b) of 25 the City's Code of Ordinances.</p>	<p>1 property. 2 The following slide shows the elevations of 3 each building, so building one, building two, and then 4 building three. This is the southernmost building, 5 which will function as purely office use for the 6 proposed tenant, which is a construction company. As 7 you can see from the renderings, it looks almost as if 8 it's a residential type of feel to the office 9 development, so I think it will be a nice addition to 10 that area, being that it is industrial in nature. 11 And that concludes my presentation. I'll be 12 happy to answer any questions the Board may have. 13 CHAIR JAMES: We'll go right into Board 14 comments, since there are no public comment cards, 15 correct? 16 MS. DAVIDSON: Correct. 17 CHAIR JAMES: We'll begin with Mr. Brown. 18 MR. BROWN: No comments. 19 CHAIR JAMES: Mr. Gustafson. 20 MR. GUSTAFSON: No comment. 21 CHAIR JAMES: Ms. Shepherd. 22 MS. SHEPHERD: No comment. 23 CHAIR JAMES: Mr. Kunuty. 24 MR. KUNUTY: Just one question. You 25 mentioned a construction company. Are they going to</p>
Page 10	Page 12
<p>1 Development must receive final Certificate of 2 Occupancy from the City for all buildings and units 3 approved within five years of the approval of the 4 adopting resolution. 5 All future advertising must state that the 6 development is located within the City of Riviera 7 Beach. 8 Once approved, this resolution shall 9 supersede any previous site plan approval resolutions. 10 And City Council authorizes City staff to 11 approve future amendments to the site plan 12 administratively, so long as the site plan does not 13 deviate greater than five percent from the originally 14 approved site plan. 15 So if you would bear with me for one moment, 16 I'd like to bring up the color renderings as well. 17 So this is a color rendering of the site 18 plan. The site itself -- this is the southern property 19 boundary. This is the ingress/egress off of 10th 20 Street. Western property boundary. The northern 21 boundary is actually up here, and there is a wall 22 that's existing. It was built as part of the overall 23 industrial development, and that acts as a buffer in 24 between the industrial area and the adjacent 25 residential areas to the north and east of the</p>	<p>1 occupy all three buildings? 2 MR. GAGNON: Yes. They will have their 3 office headquartered here. They will have storage on 4 site; they will have really a storage unit or storage 5 building. The northernmost building is for storage. 6 So it's all for this one construction company. I 7 believe the name of the company is Axtell Construction. 8 They actually have the name -- and I might be able to 9 zoom into it -- the name anticipated on the top of the 10 building itself. 11 MR. KUNUTY: Are they currently located in 12 Riviera Beach, or are they a new addition? 13 MR. GAGNON: You know, I think they actually 14 have a lot of work in Riviera Beach, but they're not 15 located in the City. I think they do a lot of work 16 associated with FDOT, if I remember correctly, but I do 17 not believe they're currently located in the City 18 currently. 19 MR. KUNUTY: No other questions. 20 CHAIR JAMES: Mr. Gallon. 21 MR. GALLON: Yes. Jeff, will they be storing 22 their vehicles, like trucks and stuff there also? 23 MR. GAGNON: Yes, they will. On the site 24 plan itself, it was a little bit difficult to see in 25 the presentation, but on the eastern property line</p>

3 (Pages 9 to 12)

Page 13	Page 15
<p>1 there's a designated storage area that they have 2 provided for vehicle storage. 3 MR. GALLON: And were the residents notified, 4 or were they involved in any type of way? 5 MR. GAGNON: There wasn't a notification 6 process involved with this site plan. This one does 7 not require any sort of special exception approval. 8 That's typically the trigger that requires notification 9 for adjacent residences. So there was not a 10 notification with this process, other than the legal ad 11 that was provided prior to our meeting. 12 MR. GALLON: Okay, that's it. 13 CHAIR JAMES: Mr. McCoy. 14 VICE CHAIR McCOY: Mr. Gagnon, the legal ad, 15 where was that? Was that published in the newspaper? 16 MR. GAGNON: Yes, sir, Palm Beach Post. 17 VICE CHAIR McCOY: Is it under that community 18 section, is it in the local department -- just 19 identifying that as a Planning and Zoning meeting -- 20 that's circulated on Sunday, or is it in the legal 21 notices section? 22 MR. GAGNON: I believe it goes in the legal 23 notice section. I can verify. I can send out the ad 24 proof to the Board. I believe that's where it's 25 typically printed. It is noted at the top of the legal</p>	<p>1 VICE CHAIR McCOY: I couldn't tell from the 2 site plan nor from the renderings or the elevation what 3 is the perimeter. I did see on the landscape plan 4 some, it looks to be various, some sort of perhaps 5 cabbage palms or something. Is there a masonry wall? 6 What's going to be the -- I guess what's going to be 7 the perimeter, a fence or a wall or -- 8 MR. GAGNON: There is a masonry wall that 9 exists on the north side and the east side of the 10 property currently. That was built -- really, the 11 entire industrial area, it was almost like a PUD style 12 development where they have a master water management 13 plan, a specific retention area. They have a perimeter 14 wall that goes around all the parcels. 15 So the actual property line, it's somewhat 16 difficult to see, but the black line here indicates the 17 property line itself, and the fence is currently built 18 in these areas, almost on top of the property line. 19 The anticipated landscaping, again, there 20 were some larger shade trees that are well established, 21 so those are being maintained. The rest of the 22 plantings, there's some silver buttonwood, some 23 understory trees, a few, like a mix of palm trees and 24 other shade trees are also proposed within the 25 landscape plan.</p>
Page 14	Page 16
<p>1 ad that it's a public hearing notice, so I think it 2 appears in the legal ad section. 3 (Discussion held off the record.) 4 VICE CHAIR McCOY: Okay. All right, so I 5 understand you said it was -- you believe it's in the 6 legal notice section? 7 MR. GAGNON: I believe that's where it's 8 printed. I can follow up with the ad proof that was 9 provided and provide that to the Board as well. 10 VICE CHAIR McCOY: What would be the reason 11 that it needs to be in the legal notice section? I 12 didn't know we had a requirement to do that for site 13 plans. Is there something unique regarding this 14 application? 15 MR. GAGNON: It's actually not a requirement. 16 The ordinances that we're discussing would have 17 required that notification, so I just rolled all three 18 items that we're discussing tonight into that legal ad. 19 I figured if we're already doing a legal ad, I might as 20 well provide notification of this project as well. 21 VICE CHAIR McCOY: Okay. Well, that is 22 exactly what caught my attention, because it doesn't 23 seem typical to put just a site plan application into a 24 legal notice in the paper. 25 MR. GAGNON: That's true.</p>	<p>1 VICE CHAIR McCOY: What kind of fence is it 2 that's there? 3 MR. GAGNON: It's a concrete wall that's 4 currently there. 5 VICE CHAIR McCOY: Okay. Okay, thank you, 6 Mr. Gagnon. 7 MR. GAGNON: You're welcome, sir. 8 CHAIR JAMES: I don't have anything 9 additional to add, so at this time would we like to 10 entertain a motion? 11 VICE CHAIR McCOY: Move to approve, Madam 12 Chair. 13 CHAIR JAMES: Is there a second? 14 MR. GALLON: Second. 15 CHAIR JAMES: Roll call. 16 MS. DAVIDSON: Rena James. 17 CHAIR JAMES: Yes. 18 MS. DAVIDSON: Tradrick McCoy. 19 VICE CHAIR McCOY: Yes. 20 MS. DAVIDSON: Edward Kunuty. 21 MR. KUNUTY: Yes. 22 MS. DAVIDSON: James Gallon. 23 MR. GALLON: Yes. 24 MS. DAVIDSON: Margaret Shepherd. 25 MS. SHEPHERD: Yes.</p>

4 (Pages 13 to 16)

Page 17	Page 19
<p>1 MS. DAVIDSON: Jon Gustafson. 2 MR. GUSTAFSON: Yes. 3 MS. DAVIDSON: Anthony Brown. 4 MR. BROWN: Yes. 5 MS. DAVIDSON: Unanimous vote. 6 CHAIR JAMES: Item B. 7 MR. GAGNON: Thank you, Chair. 8 Item B under new business is an ordinance of 9 the City Council of the City of Riviera Beach, Palm 10 Beach County, Florida, amending Chapter 31 of the 11 City's Code of Ordinances entitled Zoning; Article VI, 12 entitled Supplemental District Regulations; Section 13 31-551, entitled Principal Arterial Commercial Design 14 Standards Overlay, to amend existing objectives and 15 district delineation, and to enact new regulations for 16 the appearance of structures, landscape design, buffer 17 standards and signage, and providing for an effective 18 date. 19 So I'd like to refer the Board to the hard 20 copy packet that's been provided. This is actually a 21 proposed ordinance to amend existing regulations that 22 provide design guidelines and architectural standards 23 for the major corridors of the City. 24 So those major corridors include Dr. Martin 25 Luther King, Jr. Boulevard, Old Dixie Highway, Blue</p>	<p>1 bear with me one second. Thanks. 2 CHAIR JAMES: No problem. 3 MR. GAGNON: So this is the proposed overlay 4 map. This is not the area that the overlay currently 5 exists on. The overlay currently pertains to any 6 commercial properties on the same arterial roadways, so 7 all the roadways that were named before, if it's a 8 commercially zoned property, these regulations would 9 apply. 10 What this amendment will do is not only enact 11 these regulations on commercial properties, but it 12 would enact the regulations on almost every property 13 along these arterial roadways. There is an exemption 14 section that I can refer to in a moment. It's 15 actually, I believe, number eight, towards the end of 16 the ordinance. It's actually on page four. 17 It's specifically for right-of-way buffers, 18 so if you have a single family residence, a townhouse 19 lot or a property that is adjacent to the Intracoastal 20 Waterway, a private street right-of-way internal to a 21 PUD and alleyways, the right-of-way buffer would not 22 apply. So there are some exemptions to where the 23 overlay would be applicable. 24 But just for a general overview of the 25 impacts of the City, this map demonstrates the parcels</p>
Page 18	Page 20
<p>1 Heron Boulevard, Broadway, also known as U.S. 1, 13th 2 Street, Military Trail, Congress Avenue and Australian 3 Avenue. 4 If you do recall, there was the moratorium 5 that was enacted by the City Council, I believe it was 6 in December of 2016. That was Ordinance Number 4091. 7 And what that did is put a hold on any development 8 applications, any site plan applications to be 9 submitted along Blue Heron Boulevard and U.S. 1. So 10 this code amendment is in response to that ordinance. 11 Staff believes that the recommendations 12 within this ordinance will help strengthen the 13 development guidelines and standards for the main 14 corridors of the City. And if it pleases the Board, I 15 can go through the amended changes, or if you have any 16 specific questions at this time, I'd be happy to answer 17 before I go into the specific language. 18 CHAIR JAMES: I'd say go through the 19 language. 20 MR. GAGNON: Okay. Do you think there's a 21 benefit in maybe showing the map of the City, the areas 22 that could potentially be impacted? 23 CHAIR JAMES: Sure. 24 MR. GAGNON: Let me put the map up too. And 25 again, the technology, bouncing back and forth, just</p>	<p>1 that would be impacted if this proposed ordinance moves 2 forward. As you can see, it does -- really, it does 3 impact, just from visualizing this map, approximately 4 15 to 20 percent of the land area of the City. 5 If you'll notice, everything that is east of 6 President Barack Obama Highway, except for one little 7 area on Singer Island, that's also impacted with this 8 proposal. That area is mainly our downtown district, 9 and this ordinance would not apply to our downtown 10 district. 11 When the future land use and zoning districts 12 that pertain to our downtown district were enacted, 13 they superseded this overlay, so they would not be 14 included within this overlay. So again, this is going 15 to impact the areas that are shown in that yellow color 16 on the map currently. 17 Yes, sir. 18 VICE CHAIR McCOY: Mr. Gagnon. Madam Chair. 19 CHAIR JAMES: Go ahead. 20 VICE CHAIR McCOY: You said it supersedes the 21 downtown development district? 22 MR. GAGNON: So when the downtown development 23 in the downtown area was improved, there's a section of 24 the ordinance that basically says this new ordinance 25 supersedes any previous ordinance that offered</p>

5 (Pages 17 to 20)

Page 21	Page 23
<p>1 development guidelines and design criteria for the</p> <p>2 area. It's really a customary section, because if</p> <p>3 there were to be a conflict, you'd want the newest</p> <p>4 ordinance to be the controlling ordinance, or you'd</p> <p>5 want to specifically call out an ordinance that would</p> <p>6 also be relevant.</p> <p>7 So the way that the downtown districts were</p> <p>8 implemented, they would not impact, you know, the areas</p> <p>9 that are currently shown on the map. So the new</p> <p>10 downtown districts kind of set their own architectural</p> <p>11 standards, their own guidelines and trump the existing</p> <p>12 commercial overlay.</p> <p>13 VICE CHAIR McCOY: Follow-up, Madam Chair.</p> <p>14 CHAIR JAMES: Go ahead.</p> <p>15 VICE CHAIR McCOY: So if I understand you</p> <p>16 correctly, the overlay that we're having in front of us</p> <p>17 supersedes everything that's already existing, with the</p> <p>18 exception of the downtown area, the downtown</p> <p>19 development district?</p> <p>20 MR. GAGNON: Yes, for architectural</p> <p>21 standards, yes, sir.</p> <p>22 VICE CHAIR McCOY: Okay. And is there a</p> <p>23 better map, because I can see the legend at the bottom,</p> <p>24 but I can't even tell what streets those are.</p> <p>25 MR. GAGNON: Okay, let me zoom in then. I</p>	<p>1 But this map is really for a guide for the Board to</p> <p>2 really see the overall potential impact, so there might</p> <p>3 just be a couple of little tweaks we need to figure out</p> <p>4 as we move forward.</p> <p>5 But again, the Blue Heron Boulevard corridor,</p> <p>6 up President Barack Obama Highway, the west side of</p> <p>7 President Barack Obama Highway, a majority of these</p> <p>8 parcels would also fall within this overlay.</p> <p>9 Along Australian Avenue, 13th Street, which</p> <p>10 runs east and west, and also Congress south of Blue</p> <p>11 Heron Boulevard, as well as a few parcels along MLK,</p> <p>12 which actually, at this point, a lot of that has been</p> <p>13 captured by FDOT during the roadway widening process,</p> <p>14 so we'd have to go back in and check each parcel to see</p> <p>15 if they are, in fact, single family lots or if they are</p> <p>16 commercial use.</p> <p>17 So I hope that helps as far as identifying</p> <p>18 the specific roadways and the areas that could be</p> <p>19 impacted by this ordinance. Did the Board have any</p> <p>20 other questions as far as the area currently?</p> <p>21 VICE CHAIR McCOY: Follow-up, Madam Chair.</p> <p>22 CHAIR JAMES: Go ahead.</p> <p>23 VICE CHAIR McCOY: I do, and this is a much</p> <p>24 better visual to see it up close and zoomed in like</p> <p>25 this. But right off the bat, the first thing that</p>
Page 22	Page 24
<p>1 think I might just have to move the microphone.</p> <p>2 Hopefully, that doesn't interfere with</p> <p>3 Walter's recording.</p> <p>4 And we also had hard copies too. I think we</p> <p>5 have hard copies we can pass out as well, which may</p> <p>6 help. I think they just weren't distributed yet.</p> <p>7 So we'll start in the western portion of our</p> <p>8 City. So this blue line here running north and south</p> <p>9 is Military Trail. So you can see that almost every</p> <p>10 parcel on the east side of Military Trail would be</p> <p>11 impacted by this ordinance. There's also some</p> <p>12 commercial areas that are located on the west side as</p> <p>13 well that would be impacted by the ordinance proposal</p> <p>14 as well.</p> <p>15 The interchange, the intersection, the</p> <p>16 interchange of I-95 and Blue Heron Boulevard, a</p> <p>17 majority of those parcels would be captured in this</p> <p>18 ordinance.</p> <p>19 As we travel east on Blue Heron Boulevard,</p> <p>20 which is in the center of the screen currently -- so</p> <p>21 this is Blue Heron Boulevard -- you can see that the</p> <p>22 individual parcels are captured here. Actually,</p> <p>23 there's a few here that should actually be outside,</p> <p>24 because they are single family as far as the</p> <p>25 architectural standards and the right-of-way buffer.</p>	<p>1 comes to mind, and if I can remember correctly, it said</p> <p>2 something to the effect if there's more than 50 percent</p> <p>3 in improvements done to the property, then you have to</p> <p>4 comply with this overlay district requirement?</p> <p>5 MR. GAGNON: Yes. I believe that language is</p> <p>6 current language, and that was in the previous overlay.</p> <p>7 VICE CHAIR McCOY: Right.</p> <p>8 MR. GAGNON: And I think that was maintained,</p> <p>9 so --</p> <p>10 VICE CHAIR McCOY: But --</p> <p>11 MR. GAGNON: -- as it triggers -- so if you</p> <p>12 had a renovation development, that would be the</p> <p>13 threshold that would trigger the renovation to come</p> <p>14 into compliance.</p> <p>15 VICE CHAIR McCOY: And the threshold, is that</p> <p>16 a dollar amount, or is it a percentage of, I guess, the</p> <p>17 floor area ratio? What's the quantitative value for</p> <p>18 the threshold? Is it a --</p> <p>19 MR. GAGNON: Yes, and let me -- I want to</p> <p>20 make sure that the Board's in the same spot so we can</p> <p>21 all -- and I get myself on the same spot too.</p> <p>22 VICE CHAIR McCOY: Okay, I see it. Fifty</p> <p>23 percent of the assessed value of the building. But,</p> <p>24 you know, I think -- and I want to reserve a couple of</p> <p>25 those comments until after the other Board members</p>

6 (Pages 21 to 24)

Page 25	Page 27
<p>1 weigh in. But initially, my first thought was this</p> <p>2 only applied to the arterial roadways. But when I look</p> <p>3 at the legend, and I'm looking at the orange hashmark</p> <p>4 section, it says Proposed Principal Arterial Overlay</p> <p>5 District, you know, I'm looking at a lot of things</p> <p>6 there near and around -- let's say that looks like to</p> <p>7 be the 13th Street area. I see 9th Street, I see 10th</p> <p>8 Street, yes, right in there.</p> <p>9 And that is a bit concerning, because here we</p> <p>10 are, we just had Hurricane Irma, and thankfully, we</p> <p>11 didn't have much damage. But if a tree was to fall on</p> <p>12 the house and destroys half of the house, and the</p> <p>13 insurance is only going to pay what it takes to bring</p> <p>14 that house back to where it was, we're going to expect</p> <p>15 not businesses, but residents to comply with a new</p> <p>16 overlay district when it may not even be economical or</p> <p>17 affordable for them to do that.</p> <p>18 Now, initially when I read this, I thought it</p> <p>19 only applied to the main roads that was listed. But if</p> <p>20 I'm correct, I mean if I live over on 10th Street</p> <p>21 across from the Dan Calloway Tate facility, and you</p> <p>22 know, I want to do some improvements, you know, now I</p> <p>23 have a whole other layer of bureaucracy, and I'm sure a</p> <p>24 lot more money to now comply with these new overlay</p> <p>25 standards.</p>	<p>1 an improvement to my property, now, as a residential</p> <p>2 property, I have to come into compliance with the new</p> <p>3 overlay district, if I understand you correctly.</p> <p>4 MR. GAGNON: Not as a single family</p> <p>5 residential property.</p> <p>6 VICE CHAIR McCOY: No, because in 31-551, it</p> <p>7 specifically strikes out commercial, and that would</p> <p>8 lead me to assume that residential is included in the</p> <p>9 actual language.</p> <p>10 MR. GAGNON: Well, it's not the intent, so it</p> <p>11 could be something that maybe we can wordsmith it and</p> <p>12 come up with a more clear and concise, you know,</p> <p>13 proposed amendment. I guess the clause that I thought</p> <p>14 would apply would be the exemption section.</p> <p>15 And maybe I need to clarify that further,</p> <p>16 because the exemption section talks more about the</p> <p>17 right-of-way buffer component, and it talks about the</p> <p>18 fact that it's not required for individual single</p> <p>19 family residential or townhouse or other specific</p> <p>20 elements that could come into play as far as if it was</p> <p>21 on a private street or adjacent to the Intracoastal</p> <p>22 Waterway, internal to a PUD or alleys.</p> <p>23 So maybe we just need to go back, and staff</p> <p>24 can go back and see if there's a more clear and concise</p> <p>25 method. And it could just be in the objective sections</p>
Page 26	Page 28
<p>1 MR. GAGNON: And I want to be -- I guess let</p> <p>2 me -- I'll take a step back, because I want to make</p> <p>3 sure I'm as clear as possible on the intent of the</p> <p>4 ordinance. So we really don't want it to impact any</p> <p>5 single family residential dwellings.</p> <p>6 If there was -- I know you referenced a storm</p> <p>7 event, so if there was damage caused by a storm event,</p> <p>8 we actually have a different section of our code that</p> <p>9 talks about being able to repair property that's</p> <p>10 damaged through an act of God, really as it was before</p> <p>11 the event. So that wouldn't trigger this, because that</p> <p>12 savings clause in that other ordinance would be able to</p> <p>13 protect the property, so long as it's an act of God.</p> <p>14 So if a developer or if a property owner</p> <p>15 chose to, let's say -- and again, it wouldn't apply to</p> <p>16 a single family house. This would be a commercial</p> <p>17 development. So let's say they decided to do</p> <p>18 significant renovations, they decided to alter the</p> <p>19 parking configuration, something that was significant</p> <p>20 monetarily and also a significant impact to the site,</p> <p>21 that would potentially trigger this 50 percent</p> <p>22 valuation that would make them come into compliance</p> <p>23 with the new design standards and guidelines.</p> <p>24 VICE CHAIR McCOY: But in other cases, if I</p> <p>25 didn't have the storm or hurricane and I wanted to do</p>	<p>1 to make it very clear that this is not designed or it's</p> <p>2 not intended to impact single family residential or --</p> <p>3 VICE CHAIR McCOY: I would like that,</p> <p>4 Mr. Gagnon, because I know you do a thorough job, and</p> <p>5 I'm not speaking for what your intent is. But you</p> <p>6 know, I know you have a very bright future here at the</p> <p>7 City, but I can see 25 years down the line somebody's</p> <p>8 going to take this ordinance, if it's approved in this</p> <p>9 same manner, and perhaps apply it to a single family</p> <p>10 home, when, you know, that wasn't the original intent.</p> <p>11 And now when you have a remodel going on,</p> <p>12 someone's going to say, well, the ordinance never said</p> <p>13 single family homes. And even so much if I had a</p> <p>14 duplex that had two units, that's not considered single</p> <p>15 family, that's considered multifamily. Anything beyond</p> <p>16 two on one parcel I believe is multifamily. And even</p> <p>17 in that situation, you know, that kind of gives me a</p> <p>18 little concern too. I mean I understand what the</p> <p>19 intent is, but I hope that we can really work to get</p> <p>20 some language that it doesn't have any unintended</p> <p>21 consequences.</p> <p>22 MR. GAGNON: Understood.</p> <p>23 VICE CHAIR McCOY: Yes, thank you. Those are</p> <p>24 my comments for now. Thank you.</p> <p>25 CHAIR JAMES: I agree --</p>

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 VICE CHAIR McCOY: And I apologize for 2 cutting into your presentation. I just wanted to make 3 sure I understood that correctly. 4 MR. GAGNON: That's why we're here. 5 CHAIR JAMES: And I agree that needs to be 6 very clear, because like you stated, you know, 25 years 7 down the road, you know, none of us are here, and you 8 know, don't remember what the clear intent. It just 9 needs to be stated plainly and clearly. 10 VICE CHAIR McCOY: Follow-up. 11 CHAIR JAMES: Go ahead. 12 VICE CHAIR McCOY: And you know, I really 13 wish we had more public participation, because, you 14 know, folks in our community only come out when 15 there's, you know, something very controversial. 16 But in my opinion, this is going to be very 17 impactful on individuals that have -- you know, 18 especially the landlords, because, you know, when you 19 think about the City's, you know, over 60 percent 20 landlord and investor owned, so clearly, you know, this 21 is a huge determinate in how I do business as a 22 landlord in the City if I have to go in and rehab or 23 remodel my units. Now I have a whole new design 24 compliance requirement that I have to meet. 25 So, you know, I don't know, I guess my</p>	<p style="text-align: right;">Page 31</p> <p>1 solely was what was on the blue lines, and now that I 2 see it deviates into some of the neighborhoods, it 3 really, you know, gives me a little bit of concern, 4 because, you know, it is really interesting how it only 5 affects the south end at various locations, and it 6 really is impactful right around just north of Blue 7 Heron, between Blue Heron and Dr. Martin Luther King. 8 So I just want folks to know, because when 9 you get a business, you have a budget, and you know 10 what you can afford and what you're willing to do in 11 order to keep your business operable, and even as a 12 home, you know. But I just, you know -- and I know 13 it's not you, and I know you do your advertisement, 14 but, you know, I know people will, you know, they'll be 15 up in arms if they realize what the additional fiscal 16 impact could be. So thank you, Mr. Gagnon, for 17 clearing that up. 18 Those are my comments, Madam Chair. 19 MR. GAGNON: If I also may, I did see another 20 typo, and again, this was -- all the text that appears 21 in black, that is existing language. So I did notice 22 that within the delineation, it does state Old Dixie 23 Highway. So that obviously would be updated to reflect 24 the name change, so that would be President Barack 25 Obama Highway. So I just wanted to state that for the</p>
<p style="text-align: right;">Page 30</p> <p>1 question is are you expecting us to have a decision or 2 make a vote on this tonight, or should -- 3 MR. GAGNON: You know, it's the ordinance 4 that -- it's been advertised properly, so it could move 5 forward. But I'll say from, really just from history, 6 from just working through items, typically ordinances 7 of this magnitude take some work, and it takes -- 8 VICE CHAIR McCOY: Sure. 9 MR. GAGNON: -- some discussion to make sure 10 that it reads the same way and the intent is clear to 11 everybody. So there's no pressure to move it forward 12 tonight. 13 I think that the City as a whole wants to 14 demonstrate progress in regards to drafting regulations 15 in response to the previous moratorium, but there's not 16 a hard and fast deadline set as far as when we need to 17 have a final product. So I don't want the Board to 18 feel as if there's pressure from staff to approve 19 something tonight, so it can be brought back at a 20 future meeting, if that's the pleasure of the Board. 21 VICE CHAIR McCOY: I'll leave that open to 22 see what the other members have. 23 And this is my last concern regarding this. 24 The first thing that was confusing when I seen 25 Principal Arterial Commercial Designs, I thought it</p>	<p style="text-align: right;">Page 32</p> <p>1 record as well. 2 Does the Board have any additional questions 3 on the delineation of the overlay? 4 MR. KUNUTY: Madam Chair. 5 CHAIR JAMES: Go ahead. 6 MR. KUNUTY: I agree with Mr. McCoy about 7 single family, and that would be a simple exclusion, 8 you know, whenever you rewrite it. But I guess I don't 9 understand why there's a lot of interior properties in 10 here, particularly areas south of Blue Heron that are 11 not on an arterial road that fall into this. And some 12 of that is -- a lot of that is currently single family. 13 MR. GAGNON: I want to make sure that I 14 address all of the concerns. Are there certain areas 15 that you see? I've seen myself firsthand specifically 16 like the Z Terrace area, the northwest corner of 17 Congress and Blue Heron Boulevard -- 18 VICE CHAIR McCOY: Can you use your mouse? 19 MR. GAGNON: -- like -- I'm sorry. So 20 there's a few parcels in here that would be excluded, 21 and I think they were captured accidentally. So these 22 would be excluded. These are currently single family 23 residential. Were there other areas specifically, 24 Mr. Kunuty, that I need to look at again? 25 MR. KUNUTY: Well, I think that whole, the</p>

Page 33	Page 35
<p>1 area that's south of Blue Heron and east of Congress, 2 there's a number of parcels that are in there. 3 MR. GAGNON: Okay, I see in here, yes. 4 MR. KUNUTY: Also, west of Australian and 5 south of -- well, that's 13th Street, I guess. 6 CHAIR JAMES: And Jeff, does that also 7 include Marsh Harbor? 8 MR. GAGNON: That's not the intent. It 9 almost looks as if, yes, this area -- 10 CHAIR JAMES: All along that Congress 11 corridor. 12 MR. GAGNON: This right here, this is 13 captured, and it should not be. This is Marsh Harbor. 14 So that would be excluded as well. So we're definitely 15 finding some inconsistencies with the map, so -- 16 MR. KUNUTY: Yes, for sure. 17 MR. GAGNON: -- just that alone, we need to 18 go back and make sure we double-check. And also, being 19 that we'll go back and look at the applicability of the 20 overlay with that text amendment and ensuring that 21 there's no impact to single family residential; it 22 could be expanded so it could be no impact to 23 residential up to a certain number of units. So if it 24 was a duplex, a triplex, a quadplex, maybe those would 25 be excluded as well. So maybe that's a discussion that</p>	<p>1 CHAIR JAMES: I have a question, Jeff. 2 MR. GAGNON: Yes, ma'am. 3 CHAIR JAMES: The proposed overlay in Singer 4 Island, what area actually is that? It kind of looks 5 like the Ocean Mall area. 6 MR. GAGNON: There's actually a small area -- 7 so this is the Blue Heron bridge. And you'd enter 8 Singer Island, and on the north side of Blue Heron 9 Boulevard there's a small pocket of property that has 10 an office/professional zoning. So it wouldn't impact 11 the Ocean Mall. This is the Ocean Mall area. This is 12 our municipal beach park. 13 So the one area that's impacted with this 14 proposal would be the office/professional area. So 15 that's where I believe it's -- I believe it's -- I'm 16 trying to think how many stories it is, five or six 17 floors. There's an office building, very unique 18 architectural design. It's kind of a curved front to 19 it. 20 CHAIR JAMES: Why is it only that particular 21 section instead of along the arterial road, because I 22 thought we had kind of discussed that entrance to 23 Singer Island as being changed and uniform as well, 24 that entrance? 25 MR. GAGNON: Let me show the Board the</p>
Page 34	Page 36
<p>1 if the Board has certain feelings about, then staff 2 will be able to implement that to the amendment moving 3 forward. 4 VICE CHAIR McCOY: I think that's great. At 5 least up to a quadplex, because I can distinctly think 6 of about three or four places off the top of my head 7 there are four units, but you wouldn't even know that 8 they are multifamily; it almost seems like a single 9 family residence. So -- 10 MR. KUNUTY: Yes, I don't disagree with that. 11 But I think the trap you might run into with that is if 12 you look at the properties on Blue Heron, it may have 13 three or four buildings, five buildings on it, all one 14 single ownership, and they may have, you know, three or 15 four apartments in each of those. So I don't think 16 they should be excluded. 17 I think, you know, a legitimate single family 18 should be excluded, but I think some thought has to be 19 given into the fact of, you know, where do you make 20 that cutoff, okay? I mean there will be properties 21 that have single ownership and may have three or four 22 triplexes on it. Should that be excluded or not, 23 because it would be easy enough to say, well, it's a 24 triplex, but it's really part of a conglomerate. 25 So I have no other questions on this topic.</p>	<p>1 current zoning map. So all of the areas -- this is 2 Broadway, north and south, and this is Blue Heron 3 Boulevard that's running east and west. So all of the 4 areas that have the lines -- there's a red-pinkish 5 area, a purplish area, as well as a lighter tan area 6 and this blue area. Those are all downtown zoning 7 districts, so that's why on the other map there was 8 kind of a hole on this side of the City as far as the 9 impact of the regulations. 10 So as we go over to Singer Island -- and I 11 need to scroll down. When you get onto Singer Island, 12 that downtown area exists for a majority of the 13 properties, however, along Blue Heron Boulevard there's 14 this adjacent office/professional area. So this was 15 the section that was being captured with the new 16 overlay district that is outside of our downtown zoning 17 area for the City. So that's why this was appearing in 18 the other overlay map. 19 CHAIR JAMES: Okay, are there any other Board 20 questions, comments? 21 MR. GAGNON: So just for the record, I can go 22 through the rest of the proposed changes, and I can 23 always go back to any of the maps that we've already 24 looked at, if the Board would like me to. 25 VICE CHAIR McCOY: Mrs. James, follow-up.</p>

Page 37

1 CHAIR JAMES: Go ahead.

2 VICE CHAIR McCOY: Mr. Gagnon, reading this,
3 I don't understand what a right-of-way is.

4 MR. GAGNON: Okay.

5 VICE CHAIR McCOY: You know, I know what a
6 right-of-way is, but just for the purposes of this,
7 right-of-way buffer shall be provided along all street
8 right-of-ways, do you have a visual of or some sort of
9 example, because it just sounds like a bunch of jargon
10 unless I probably can take a look at it.

11 MR. GAGNON: Yes. No, I completely
12 understand. I think that lots of times when, you know,
13 staff members are writing the language, it's just a
14 terminology. And you know, even this, it's abbreviated
15 in multiple sections of the code, so I think it's
16 important to really point out exactly what's intended.

17 So right-of-way is typically the street area.
18 It's normally utilized for transportation. Again, most
19 frequent utilization for transportation is streets, but
20 there could potentially be a right-of-way for other
21 transportation access. It could be for, let's say, a
22 train or other mechanisms for transportation. For the
23 intent of this code, it's really going to apply to
24 streets.

25 So, for example, the Blue Heron Boulevard

Page 39

1 at least one canopy tree that's proposed for every 20
2 lineal feet. So that kind of starts to create a
3 development pattern that has a more standard and, I
4 guess, lush landscape approach to any sort of
5 development that's adjacent to the larger
6 right-of-ways. So that's really what the intent of
7 this code is.

8 Does the Board have any specific questions
9 about that or how the table is proposed to work?

10 MR. KUNUTY: Just one comment on it. The
11 right-of-way isn't only the street and the sidewalk.
12 There's usually a right-of-way easement beyond that.
13 Now, in our neighborhood we just found that out because
14 they're going to pave, repave the street, and there's
15 actually an easement into, about two feet into
16 everybody's property, okay, that they call
17 right-of-way.

18 MR. GAGNON: That's true. So sometimes the
19 right-of-way -- and the real, I guess, determination is
20 through a legal document known as the plat. So the
21 plat is the controlling document that calls out
22 specific property and the specific location of
23 right-of-way. So what you'll see occasionally, and
24 what you've described is the road doesn't, or it hasn't
25 been built out to the capacity of the entire

Page 38

1 right-of-way would be all of the travel lanes, and the
2 sidewalks are normally captured within the right-of-way
3 as well. So it's that public area that is utilized for
4 ingress and egress throughout our city. So that's what
5 right-of-way is, and that's how it's utilized in this
6 ordinance.

7 And within the table itself, it talks about a
8 width of the right-of-way in feet and a buffer that's
9 associated with the width of the right-of-way. So it's
10 a lot of information to try to digest, and it's really
11 more of a technical table that's being proposed.

12 But what this is demonstrating is if you have
13 a larger right-of-way, you need to have larger buffers,
14 larger landscape buffers on each side of the roadway.
15 So on Blue Heron Boulevard, for example, that
16 right-of-way tends to be 100 feet in width, so that
17 would trigger, the top of the table shown on the screen
18 currently, any sort of right-of-way that's more than
19 75 feet in width would trigger a minimum buffer of
20 15 feet. So that's how this table currently reads.

21 And underneath, there are certain landscape
22 elements that are proposed to be maintained within that
23 buffer, so there's a constant linear hedge that's
24 required, as well as specific plantings that are also
25 required. So for example, under number four, there's

Page 40

1 right-of-way, so the right-of-way could be bigger than
2 that.

3 So what this code does is it factors in the
4 actual width of the right-of-way versus the width of
5 what has been developed. So this is asking for the
6 buffer to be contingent upon how wide the legal
7 right-of-way is versus just what's been built out as
8 functioning road space during the time of development.

9 MR. KUNUTY: But practically, your -- and
10 maybe you can address this when you reword it. But
11 practically then, if there's a three foot additional
12 right-of-way beyond the sidewalk, okay, you're
13 requiring the owner of the property to start the
14 landscaping three foot in. So we have kind of this no
15 man's land that either, you know, either the City would
16 have to landscape or you somehow have to get -- ask the
17 owner of the property to landscape. So there is that
18 kind of no man's land there that --

19 MR. GAGNON: Yes.

20 MR. KUNUTY: -- you know, was never used, but
21 the owner kind of assumes responsibility for it. So I
22 don't know how you weave that in, but --

23 MR. GAGNON: So there's lots of times that
24 actions in like a water management capacity or it's
25 just like a swale area where -- and I definitely

10 (Pages 37 to 40)

Page 41	Page 43
<p>1 understand what you're saying, because it's something 2 that wouldn't be captured in a landscape buffer, so who 3 manages it? There is a code section now in our 4 landscape requirements that does require the adjacent 5 property owner to maintain that space, so that is 6 called out.</p> <p>7 And the one protection that this provides for 8 is -- I'll use Blue Heron Boulevard, for example. If 9 the right-of-way was legally 100 feet, but only 80 feet 10 were built out, for example, and there was a future 11 plan to widen that roadway, when the roadway was, in 12 fact, widened, the landscape buffer would still be 13 okay, because we're asking it to be built outside of 14 that right-of-way.</p> <p>15 So it will create that space if the entire 16 right-of-way is not built out, but it also will ensure 17 that if you're planting shade trees that you want to be 18 established over time, that they'll be protected if 19 there is any sort of expansion proposed in the future, 20 at least to the greatest extent possible.</p> <p>21 So that's really the right-of-way section in 22 a nutshell.</p> <p>23 There are modifications proposed to the 24 signage component as well. So currently the code only 25 allows for one monument sign per site. And a monument</p>	<p>1 almost by default, what I've heard, so if that's the 2 pleasure of the Board -- staff can obviously still 3 listen to any other comments that the Board has 4 tonight, but we can go back and look at it again and 5 take the comments and questions that we've received and 6 factor them into the proposal and also provide a 7 revised map that more accurately reflects what's being 8 proposed.</p> <p>9 VICE CHAIR McCOY: Madam Chair. 10 CHAIR JAMES: Go ahead.</p> <p>11 VICE CHAIR McCOY: Mr. Gagnon, I have a 12 question. So there are some areas throughout town that 13 I think they might be encompassed in that map, and 14 specifically in that overlay district, that the City 15 maintains the maintenance of certain right-of-ways.</p> <p>16 And I guess when we see this again, like for 17 instance, I'm just looking at Blue Heron, and I know if 18 we think just west of, just immediately west of that 19 Chevron station going along Blue Heron, right over in 20 that area where there's -- the proposed Family Dollar 21 was, there are palm trees that's on the sidewalk. And 22 I know that those were placed in there by DOT. There's 23 like a little carve-out in the middle of the sidewalk 24 that exists, some palm trees. There are not -- 25 MR. GAGNON: Yes.</p>
Page 42	Page 44
<p>1 sign is similar to, I guess, a tombstone, for example, 2 where it's on the ground, there's a foundation, it's 3 not up in the air. So our current code requirements 4 only allow one per property. So it doesn't matter how 5 big the property is, how many tenants are on the 6 property.</p> <p>7 So I found personally over the years that 8 it's a conflict, because if you have a larger property 9 with multiple tenants, if it's a strip mall type of 10 development, you want to be able to provide proper 11 signage for your tenants. So what the code amendment 12 is proposing is if you do have a larger property, if it 13 exceeds 400 feet of frontage or if you're on a corner 14 lot, it provides for additional signage for the 15 development.</p> <p>16 So this is actually relaxing the current 17 codes and provides for more opportunities for signage 18 for businesses. Again, it's still a monument type 19 sign, so it will be uniform signage. However, it at 20 least provides that opportunity for businesses to add 21 additional signage if they choose to do so.</p> <p>22 I know that the Board has expressed some 23 questions, comments, concerns, so there probably is 24 some more work to do and some more, you know, 25 redrafting of this ordinance. So I think that that's,</p>	<p>1 VICE CHAIR McCOY: -- a whole lot. 2 But you know, I'm just trying to understand 3 exactly, for the purposes of the overlay, how we can 4 kind of have a visual of what exactly a right-of-way 5 is, because I'm -- you know, I know what the 6 right-of-way is in front of my home. It may not be the 7 same for a different business.</p> <p>8 And you know, there's just so many different 9 variations and definitions of right-of-way, because, 10 you know, I know for the purposes of what Mr. Kunuty 11 said, he mentioned there's an easement component of the 12 right-of-way. And then when he said easement, it 13 brought me to the mindset that, you know, I have to 14 maintain the easement behind my house.</p> <p>15 So I would like to see if we can have some 16 visuals to kind of get more of an understanding of what 17 exactly would be an individual's responsibility being a 18 commercial property owner or potentially a multifamily 19 property owner, and also, you know, at what point does 20 that requirement of maintaining it cuts off and it 21 becomes the right-of-way to a State road or 22 right-of-way to a County road and the County inherently 23 maintains it and puts shrubbery.</p> <p>24 So if we could have some visuals as to more 25 of what exactly it encompasses and what those</p>

Page 45	Page 47
<p>1 limitations are and when those right-of-way provisions 2 don't apply, I think that would provide more, because I 3 mean even reading the definition, and after hearing you 4 kind of explain it, and Mr. Kunuty, you know, I think 5 that doesn't even encompass my full understanding of 6 what a right-of-way is because I've seen it used in so 7 many different ways in different applications. 8 MR. GAGNON: I think that's a good 9 suggestion, and I think staff will be able to bring 10 back various examples. And I think what makes it more 11 confusing is you can actually have street trees, for 12 example, that were planted within the right-of-way, 13 whether it's a landscape median or as you described. I 14 think years ago there was a grant through FDOT where 15 they actually put in street planters for those palm 16 trees along the sidewalk. So technically, those are 17 within the right-of-way. 18 So we can provide examples of different 19 right-of-ways and how that could work, maybe do a 20 couple example drawings of how it could look in certain 21 situations. So that way we can have a better 22 conversation, and everyone will be able to have a 23 better understanding of what this impact could be to 24 these properties. 25 VICE CHAIR McCOY: Okay, thank you,</p>	<p>1 MR. KUNUTY: No, I think I agree with that. 2 I would give him as much latitude as possible to make 3 the changes. 4 VICE CHAIR McCOY: Sure. 5 CHAIR JAMES: So the motion? 6 VICE CHAIR McCOY: You're looking for me to 7 do the motion? 8 CHAIR JAMES: Hey, somebody needs to make a 9 motion, because we've got a -- 10 VICE CHAIR McCOY: I move to send this item 11 back for staff review. 12 CHAIR JAMES: Is there a second? 13 MR. KUNUTY: Second. 14 CHAIR JAMES: Roll call. 15 MS. DAVIDSON: Rena James. 16 CHAIR JAMES: Yes. 17 MS. DAVIDSON: Tradrick McCoy. 18 VICE CHAIR McCOY: Yes. 19 MS. DAVIDSON: Edward Kunuty. 20 MR. KUNUTY: Yes. 21 MS. DAVIDSON: Margaret Shepherd. 22 MS. SHEPHERD: Yes. 23 MS. DAVIDSON: James Gallon. 24 MR. GALLON: Yes. 25 MS. DAVIDSON: Jon Gustafson.</p>
Page 46	Page 48
<p>1 Mr. Gagnon. 2 MR. GAGNON: You're welcome. 3 VICE CHAIR McCOY: Are we finished with that 4 item, Madam Chair? 5 CHAIR JAMES: Yes. 6 MR. GAGNON: If you want, just for the 7 record, if the Board wants to make a motion, that's 8 perfectly fine. Otherwise, I'll just assume that the 9 Board is looking to make all the recommendations and 10 changes. It might just be better, just for the record, 11 to do a motion. 12 CHAIR JAMES: Yes, we'll do a motion. Is 13 there a motion stating to bring this item back with 14 the -- well, I don't want to put words in your mouth. 15 VICE CHAIR McCOY: Right. I think Mr. Gagnon 16 understands it's kind of hard to put into a motion. 17 But you know, I think that it's appropriate to put a 18 motion out, to have staff work on it a little bit and 19 bring it back to us, because obviously, there's some 20 cleanup. But I don't want to put a motion out there 21 that's going to tie his hands and now he needs to come 22 back here. So I think it's just appropriate to send it 23 back, do a simple motion like that, unless some other 24 members have something more specific that they want to 25 see.</p>	<p>1 MR. GUSTAFSON: Yes. 2 MS. DAVIDSON: Anthony Brown. 3 MR. BROWN: Yes. 4 MS. DAVIDSON: Unanimous vote. 5 CHAIR JAMES: Thank you. 6 Item C. 7 MR. GAGNON: Yes, Madam Chair, thank you. 8 Item C is an ordinance of the City Council of 9 the City of Riviera Beach, Palm Beach County, Florida, 10 amending Chapter 27 of the City's Code of Ordinances 11 entitled Planning, Article II, entitled Administration, 12 by enacting Section 27-16, entitled Planning Manuals, 13 authorizing the creation of a technical manual and the 14 creation of a policy and procedure manual, and 15 providing for an effective date. 16 So an overview of this item is there are 17 multiple manuals that both the City has and outside 18 organizations utilize for a variety of reasons. Some 19 of the manuals have been created really through an 20 administrative authority granted to staff. I think 21 that both these manuals could be created through just 22 administrative authority, however, I think it's 23 important to actually identify them within our City 24 code structure, specifically within that Planning 25 section.</p>

Page 49	Page 51
<p>1 The technical manual, as proposed, would help 2 provide guidelines for developers or any applicants 3 that wanted to submit a site plan, for example. There 4 would be a draft site plan within the technical manual. 5 There would be certain elements that were called out. 6 For example, the north arrow on the plan would be 7 placed in the top right corner of the site. Specific 8 boxes could be provided for different approvals, for 9 City stamps, functions like that.</p> <p>10 What that does is that creates a uniformity 11 for submittals so staff sees a reoccurring plan, and if 12 there's a deficiency, it's something that's recognized 13 quickly. It's something also that it helps staff; it 14 also helps a developer understand what the expectations 15 are to really go through an application process and 16 have an approval.</p> <p>17 What's happening currently is we do have a 18 code structure that identifies certain elements to be 19 included, however, there's an inconsistency on how this 20 information is provided to staff, which makes each 21 development approval very unique, and it actually, in 22 the long as run, costs more time to have, I guess, a 23 new learning experience every time a new plan is 24 submitted versus having a standard that's utilized and 25 expected upon submittal.</p>	<p>1 example, do you use the date of the file first or do 2 you use the type of the file if it's a site plan or a 3 landscape plan?</p> <p>4 What currently is happening, and I'll use my 5 own desktop for an example, is over the years I've kind 6 of created my own process, and I know where my files 7 and folders are. However, because it's not consistent 8 throughout the department, the next person or a new 9 staff member that was trying to find the same 10 information doesn't have the knowledge of exactly where 11 it's located.</p> <p>12 So we've seen this firsthand now, because we 13 did experience some employee turnover. Because it's 14 not known, because the system is not being built in 15 this manner, there's a lot of searching for 16 information. So the technical manual will help clearly 17 delineate for everyone involved how these processes and 18 procedures should be put into place.</p> <p>19 And I think overall, it might be a lot of 20 work at first, but I think in the long run it's going 21 to make it much easier for staff and also for 22 applicants, because part of this Tyler Munis software 23 is also to have a public component. It may not be 24 something that's rolled out day one, but we want to 25 make sure that all the information that's provided by</p>
Page 50	Page 52
<p>1 This is something that Palm Beach County 2 currently implements. I think it's done very 3 successfully. It helps, again, delineate clear 4 standards and expectations that at first may appear to 5 be burdensome, but again, in the long run, it's 6 something that establishes guideline rules and 7 procedures and allows everyone involved in the process 8 to clearly understand what the expectations are. So 9 that's a major component of the technical manual.</p> <p>10 Other things that could be included in the 11 technical manual, as the Board may be aware, the City 12 recently approved an agreement with Tyler Munis, which 13 is a large software provider. And what that software 14 does, it provides different modules for different city 15 functions.</p> <p>16 So there could be a planning module, there 17 could be a building module, there could be a code 18 compliance module, a business licensing module. So all 19 of these things will eventually, as the system is built 20 up and this information is put in by staff, all of 21 these things will want to communicate with one another.</p> <p>22 So what this technical manual will do is have 23 specific naming structures for files, it will have, you 24 know, certain file names themselves, so not only the 25 type of file, but the naming order and sequence. For</p>	<p>1 the City is consistent, clear, transparent, so by 2 having an identified naming structure, that will aid in 3 that process.</p> <p>4 CHAIR JAMES: Kudos. And whose idea was 5 this?</p> <p>6 MR. GAGNON: You know, I'm going to give full 7 credit to our newest staff members. As the Board -- I 8 think the Board knows, at least some individual Board 9 members know we did have a lot of employee turnover, 10 but we have three new planners within the Planning 11 Division. All three were previously with Palm Beach 12 County, so they brought over a lot of new ideas and 13 strategies.</p> <p>14 CHAIR JAMES: (Inaudible.)</p> <p>15 MR. GAGNON: Yes, and this is something that 16 was effective at Palm Beach County that, you know, you 17 may know firsthand, Ms. James. And I think we're 18 really trying to take advantage of the fact that we 19 have, you know, a new vision and a new way of seeing 20 things and we're trying to run with it right now.</p> <p>21 CHAIR JAMES: I love it. So we'll get to see 22 it?</p> <p>23 MR. GAGNON: So I would more than welcome the 24 input. What my intent of this ordinance is is to 25 really delegate authority to the Director position. So</p>

13 (Pages 49 to 52)

Page 53	Page 55
<p>1 I don't know who will fill the Director's position, but 2 whoever does, at least they'll have the framework where 3 I think, again, currently, the administrative ability 4 for them to do this is there, but this will clearly 5 call out the fact that these manuals exist within the 6 code. 7 So if you are looking to build on any site 8 and you're just going through our code of ordinances, 9 this is something that's going to be available. It's 10 something we can probably hyperlink over time. 11 But the actual elements within the code, I 12 think, are more of a staff level decision, so I'm 13 asking the Board to kind of provide authorization and 14 indication to staff that this is something that they 15 want to see happen and reaffirm the fact that this is 16 an administrative level type of item. 17 CHAIR JAMES: Comments, Board comments. 18 MR. KUNUTY: Madam Chair. 19 CHAIR JAMES: Go ahead. 20 MR. KUNUTY: I think that's a great idea. 21 You know, not only will it help developers and the 22 staff, but I think it's going to help the Board too, 23 you know, particularly new Board members, so -- 24 CHAIR JAMES: Any other comments? 25 VICE CHAIR McCOY: Well, I hate to be the</p>	<p>1 provide a clear and concise response that's written and 2 made public for any questions associated with the code. 3 So being that the City's code -- it's not 4 new. It's old in a lot of ways. Every day there's new 5 things that are changing in the industry, there are new 6 uses, there are new development patterns, things of 7 that nature, and the code structure does not 8 accommodate everything we need. 9 Judging from, you know, the ordinance and 10 overlay we're talking about now, I think if we're doing 11 it correctly, it will take a few readings at Planning 12 and Zoning Board. You know, that way, we're having a 13 good, open discussion, we're allowing for public input. 14 So the process to modify existing code, it's not a 15 quick process, so a typical ordinance could take two, 16 three, four months or longer, depending on just the 17 timeline, what meeting you can make it to. 18 So when you have an item that is a right now 19 decision, how do you make sure that if it is an 20 administrative decision, how do you make sure that the 21 decision one time is the same the second time or the 22 third time -- 23 VICE CHAIR McCOY: Sure. 24 MR. GAGNON: -- from applicant to applicant? 25 So at this point, I'll refer to the example</p>
Page 54	Page 56
<p>1 spoiler, but I have quite a few. And Mr. Gagnon, this 2 is nothing personal -- 3 MR. GAGNON: No, no -- 4 VICE CHAIR McCOY: -- it's just for me -- 5 MR. GAGNON: Before -- I'm sorry, sir. Also, 6 I don't know if you want to talk just about the 7 technical manual or the whole ordinance, because 8 there's another element as well. So if it pleases the 9 Board, I'll just finish both manuals and the discussion 10 of them. 11 CHAIR JAMES: Okay. 12 MR. GAGNON: So I was kind of describing the 13 technical manual. But the policy and procedure 14 manual -- and there's actually an example that was 15 provided within the backup. It should be the last page 16 of the backup itself. So it is a two page document. 17 So this is an example of how Palm Beach 18 County utilizes their policy and procedure manual. 19 This specifically was taken from the Zoning Division, 20 and it's used in a variety of different ways, but this 21 is just one example that, you know, we could look at 22 for discussion purposes. 23 So the policy and procedure manual, it could 24 be used for simple policy and procedure as far as steps 25 and processes, but the County also utilizes it to</p>	<p>1 from the County. So what it does is it calls out 2 certain subjects, it calls out the purpose of the memo, 3 it provides a short background and then starts 4 identifying procedures of how certain items will be 5 handled administratively or at a staff level. 6 So the policy and procedure manual is right 7 now, I think, extremely important, because we're still 8 moving towards our Comprehensive Plan updates and Land 9 Development Regulation updates. But there's still a 10 lot of questions that come up on a day-to-day basis, so 11 how do we ensure that the actions that are taken are 12 true, correct, clear, concise and also repeated over 13 time? So what this does, it allows for a document to 14 be created that acts as a stopgap if there is a 15 question within the code itself. 16 So I wanted to just make sure I got that part 17 of the presentation out as well before we got into 18 Board comments, but at this point, if the Board has 19 comments, I'll be happy to answer them. 20 CHAIR JAMES: We'll start with Mr. Brown. 21 MR. BROWN: No comments. I think it's a good 22 idea. 23 CHAIR JAMES: Thank you, Mr. Brown. 24 Mr. Gustafson. 25 MR. GUSTAFSON: I think it's a terrific idea.</p>

14 (Pages 53 to 56)

Page 57

1 CHAIR JAMES: Ms. Shepherd.
 2 MS. SHEPHERD: Everything's great.
 3 CHAIR JAMES: Mr. Kunuty.
 4 MR. KUNUTY: I'd just repeat myself. I think
 5 it's a great idea that will do some of it.
 6 CHAIR JAMES: Mr. Gallon.
 7 MR. GALLON: No comment.
 8 CHAIR JAMES: Mr. McCoy.
 9 VICE CHAIR McCOY: Yes. I want to be
 10 thorough and succinct when we do this, and I think I
 11 agree, but I think we have to go a little bit further.
 12 And I don't want to make it more of a task for you and
 13 your staff, but just for the purposes of me, because I
 14 don't remember everything and I want it to be a
 15 reference that I can go back to our meeting and look at
 16 the backup documents.
 17 I'm hoping that in doing this we can create a
 18 matrix, because as you were giving your presentation,
 19 and I was just thinking how could we implement this
 20 into what we're currently doing. But there is so many
 21 different levels of government and regulations. And if
 22 I can just run through it, I think it's important that
 23 we establish a matrix. I know we did something similar
 24 before when it came to, you know, different regulations
 25 that impacts Planning and Zoning and the community as a

Page 58

1 whole.
 2 But, members, it's very important, and this
 3 is an important process. But just off the top of my
 4 head, I was able to come up with this many regulatory
 5 agencies and things that impacts us, either directly or
 6 indirectly, from the Planning perspective. Obviously,
 7 we know there's a United States Constitution, and then
 8 there's the Federal statutes, which is called the Code
 9 of Federal Regulations. And not too much do we see
 10 those type of regulations that impact local government.
 11 But moving into the State, obviously, there's
 12 the State of Florida statutes, and then somewhere along
 13 the line there's the administrative promulgated rules
 14 through the State agency, Department of Economic
 15 Opportunity, which I don't think they do much as far as
 16 land use anymore, but there is a component. Then
 17 there's the Building Code, you know, the Uniform
 18 Building Code for the State.
 19 Then there may be something like the County
 20 code, like County Land Development Regulations, and
 21 then the City code. And then you mentioned the
 22 Comprehensive Plan and the local Land Development
 23 Regulations, like specific for the CRA. Then we have
 24 our internal departmental City of Riviera Beach
 25 policies and procedures.

Page 59

1 And even within that, this is where it gets
 2 confusing, and I'll give you a perfect example of why
 3 I'm laying it out this way. I know that there was
 4 something mentioned a couple years ago regarding the
 5 standard operating procedures that was mysteriously
 6 implemented when someone came in to ask for
 7 information, and I'm thinking to myself, I never knew
 8 they had standard operating procedures that dealt with
 9 how you get an address.
 10 And it was almost like I've been into a
 11 government agency or office, I asked for something so
 12 unique, they tell me that I have to come back, only for
 13 them to go and create some sort of policies in order to
 14 block me from what I need to get. And I think it's
 15 only important to put these kind of things in place,
 16 which I certainly agree that are necessary, but we have
 17 to know what exactly our scope is.
 18 And I don't mean it from the staff level, I
 19 mean it from the end users like ourselves or someone
 20 that wants to expand their property or a business that
 21 wants to come into the City. You know, you don't have
 22 to go to the State of Florida to open a restaurant
 23 unless you get a business -- unless you get a DBPR food
 24 restaurant license. But from the construction, the
 25 planning stages, you know, you need to know that the

Page 60

1 Building Code applies to you, or the electrical code,
 2 or you know, a number of different things.
 3 And it even goes so further. I wanted to
 4 make sure that this, these manuals encompasses things
 5 like, for instance, when and how it's going to be
 6 implemented. Like obviously, I didn't see that in the
 7 example that you listed from the County, and I was
 8 definitely -- you know, what circumstances are going to
 9 be those circumstances when these are used?
 10 Secondly, how is this manual going to be
 11 changed or updated? Is it going to be changed solely
 12 at the staff level? Is there going to be a public
 13 hearing? Is this going to be done internally?
 14 Now, what I don't want to do is this. I
 15 certainly think that there should be an ordinance
 16 enacting staff to implement this, but I don't want to
 17 see where we work so hard and put so many different
 18 regulations in place where then Mr. Gagnon now has to
 19 wait two months in order to get some very minute or
 20 very small technical change done.
 21 So there should be a lot of thought that goes
 22 into this process, because this is really the backbone
 23 of all of the, you know, the whole -- I guess it's not
 24 called Community Development anymore, but Development
 25 Services Department.

15 (Pages 57 to 60)

Page 61	Page 63
<p>1 Even from the code compliance component, if 2 we're going to implement this, we just need to know 3 exactly when it's going to be applied and when it's not 4 going to be applied, and if there's some unique 5 circumstances that comes to the City, what happens when 6 we need to update these policies and procedures. Is it 7 done on the staff level? Does it come back to the 8 Board?</p> <p>9 And here's another question that I have. And 10 these are hypotheticals. I'm not expecting an answer, 11 but I hope that we can begin to think about these 12 things.</p> <p>13 Under what authority or what administrative 14 authority does this Board have to even provide a 15 recommendation, because I know that there's policies 16 and procedures made as it relate to Community 17 Development, as it relates to Planning and Zoning that 18 we never seen before, that we don't see. So why is it 19 now -- and I appreciate that it's here now. Why do we 20 have the authority to make a recommendation? And I 21 think it's a good idea, but, you know, I just want to 22 know how is it here in front of us today?</p> <p>23 MR. GAGNON: I know that a lot of the 24 questions are hypothetical, but I think I can at least 25 shed light on a few of the questions. So I'll start</p>	<p>1 memo would allow to occur is for administration to 2 identify the deficiency, identify what has occurred, 3 why it's occurred.</p> <p>4 And what the memo will do is it will propose 5 a management solution and it will also propose an 6 anticipated date for this information to go to the 7 decision making board. So it would go to potentially 8 Planning and Zoning Board if it was Planning related, 9 or if it was a global ordinance, it would go to City 10 Council. And that would be identified as far as the 11 anticipated date reflected on the memo as far as when 12 that would go before the Board if there was a law 13 change that needed to occur.</p> <p>14 So the functionality of this could work in a 15 few different ways. So it can act as a temporary road 16 map, or it could really act as, you know, a ladder type 17 of effect as far as, well, staff recognized this 18 deficiency on this date, so let's look at this one 19 first, or maybe a deficiency after is found, maybe that 20 should take precedence, maybe we should go 21 sequentially.</p> <p>22 So it helps really allow everyone to 23 understand what's been identified as deficient and what 24 changes are proposed and a time line for implementation 25 of the changes. So it kind of -- it really creates a</p>
Page 62	Page 64
<p>1 with the last question first.</p> <p>2 As far as the review authority of Planning 3 and Zoning Board, I think that because the intent of 4 this language is to be within the Planning section, I 5 think the Board has the opportunity to review it and to 6 make a determination whether or not the Board sees 7 having this language fits in the ordinance itself.</p> <p>8 The intent of the specific memorandums, it's 9 not to replace an ordinance or code section that's very 10 clear. So, for example, if there is a side setback on 11 a property that is clearly stated at seven feet, this 12 doesn't allow somebody to come in and say, well, you 13 know what, it's not seven feet, now it's six feet, 14 unless there's a clear and substantial reason why an 15 entire code overhaul is needed, and that gets to the 16 question as far as an issue date and effective date.</p> <p>17 So this procedure, this memo could function 18 as a stopgap in between a scenario where a policy 19 needed to be amended. So let's say -- and I'm skipping 20 around from example to example. Let's say there is a 21 Federal law that's changed or a State law that's 22 changed that impacts local government, being that you 23 named the different hierarchies in different laws. So 24 if there is a law that's changed, and now the City's 25 code is not in concert with that law change, what this</p>	<p>1 more global transparency as far as what direction the 2 City is moving in.</p> <p>3 VICE CHAIR McCOY: Follow-up, Madam Chair. 4 CHAIR JAMES: Go ahead.</p> <p>5 VICE CHAIR McCOY: I think it's a great idea. 6 It's overdue for, so long as we put the work in. And I 7 want -- I'm curious. So whichever staff person you had 8 from the Planning Department that recommended this from 9 the County, I'm sure they brought over some other 10 ideas. But how is this implemented? How are these new 11 procedures implemented? Is it done at a staff level 12 or --</p> <p>13 MR. GAGNON: Yes.</p> <p>14 VICE CHAIR McCOY: -- because I don't want us 15 to get tied up with -- you know, we're advisory in 16 nature, but I don't want us to get tied up in too much 17 of what it takes to run your department, because I 18 think that's a little out of our scope and league. But 19 how does these get approved?</p> <p>20 MR. GAGNON: So my understanding at the 21 County level is each department administrator has the 22 ability to implement these memos. So they call them 23 PPMs for short, or a policy and procedure memo. So the 24 example that was provided, that was by Mr. Jon 25 MacGillis, who's the long-time Zoning Director at the</p>

16 (Pages 61 to 64)

Page 65

1 County. So he has the authority through the Board of
2 County Commissioners to implement specific memos that
3 outline these changes that need to occur.

4 VICE CHAIR McCOY: Well, just to take a step
5 back, the County -- I know probably Palm Beach County
6 has one of the most comprehensive web sites that I've
7 ever seen in the world. You can find every policy
8 going back to the seventies, you know, for almost every
9 department, and there's a number of different updates
10 to the policies and amendments.

11 But how do we then, if Mr. Gagnon, who's the
12 Community Development Director, decides to do an
13 administrative change, how is that now disseminated to
14 the community? And I don't want to have to come into
15 an office just to find out what the latest and most
16 recent updates to a policy is. How is that
17 disseminated to the public?

18 MR. GAGNON: The intent is to have it
19 published digitally. It's been a very similar method
20 that the County utilizes now, where each department,
21 each division has their own section, and actually
22 within their unified or Uniform Land Development Code,
23 they have a section specifically for PPMs, so their
24 software allows them to implement it that way. I don't
25 know if we can do it through Tyler Munis just quite

Page 67

1 Mr. Gagnon and none of his staff do.

2 But does the process lend for any kind of
3 public participation or having the public to weigh in
4 on making some of these policies? And if it doesn't, I
5 would ask or hope that there is any kind of way that we
6 can propose, in a citizen initiated process, to at
7 least have it heard or have an idea heard as it
8 implements, as it is impacted by these policies.

9 MR. GAGNON: So the way that implementation
10 would work initially would be staff level. So what the
11 ordinance is doing and what this item is requesting is
12 that the Board is granting authority to staff -- again,
13 I think that the administrative capacity is there, but
14 it's clearly delineating that staff has the ability to
15 employ these memorandums that are really intended to
16 not be permanent fixtures. Like the intent is to be a
17 temporary solution to an issue that works towards
18 either a Land Development Regulation modification or an
19 ordinance rewrite, something of that nature.

20 So the public process that's involved through
21 any sort of land development amendment or ordinance
22 amendment would still be fully there. So it could be
23 possible that a memo is issued, there's a certain
24 timeframe that it's in use, and then the item that is
25 being discussed goes before Planning and Zoning Board,

Page 66

1 yet. I'm sure there's a method of utilizing that
2 software.

3 But the worst case scenario is as these are
4 published, they would go onto the City website. It
5 would be, you know, a specific naming structure, it
6 would be sequentially, so similar to going on the
7 City's website now when you looked for archived
8 resolutions or archived ordinances, maybe even in a
9 better format where you can just go to a specific web
10 page and you just have sequentially the different
11 memos.

12 Another suggestion that I had was as these
13 become enacted, that they're at least provided to the
14 Planning and Zoning Board, maybe, you know, quarterly,
15 so that way it's, again, discussed at a public meeting
16 and it's something if the Board has a question, if the
17 public has a question of the why, when, how or anything
18 to do with it, then there's still a public forum to
19 discuss the memos moving forward.

20 VICE CHAIR McCOY: And that leads right into
21 my next question. How does this provide for any public
22 input? Now, I certainly want to be a part of the
23 process, but none of the nine members I want up here to
24 have any involvement in actually operating the City,
25 because we don't really know what it takes to do what

Page 68

1 goes to City Council, and City Council may say no, we
2 don't want to enact the ordinance, we think there's
3 another solution, or what's currently there is
4 sufficient.

5 So I did provide an example. But the County
6 website will leave all of the memos up, even if they're
7 canceled. So it will show like an approval date.
8 They'll have in red ink across it, you know, approved
9 on this date. So it demonstrates the process all the
10 way through.

11 VICE CHAIR McCOY: And I think this is going
12 to be very comprehensive, and you probably need more
13 than the three staff that you have to get this fully
14 implemented. It's a great idea, and I'm just eager to
15 see how it's going to come out.

16 And hopefully, even at the point that the
17 Director, or whatever that position ends up being, that
18 there's a variance or a review process, so if there's
19 something that is so restrictive on the project that I
20 need or the regulations are so restrictive, you know,
21 I'm kind of hoping that there's still some sort of
22 avenue for me to apply for a variance or an additional
23 review, because, you know, nothing against you, but
24 sometimes I know staff don't get it right all the time.

25 You know, I've had to go all the way to the

17 (Pages 65 to 68)

Page 69	Page 71
<p>1 Clerk and Comptroller herself, because when I went in 2 to file a document, the person at the reception counter 3 was wrong, and so was the supervisor was wrong. But 4 I'm looking at a State statute that says this should be 5 this way, and then you have to really escalate it. And 6 it's not to circumvent, but it's just to see that I 7 think administratively someone has gotten the policy 8 wrong and they don't actually capture what the 9 legislative intent is.</p> <p>10 So I think this is a good idea. I just want 11 to make sure that, you know, I'm not met at a stop sign 12 because someone is not implementing the true 13 legislative intent or the memo may not capture every 14 possibility. So I know you guys are going to do some 15 great work on it, and I'm really eager to see it. And 16 I think it's really a step in the direction that 17 Mr. Jonathan Evans was taking us as far as promoting 18 transparency and public participation in our City.</p> <p>19 And certainly we've got to have good 20 administrators and also staff members that can come up 21 with these great ideas just to promote the process, 22 because it only makes government better. So those are 23 my comments, and we look forward to seeing what you 24 have and work through some great ideas to get this 25 implemented.</p>	<p>1 MS. SHEPHERD: Yes. 2 MS. DAVIDSON: James Gallon. 3 MR. GALLON: Yes. 4 MS. DAVIDSON: Jon Gustafson. 5 MR. GUSTAFSON: Yes. 6 MS. DAVIDSON: Anthony Brown. 7 MR. BROWN: Yes. 8 MS. DAVIDSON: Unanimous vote. 9 CHAIR JAMES: Thank you. 10 We're going to skip to item X, general 11 discussion. Item A, public comments, there is no 12 public tonight, so we're going to move right into 13 correspondence. 14 MR. GAGNON: The only correspondence received 15 was the resignation letter noted at the beginning of 16 the meeting from Mr. Blackwell. There's no other 17 correspondence. 18 CHAIR JAMES: Thank you. 19 Item C, Planning and Zoning Board comments. 20 Are there any comments, any additional comments? 21 VICE CHAIR McCOY: Yes, Madam Chair. 22 CHAIR JAMES: Make it quick, Mr. McCoy. 23 VICE CHAIR McCOY: Mr. Gagnon, is there any 24 update on the fuel station ordinance to go to City 25 Council?</p>
Page 70	Page 72
<p>1 CHAIR JAMES: Thank you, Mr. McCoy. 2 Great first step. So is there a motion? 3 VICE CHAIR McCOY: Mr. Gagnon, what would you 4 like to see, for us to allow you to come back with it? 5 MR. GAGNON: So I didn't really get all the 6 way through it, but in the packet is the actual 7 language as proposed. So the request at this time 8 would be for the Planning and Zoning Board to recommend 9 approval of the language to City Council, and that 10 would implement both the technical manual and the 11 policy and procedural manual. 12 CHAIR JAMES: Is there a motion? 13 MR. KUNUTY: Yes. I move that we approve the 14 ordinance to develop the creation of a technical and 15 policy manual and provide an effective date. 16 CHAIR JAMES: Is there a second? 17 MR. GALLON: Second. 18 CHAIR JAMES: Roll call. 19 MS. DAVIDSON: Rena James. 20 CHAIR JAMES: Yes. 21 MS. DAVIDSON: Tradrick McCoy. 22 VICE CHAIR McCOY: Yes. 23 MS. DAVIDSON: Edward Kunuty. 24 MR. KUNUTY: Yes. 25 MS. DAVIDSON: Margaret Shepherd.</p>	<p>1 MR. GAGNON: The ordinance, the only thing 2 that stopped me from moving forward right now is the 3 notification requirements, the legal ad and really 4 finding the right meeting. 5 VICE CHAIR McCOY: Sure. 6 MR. GAGNON: And I say that because I 7 personally believe the fueling station ordinance is 8 also connected to the conversation we were having 9 tonight as far as coming up with design development 10 strategies for the City in relation to the existing 11 moratoria in place. 12 So I was trying to kind of bulk the items 13 together and just have one meeting where it was, 14 instead of piecemealing each item and saying, you know, 15 we're proposing this, we're proposing that, we would 16 have all of the ordinances that really enacted new Land 17 Development Regulations and design changes at the same 18 City Council meeting. 19 So I'm not quite sure when that will happen. 20 It will partially be based on our review of the 21 ordinance we discussed tonight, the first ordinance 22 tonight. So hopefully in the very near future. If we 23 get into a situation where we have to send the fueling 24 station ordinance separately, if there's a lot of time 25 and discussion on these other elements, then we can do</p>

18 (Pages 69 to 72)

Page 73

1 so. But again, my desire was to have one City Council
2 meeting that had those similar items together.

3 CHAIR JAMES: Okay. We're going to item one,
4 project updates and upcoming projects. Are there any
5 updates?

6 MR. GAGNON: We more than likely -- I want to
7 skip down to the next line. But we more than likely
8 will meet on November 9th. And we have a few projects
9 that are currently being reviewed. I'm not sure of the
10 exact timeframe for the projects. They are, again,
11 still in staff review. But I do believe we will meet
12 on November 9th, especially because we will not meet a
13 second time in November. So I can provide the Board
14 with a list of anticipated projects, if it pleases the
15 Board.

16 CHAIR JAMES: Okay. Is there a motion to
17 adjourn?

18 VICE CHAIR McCOY: Move to adjourn.

19 MR. KUNUTY: Move to adjourn.

20 (Whereupon, at 8:14 p.m., the proceedings
21 were concluded.)
22
23
24
25

Page 74

1 CERTIFICATE

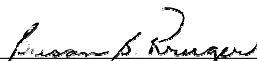
2
3
4 THE STATE OF FLORIDA)

5)

6 COUNTY OF PALM BEACH)
7

8 I, Susan S. Kruger, do hereby certify that
9 I was authorized to and did report the foregoing
10 proceedings at the time and place herein stated, and
11 that the foregoing pages comprise a true and correct
12 transcription of my stenotype notes taken during the
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 1st day of November, 2017.
16
17
18
19
20
21


Susan S. Kruger



19 (Pages 73 to 74)

FLORIDA COURT REPORTING
561-689-0999

ORDINANCE NO. 4090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO ONE-YEAR AS TO THE FILING, RECEIVING AND PROCESSING OF ANY APPLICATION OR PERMIT FOR THE ESTABLISHMENT, DEVELOPMENT OR OPERATION OF A MEDICAL MARIJUANA DISPENSARY OR MEDICAL MARIJUANA TREATMENT CENTER AS DEFINED HEREIN, PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 16, 2014, Florida's Governor signed into law the Compassionate Medical Cannabis Act of 2014 which legalized medical use of low-THC cannabis (marijuana) for cancer or a physical medical condition that chronically produces symptoms of seizure such as epilepsy, or severe and persistent muscle spasms; and

WHEREAS, the Compassionate Medical Cannabis Act of 2014 provides that effective January 1, 2015, a physician may prescribe for patients' medical use low-THC cannabis to treat the limited range of medical conditions described in the Act; and

WHEREAS, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution that legalized the use of medical marijuana and authorized the cultivation, processing, distribution and sale of marijuana for expanded medical purposes throughout the State; and

WHEREAS, the City of Riviera Beach's Code of Ordinances and Land Development Regulations are silent regarding requirements for the use of real property for medical marijuana dispensaries and medical marijuana treatment centers, due to the historical prohibition against marijuana use for any lawful purpose; and

WHEREAS, local and regional impacts resulting from the amendment to the Florida Constitution legalizing medical marijuana is unknown, requiring further review and analysis by City staff; and

WHEREAS, City Staff is requesting a moratorium for up to one-year for medical marijuana dispensary or medical marijuana treatment center uses to further study and resolve the potential differences between the Compassionate Medical Cannabis Act of 2014 and the constitutional ballot initiative on medical marijuana use, to analyze potential effects and impacts of a medical marijuana dispensary or medical marijuana treatment center use on crime and neighborhood character and integrity within the City, and to evaluate if special standards or conditions for a medical marijuana dispensary or medical marijuana treatment center use should be incorporated into the City's Code of Ordinances and Land Development Regulations; and

WHEREAS, it is the intention of the City Council to direct staff to analyze the impacts of the medical marijuana amendment; to determine what additional standards should be incorporated into the City's Code of Ordinances and Land Development Regulations; to research the potential effects and impacts of medical marijuana dispensaries and medical marijuana treatment centers on criminal activity and neighborhood character and integrity; to determine how best to formulate regulations applicable to such use; and evaluate the process for the review and issuance of land development and land use permits, certificates of use, business tax receipts, or other approvals regulating the location or operation of a medical marijuana dispensary or treatment center within the City, which would further and promote the public health, safety, and general welfare; and

WHEREAS, the City has complied with applicable public notice procedures set forth in Section 166.041, Florida Statutes; and

WHEREAS, the City Council has determined that the enactment of a one-year moratorium on the establishment, development or operation of medical marijuana dispensaries and medical marijuana treatment centers is in the best interests of the health, safety and welfare of the City's residents and stakeholders.

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

SECTION 1. Legislative Findings, Intent and Purpose. The foregoing recitals are ratified as true and correct and are incorporated herein. It is the purpose and intent of this Ordinance to promote the health, safety and general welfare of the residents and businesses of the City through the analysis of potential impacts from a medical marijuana dispensary or medical marijuana treatment center use and through consideration of criteria for the regulation of location and operation of a medical marijuana dispensary or medical marijuana treatment center use within the City.

SECTION 2. Definition. For the purposes of this Ordinance, a medical marijuana dispensary or medical marijuana treatment center shall be defined as, a location, place, object or entity used to cultivate, process, dispense, distribute or sell legal marijuana (cannabis), which includes the development or sale of a product or equipment associated with the use of legal marijuana, and a location or place where legal marijuana is used in the management and care of a patient to combat a disease or disorder.

SECTION 3. Boundaries. This Ordinance shall apply to all property and land area within the jurisdictional boundary of the City of Riviera Beach.

SECTION 4. Moratorium and Direction to Staff. The City Council hereby enacts a temporary moratorium for up to one-year, prohibiting the filing, receiving or

ORDINANCE NO. 4090
PAGE 3 of 5

processing of any application or permit for the establishment, development or operation of a medical marijuana dispensary or a medical marijuana treatment center, in whole or in part, within the City. Staff is hereby directed to analyze the effects of a medical marijuana dispensary or medical marijuana treatment center in the City, to analyze whether standards should be incorporated into the City's Code of Ordinances and Land Development Regulations, and to evaluate the process for the review and issuance of land use and land development permits, certificates of use, business tax receipts, or other approvals regulating the location of a medical marijuana dispensary or medical marijuana treatment center within the City, which would further and promote the public health, safety, morals and general welfare. Staff is directed to bring before the City Council with deliberate speed a proposed ordinance regarding regulations pertaining to a medical marijuana dispensary and medical marijuana treatment center use at the earliest opportunity possible within one-year of the adoption of this Ordinance.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. Repeal of laws in conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.


SECTION 7. Effective Date. This Ordinance shall take effect immediately upon final approval and adoption.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

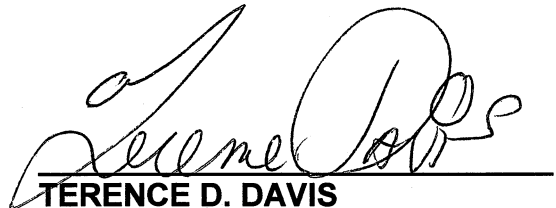
PASSED AND APPROVED on the first reading this 7TH day of
December, 20 16.

PASSED AND ADOPTED on second and final reading this 21st day of
December, 20 16.

APPROVED:

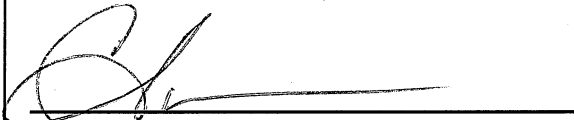


THOMAS A. MASTERS
MAYOR



TERENCE D. DAVIS
CHAIRPERSON

ATTEST:



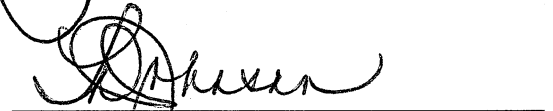
CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK




KASHAMBA L. MILLER-ANDERSON
CHAIR PRO TEM



LYNNE L. HUBBARD
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON

1ST READING

MOTIONED BY: T. DAVIS JOHNSON

SECONDED BY: D. PARDO

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

2ND & FINAL READING

MOTIONED BY: K. MILLER-ANDERSON

SECONDED BY: L. HUBBARD

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY



ANDREW DEGRAFFENREID

CITY ATTORNEY

DATE: _____