



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

**LOCAL PLANNING AGENCY**

Development Services Department: (561)845-4060, [www.rivierabch.com](http://www.rivierabch.com)

Commencement – 6:30 PM  
Thursday, December 16, 2021

Riviera Beach – Event Center  
190 E 13<sup>th</sup> Street, Riviera Beach, FL33404

**Due to COVID-19, attendees must adhere to the City of Riviera Beach guidelines.**

*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. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

Evelyn Harris Clark, Chairperson  
Anthony Brown, Board Member  
William Wyly, Board Member  
Frank Fernandez, Board Member  
Moeti Ncube, 1<sup>st</sup> Alternate

Rena Burgess, Vice-Chair  
Margaret Shepherd, Board Member  
James Gallon, Board Member  
Russell Barnes, 2<sup>nd</sup> Alternate

**III. ACKNOWLEDGEMENT OF BOARD MEMBER ABSENCE NOTIFICATION**

**IV. ADDITIONS AND DELETIONS TO THE AGENDA**

**V. DISCLOSURE BY BOARD MEMBERS AND ADOPTION OF THE AGENDA**

**VI. APPROVAL OF MINUTES**

**VII. UNFINISHED BUSINESS**

**VIII. NEW BUSINESS**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 (COASTAL CONSTRUCTION), ARTICLE III (WETLANDS PRESERVATION) UPDATING APPENDIX I (WETLAND PRESERVATION AREAS OF RIVIERA BEACH) AND APPENDIX II (WETLAND VEGETATION); PROVIDING FOR APPLICABILITY, REPEAL OF LAWS IN CONFLICT, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 27, PLANNING, ARTICLE II, ADMINISTRATION, SECTION 27-31 ENTITLED “CREATED; MEMBERS; QUORUM; TERM; VACANCIES; REMOVAL”, IN ORDER TO CHANGE THE TITLE OF THE SECTION; PROVIDE GUIDANCE ON PROCEDURES FOR APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS; ESTABLISH THE NUMBER**

**OF MEMBERS AND ALTERNATE MEMBERS; AND ESTABLISH GENERAL QUALIFICATIONS FOR BOARD MEMBERSHIP; AND AMENDING CHAPTER 27, PLANNING, ARTICLE II, ADMINISTRATION, SECTION 27-33, GENERAL DUTIES, BY AMENDING THE REFERENCE TO THE PLANNING BOARD AND ADDING BOARD MEMBER PARTICIPATION IN TRAINING TO THE LIST OF GENERAL DUTIES OF THE BOARD; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 31, ZONING, ARTICLE V, DISTRICT REGULATIONS, SECTION 31-483, MINIMUM SITE AREA, IN ORDER TO ALLOW LAND OUTSIDE THE INLET HARBOR CENTER REDEVELOPMENT AREA TO BE INCLUDED IN THE MINIMUM SITE AREA FOR AN IHC-PUD; AND AMENDING CHAPTER 31, ZONING, ARTICLE V, DISTRICT REGULATIONS, SECTION 31-497, PROPERTY DEVELOPMENT STANDARDS FOR THE INLET HARBOR CENTER PLANNED UNIT DEVELOPMENT (IHC-PUD), TO ESTABLISH A MAXIMUM HEIGHT OF 20 STORIES OR 200 FEET FOR NEW IHC-PUD PROJECTS; AND AMENDING CHAPTER 31, ZONING, ARTICLE V, DISTRICT REGULATIONS, SECTION 31-534, DOWNTOWN DISTRICTS GENERALLY, TO ALLOW NEW INLET HARBOR CENTER PLANNED UNIT DEVELOPMENTS WITHIN THE CRA AND CORRECTING TWO TYPOGRAPHICAL ERRORS; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**IX. WORKSHOP ITEMS – None.**

**X. GENERAL DISCUSSION**

- A. PUBLIC COMMENTS**
- B. CORRESPONDENCE**
- C. PLANNING AND ZONING BOARD COMMENTS**
  - A. Upcoming Meetings – January 13, 2022; January 27, 2022**

**XI. 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](http://www.rivierabch.com).

<p>Page 1</p> <p>Riviera Beach Planning and Zoning Board</p> <p>Marina Event Center</p> <p>190 East 13th Street</p> <p>Riviera Beach, Florida 33404</p> <p>November 4, 2021</p> <p>APPEARANCES:</p> <p>Chair Evelyn Harris Clark</p> <p>Anthony Brown</p> <p>James Gallon</p> <p>William Wyly</p> <p>Margaret Shepherd</p> <p>Frank Fernandez</p> <p>Russell Barnes</p> <p>Stenographically reported by Claudia Price Witters, RPR</p>	<p>Page 3</p> <p>roll call?</p> <p>MS. DAVIDSON: Anthony Brown.</p> <p>MR. BROWN: Present.</p> <p>MS. DAVIDSON: James Gallon.</p> <p>MR. GALLON: Present.</p> <p>MS. DAVIDSON: Margaret Shepherd.</p> <p>MS. SHEPHERD: Present.</p> <p>MS. DAVIDSON: William Wyly.</p> <p>MR. WYLY: Present.</p> <p>MS. DAVIDSON: Frank Fernandez.</p> <p>MR. FERNANDEZ: Present.</p> <p>MS. DAVIDSON: Moeti Neube? (Absent)</p> <p>Russell Barnes.</p> <p>MR. BARNES: Present.</p> <p>MS. DAVIDSON: Rena Burgess. (Absent)</p> <p>Evelyn Harris Clark.</p> <p>CHAIR CLARK: Present.</p> <p>MS. DAVIDSON: You have a quorum.</p> <p>CHAIR CLARK: Thank you. Okay.</p> <p>MS. DAVIDSON: Madam Chair, for the record, if you would just clarify that you are bestowing voting rights to the second alternate.</p> <p>CHAIR CLARK: Yes, this evening we will have Mr. Russell Barnes, he will have voting rights for this evening. For our record.</p>
<p>Page 2</p> <p>CHAIR CLARK: Okay. Thank you. Thank you.</p> <p>The meeting for the Planning and Zoning Board Meeting of the City of Riviera Beach will commence at 6:36, Thursday, November 4th.</p> <p>Let me welcome our viewing audience, our visitors, of course all of our residents. We appreciate you being here for these proceedings.</p> <p>Let me just add a caveat before we start our meeting. Due to COVID-19, attendees must adhere to the City of Riviera Beach guidelines.</p> <p>Next item. If you wish to speak on any item on this agenda, please complete a public comment card and provide it to the Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item. Thank you.</p> <p>And at this moment we are going to have a moment of silence and Pledge of Allegiance led by our Board Member Russell Barnes.</p> <p>MR. BARNES: Let's have a moment of silence. (Moment of silence. Pledge of Allegiance recited.)</p> <p>CHAIR CLARK: Thank you.</p> <p>We're going to have roll call of our body; and right after that we will -- or I will ask that Mr. Russell Barnes sit in as second alternate.</p> <p>So at this point may we have an attendance</p>	<p>Page 4</p> <p>MS. DAVIDSON: Thank you.</p> <p>CHAIR CLARK: You're welcome.</p> <p>Okay. Item number III. May we have acknowledgement of board member absence notifications?</p> <p>MS. DAVIDSON: Yes, Madam Chair.</p> <p>Vice Chair Burgess advised that she will not be in this evening.</p> <p>CHAIR CLARK: Okay. Thank you.</p> <p>And at this time I'm going to ask our body, do we have any additions to our agenda?</p> <p>MS. DAVIDSON: Yes, we do, Madam Chair.</p> <p>At this time we would like to add the revisions that were made from last meeting, last meeting's -- the amendments, as a workshop item.</p> <p>CHAIR CLARK: Okay. Okay. And before I ask for approval, are there any deletions to the agenda?</p> <p>MS. DAVIDSON: No.</p> <p>CHAIR CLARK: Okay. May I ask a motion for the additions and deletions to the agenda be accepted as presented?</p> <p>MR. GALLON: So moved.</p> <p>MR. WYLY: Second.</p> <p>CHAIR CLARK: Roll call, please.</p>

<p>Page 5</p> <p>1 MS. DAVIDSON: Anthony Brown.</p> <p>2 MR. BROWN: Yes.</p> <p>3 MS. DAVIDSON: James Gallon.</p> <p>4 MR. GALLON: Yes.</p> <p>5 MS. DAVIDSON: William Wyly.</p> <p>6 MR. WYLY: Yes.</p> <p>7 MS. DAVIDSON: Margaret Shepherd.</p> <p>8 MS. SHEPHERD: Yes.</p> <p>9 MS. DAVIDSON: Frank Fernandez.</p> <p>10 MR. FERNANDEZ: Yes.</p> <p>11 CHAIR CLARK: Russell Barnes.</p> <p>12 MR. BARNES: Yes.</p> <p>13 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>14 CHAIR CLARK: Yes.</p> <p>15 MS. DAVIDSON: Unanimous vote.</p> <p>16 CHAIR CLARK: Thank you.</p> <p>17 Do we have any disclosures by board members</p> <p>18 before we adopt the agenda?</p> <p>19 Okay. Seeing none, may I ask for a motion to</p> <p>20 adopt the agenda as presented for --</p> <p>21 MR. GALLON: So moved.</p> <p>22 CHAIR CLARK: -- this evening.</p> <p>23 MR. GALLON: So moved.</p> <p>24 MS. SHEPHERD: Second.</p> <p>25 CHAIR CLARK: And again, roll call, please.</p>	<p>Page 7</p> <p>1 packet, and it was also --</p> <p>2 CHAIR CLARK: Second page?</p> <p>3 MS. DAVIDSON: -- included with the e-mail</p> <p>4 packet that was sent out.</p> <p>5 CHAIR CLARK: Oh, I see. Okay. Thank you.</p> <p>6 MS. SHEPHERD: Madam Chair. Madam Chair.</p> <p>7 CHAIR CLARK: Yes.</p> <p>8 MS. SHEPHERD: I do have a problem. My</p> <p>9 e-mail address still is not right. My name is not</p> <p>10 spelled correctly in the e-mail. It's</p> <p>11 MargaretShepherd46@gmail.com. My last name is</p> <p>12 S-H-E-P-H-E-R-D, not A-R-D.</p> <p>13 MS. DAVIDSON: Thank you, Ms. Shepherd.</p> <p>14 If the members would please revise the form,</p> <p>15 make the corrections, and hand it to me at the end</p> <p>16 of the meeting, I'll ensure that the next -- at the</p> <p>17 next meeting we'll have the corrections.</p> <p>18 MS. SHEPHERD: Thank you.</p> <p>19 CHAIR CLARK: Just one moment. Ms. Shepherd.</p> <p>20 MS. SHEPHERD: Yes.</p> <p>21 CHAIR CLARK: Let me see your document.</p> <p>22 MS. SHEPHERD: What document?</p> <p>23 CHAIR CLARK: This document here.</p> <p>24 (Inaudible)</p> <p>25 Let me just ask a question regarding the 2022</p>
<p>Page 6</p> <p>1 MS. DAVIDSON: Anthony Brown.</p> <p>2 MR. BROWN: Yes.</p> <p>3 MS. DAVIDSON: James Gallon.</p> <p>4 MR. GALLON: Yes.</p> <p>5 MS. DAVIDSON: William Wyly.</p> <p>6 MR. WYLY: Yes.</p> <p>7 MS. DAVIDSON: Margaret Shepherd.</p> <p>8 MS. SHEPHERD: Yes.</p> <p>9 MS. DAVIDSON: Frank Fernandez.</p> <p>10 MR. FERNANDEZ: Yes.</p> <p>11 MS. DAVIDSON: Russell Barnes.</p> <p>12 MR. BARNES: Yes.</p> <p>13 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>14 CHAIR CLARK: Yes.</p> <p>15 MS. DAVIDSON: Unanimous vote.</p> <p>16 CHAIR CLARK: Thank you.</p> <p>17 Next item, number VI. Approval of minutes.</p> <p>18 We do not have those at this moment so we cannot</p> <p>19 approve the minutes.</p> <p>20 So I'm going to go ahead on to item number</p> <p>21 VII, adoption of 2020 meeting schedule.</p> <p>22 Let's everybody just take a moment to look</p> <p>23 at -- well, do we have that? I see the membership</p> <p>24 list.</p> <p>25 MS. DAVIDSON: Madam Chair, it's in your</p>	<p>Page 8</p> <p>1 meeting schedule. We have pretty much two meetings</p> <p>2 a month. Is there per chance that we would end up</p> <p>3 with either less per month or more per month?</p> <p>4 MS. SAVAGE-DUNHAM: That's a great question,</p> <p>5 Madam Chair.</p> <p>6 This is our suggested schedule. Obviously,</p> <p>7 if a big project came through and it required the</p> <p>8 planning board to schedule another meeting we would</p> <p>9 check with you. We normally do try to manage the</p> <p>10 workload so that it falls on your meeting dates.</p> <p>11 However, another reason why you might</p> <p>12 sometimes have to have more meetings is if we start</p> <p>13 doing a comprehensive plan amendment, we might have</p> <p>14 charrettes, you know, public workshops; those would</p> <p>15 be in addition to this. And sometimes if</p> <p>16 there's -- the room isn't available or we don't</p> <p>17 have a quorum or there's nothing for the agenda</p> <p>18 then we would cancel a meeting. So this is what we</p> <p>19 expect it to be but it could change, like it did</p> <p>20 this year.</p> <p>21 CHAIR CLARK: Sure. What about training? It</p> <p>22 doesn't appear that there's room for P&amp;Z members</p> <p>23 training.</p> <p>24 MS. SAVAGE-DUNHAM: No, there will be</p> <p>25 training on this agenda. In fact, we anticipate</p>



<p>1 doing some at the December meeting.</p> <p>2 CHAIR CLARK: And it will take up these</p> <p>3 dates, some of these dates here?</p> <p>4 MS. SAVAGE-DUNHAM: Yeah. We'll fit it in.</p> <p>5 I mean, the Board -- we realize you're a volunteer</p> <p>6 board, you've committed to meeting. We would not</p> <p>7 add a special meeting next year just for training;</p> <p>8 we would fit it in, into the schedule.</p> <p>9 CHAIR CLARK: Okay. All right then. What</p> <p>10 I'm going to ask, that we have approval -- a motion</p> <p>11 for the adoption of the '22 meeting schedule,</p> <p>12 notating that it is going to be flexible regarding</p> <p>13 special training sessions, special meetings, and</p> <p>14 perhaps special projects. May I have a motion,</p> <p>15 please?</p> <p>16 MS. SHEPHERD: Move to accept.</p> <p>17 MR. GALLON: Second.</p> <p>18 CHAIR CLARK: Thank you. May we have again a</p> <p>19 roll call?</p> <p>20 MS. DAVIDSON: Anthony Brown.</p> <p>21 MR. BROWN: Yes.</p> <p>22 MS. DAVIDSON: James Gallon.</p> <p>23 MR. GALLON: Yes.</p> <p>24 MS. DAVIDSON: William Wyly.</p> <p>25 MR. WYLY: Yes.</p>	<p>Page 9</p> <p>1 MS. SHEPHERD: Yeah, the changes that we</p> <p>2 made.</p> <p>3 MS. DAVIDSON: The changes will be discussed</p> <p>4 under the workshop item, which is item number X.</p> <p>5 MS. SHEPHERD: Oh. Okay. Thank you.</p> <p>6 CHAIR CLARK: Okay. No unfinished business.</p> <p>7 Okay. On to the next agenda item. New</p> <p>8 business, Ms. Savage.</p> <p>9 MS. SAVAGE-DUNHAM: Under new business, item</p> <p>10 A, a resolution of the City Council of the City of</p> <p>11 Riviera Beach, Palm Beach County, Florida,</p> <p>12 approving site plan application SP-21-08 from Elite</p> <p>13 Capital &amp; Development, Inc., to construct six</p> <p>14 duplexes on approximately 0.81 acre vacant land</p> <p>15 area, that is being subdivided into six contiguous</p> <p>16 lots pursuant to the concurrent plat application</p> <p>17 number PA-20-05, for the real property located at</p> <p>18 the northwest corner of West 26th Court and RJ</p> <p>19 Hendley Avenue, identified by parcel control number</p> <p>20 56-43-42-29-01-000-0552, providing for conditions</p> <p>21 of approval; and providing for an effective date.</p> <p>22 And Madam Chair, our principal planner, Josue</p> <p>23 Leger, is going to be presenting this project</p> <p>24 tonight.</p> <p>25 CHAIR CLARK: Welcome, Mr. Leger. Long time</p>
<p>1 MS. DAVIDSON: Margaret Shepherd.</p> <p>2 MS. SHEPHERD: Yes.</p> <p>3 MS. DAVIDSON: Frank Fernandez.</p> <p>4 MR. FERNANDEZ: Yes.</p> <p>5 MS. DAVIDSON: Russell Barnes.</p> <p>6 MR. BARNES: Yes.</p> <p>7 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>8 CHAIR CLARK: Yes.</p> <p>9 MS. DAVIDSON: Unanimous vote.</p> <p>10 CHAIR CLARK: Okay. Item number VIII,</p> <p>11 unfinished business.</p> <p>12 MS. SHEPHERD: Madam Chair.</p> <p>13 CHAIR CLARK: Yes.</p> <p>14 MS. SHEPHERD: Is this a good time,</p> <p>15 Ms. Savage, to talk about the -- what do you call</p> <p>16 it? The Planning and Zoning -- talking about</p> <p>17 putting new things in place? Is this a good time</p> <p>18 now?</p> <p>19 MS. DAVIDSON: The text -- I'm sorry. The</p> <p>20 text amendment will be under the workshop item.</p> <p>21 MS. SHEPHERD: Say what now?</p> <p>22 MS. DAVIDSON: Will be discussed on the</p> <p>23 workshop item.</p> <p>24 MS. SHEPHERD: Yeah, the workshop item.</p> <p>25 CHAIR CLARK: Mhmm. Number X.</p>	<p>Page 10</p> <p>1 no see.</p> <p>2 MR. LEGER: Good evening, Madam Chair,</p> <p>3 Members of the Board. Josue Leger, once again, for</p> <p>4 the record.</p> <p>5 Let's just make sure this is working.</p> <p>6 The request before you tonight, the applicant</p> <p>7 is requesting site plan approval to construct six</p> <p>8 duplexes on an existing lot of record approximately</p> <p>9 0.81 acres of vacant land.</p> <p>10 MS. SHEPHERD: Could you come a little closer</p> <p>11 to the mic?</p> <p>12 MR. LEGER: No problem.</p> <p>13 MS. SHEPHERD: Okay. Thank you.</p> <p>14 MR. LEGER: I'll restate that. The applicant</p> <p>15 is requesting approval for a site plan to construct</p> <p>16 six duplexes on an existing lot of record,</p> <p>17 approximately 0.81 acres of vacant land, that is</p> <p>18 being subdivided into six contiguous lots per plat</p> <p>19 application PA-20-05.</p> <p>20 Just to give you a brief idea of where the</p> <p>21 property is located, some of the major words, in</p> <p>22 close proximity of the project is West 26th Court</p> <p>23 and Avenue S, immediately south of Atkins Day Care.</p> <p>24 The property has a land use designation of</p> <p>25 medium density multifamily residential, MF-15. And</p>
	<p>Page 11</p>
	<p>Page 12</p>

<p>1 has a zoning designation of multifamily dwelling 2 district RM-15. The land use and the zoning are 3 consistent with one another.</p> <p>4 This is a current -- this is a survey that 5 shows the current configuration of the property. 6 Currently the lot is one specific lot, 7 approximately 0.81 acres.</p> <p>8 If you remember, previously you guys approved 9 a plat application that actually will change the 10 configuration of the lot into six contiguous lots, 11 in order for the applicant to actually construct 12 six duplexes. So this is the plat that came before 13 you, that identified the six different lots, lot 14 one through six, as shown here on the screen.</p> <p>15 And this is the proposed site plan that 16 identifies the six duplexes.</p> <p>17 As it relates to parking, the code requires 18 two parking spaces per unit, so the applicant is 19 proposing two parking spaces per unit. So as you 20 can see, it's going to be a total of 12 units and a 21 total of 24 parking spaces.</p> <p>22 And also, the site is adjacent to -- 23 immediately south of Atkins Day Care. The 24 applicant is proposing a six-foot wall abutting the 25 day care lot.</p>	<p>Page 13</p>	<p>1 56-43-42-29-01-000-0552 with the following 2 conditions of approval.</p> <p>3 These are our bullet point conditions of 4 approval. I'll just read them on the record. A 5 two-year landscaping performance bond for 110% of 6 the value of the landscaping and irrigation shall 7 be required before a certificate of occupancy or a 8 certificate of completion is issued.</p> <p>9 Construction and landscaping improvements 10 must be initiated within 18 months of the effective 11 date of this resolution in accordance with Section 12 31-60(b) of the City Code of Ordinances. 13 Demolition, site preparation, and/or land clearing 14 shall not be considered construction.</p> <p>15 Building permit application and associated 16 plans and documents shall be submitted in its 17 entirety and shall not be accepted by City staff in 18 partial or incomplete manner.</p> <p>19 Condition number 3. City Council authorizes 20 City staff to approve future amendments to the site 21 plan administratively so long as the site plan does 22 not deviate greater than five percent from the 23 original site plan approval.</p> <p>24 This development must receive final 25 certificate of occupancy from City for all</p>	<p>Page 15</p>
<p>1 And also the applicant is proposing fences to 2 give a sense of, of privacy from each duplexes. So 3 you do have physical barrier landscape and fences 4 between each duplexes.</p> <p>5 This is a proposed floor plan.</p> <p>6 This is the elevation. The south elevation 7 will be the main elevation that identifies the two 8 entry points to the duplexes as shown here.</p> <p>9 This is the proposed landscape. I'll just go 10 to the next slide which shows it in color. That 11 identifies the separations of -- physical 12 separations of landscape and actual fences in 13 between duplexes.</p> <p>14 This is a rendering provided by the applicant 15 to give you an idea how the proposed duplexes will 16 look like.</p> <p>17 Staff recommends approval of the site plan 18 application SP-21-08 from Elite Capital &amp; 19 Development, Inc., to construct six duplexes on 20 approximately 0.81 acre vacant land area, that is 21 being subdivided into six contiguous lots pursuant 22 to the concurrent plat application number PA-20-05, 23 for the real property located at the northwest 24 corner of West 26th Court and RJ Hendley Avenue, 25 identified by parcel control number</p>	<p>Page 14</p>	<p>1 buildings approved within five years of the 2 approval of the adopting resolution or the adoption 3 resolution shall be considered null and void, 4 requiring the applicant to resubmit application for 5 site plan and special exception approval and 6 reinstate the site plan approval process.</p> <p>7 Condition number 5. All future advertising 8 must state that the development is located within 9 the City of Riviera Beach. Fees and penalties in 10 accordance with City Code Section 31-554 will be 11 levied against the property owner and/or business 12 for violation of this condition.</p> <p>13 Once approved, this resolution shall 14 supersede any previous site plan approval 15 resolutions associated with this property, causing 16 previous site plan approval resolution to be null 17 and void.</p> <p>18 Condition number 7 is specific to this 19 project. The site plan application SP 20-08, 20 approval is contingent upon the approval of the 21 concurrent plat application, PA-20-05, to subdivide 22 the existing lot of record, approximately 0.81 acre 23 of vacant land into six contiguous lots.</p> <p>24 This concludes my presentation. I can answer 25 any questions the Board may have. If you have no</p>	<p>Page 16</p>

<p>1 questions for me, I can pass -- turn it over to the</p> <p>2 applicant if you desire a presentation from the</p> <p>3 applicant.</p> <p>4 CHAIR CLARK: Sure. Let me start. The</p> <p>5 applicant had been here before. I remember the</p> <p>6 project.</p> <p>7 I want to ask staff, did we as a board have</p> <p>8 certain of contingencies or recommendations that we</p> <p>9 had asked the applicant to fulfill prior to coming</p> <p>10 here to the second presentation? And if you</p> <p>11 remember what they were -- I don't want to</p> <p>12 speculate, because we had a lot of conversation</p> <p>13 going on at that time -- what were those conditions</p> <p>14 that we asked the applicant to come back with?</p> <p>15 I have some notes myself but let me have you</p> <p>16 go ahead, Mr. Leger.</p> <p>17 MR. LEGER: No problem.</p> <p>18 From the meeting when you guys recommended</p> <p>19 approval for the plat, we discussed treatments</p> <p>20 between the northern portion of the property, which</p> <p>21 immediately is adjacent to Atkins Day Care; you</p> <p>22 know, especially the area where you had the outdoor</p> <p>23 play area for the day care, which is on the eastern</p> <p>24 portion of the property. So the applicant is --</p> <p>25 obviously is proposing a six-foot high wall to</p>	<p>Page 17</p> <p>1 (inaudible) any future condition at this point from</p> <p>2 the city engineer unless, unless he comes around</p> <p>3 prior to council and decide to put a condition on</p> <p>4 the project.</p> <p>5 But to date, based on his review, he gave</p> <p>6 staff the clearance to go ahead and move the</p> <p>7 project forward.</p> <p>8 He did have some -- on your packet there, his</p> <p>9 comments is on there. He had some comments but</p> <p>10 they were building permits related. They would not</p> <p>11 impact the site plan process.</p> <p>12 CHAIR CLARK: Okay. I would like for our</p> <p>13 body to take that into consideration, the calming</p> <p>14 devices, considering that this project is right</p> <p>15 near a playground, where parents are coming and</p> <p>16 going, and children.</p> <p>17 So as we -- as you think about moving</p> <p>18 forward, just take that into consideration, because</p> <p>19 we did make a recommendation to not only the staff</p> <p>20 but also to the applicant as well.</p> <p>21 And, Mr. Leger, any more conditions?</p> <p>22 MR. LEGER: Staff -- condition number 7, as</p> <p>23 you saw in our recommendation, obviously the site</p> <p>24 plan process -- application cannot be approved if</p> <p>25 the plat is not approved by the city council, so we</p>
<p>Page 18</p> <p>1 mitigate any potential views from the proposed</p> <p>2 residents to the day care. That was one of the</p> <p>3 concerns of the Board.</p> <p>4 Another concerns of the Board was for the</p> <p>5 applicant to look into the possibility of</p> <p>6 installing traffic calming devices, speed bumps</p> <p>7 along West 26th Court. And the city engineer</p> <p>8 reviewed the application and it was -- it came up</p> <p>9 because we brought it up. He reviewed the</p> <p>10 application, had conversation with the applicant.</p> <p>11 To date we did not receive any recommendations from</p> <p>12 the city engineer as it relates to proposing or</p> <p>13 recommending any traffic calming devices for this</p> <p>14 project.</p> <p>15 I do want to reiterate that it came up. We</p> <p>16 did speak about it. We made sure that the city</p> <p>17 engineer knew that that was a request or</p> <p>18 recommendation from the Board. He reviewed the</p> <p>19 project but did not to date recommend any proposed</p> <p>20 traffic calming device along the street.</p> <p>21 CHAIR CLARK: So that still is under review</p> <p>22 and still in process?</p> <p>23 MR. LEGER: So, the city engineer reviewed</p> <p>24 the application and recommended that we approve the</p> <p>25 application with no conditions. So we're not into</p>	<p>Page 20</p> <p>1 added those conditions. But as it relates to our</p> <p>2 conversation from the last time, I don't recall</p> <p>3 anything else that was significant.</p> <p>4 CHAIR CLARK: Okay. Very well.</p> <p>5 So did we have, staff, more questions, before</p> <p>6 we invite the applicant up? From our body?</p> <p>7 Okay. Thank you, Mr. Leger.</p> <p>8 And at this time we're going to invite the</p> <p>9 applicant up, Elite Capital &amp; Development, Inc.</p> <p>10 Hi.</p> <p>11 MR. BOUCHER: Good evening.</p> <p>12 CHAIR CLARK: Good evening. And could you</p> <p>13 state your name for the record, and your position</p> <p>14 with Elite Capital &amp; Development, Incorporated.</p> <p>15 MR. BOUCHER: Philippe Oliver Boucher, owner</p> <p>16 of Elite Capital &amp; Development.</p> <p>17 CHAIR CLARK: Okay. All right. Okay. Did</p> <p>18 you have a presentation?</p> <p>19 MR. BOUCHER: Absolutely. Yes, I do. Yeah,</p> <p>20 I'd love to.</p> <p>21 CHAIR CLARK: Let us let you go ahead and</p> <p>22 present and then we'll have questions after.</p> <p>23 MR. BOUCHER: Sure. Absolutely. Thank you.</p> <p>24 Okay. So, as mentioned, my name is Philippe</p> <p>25 Boucher from Elite Capital &amp; Development. I am the</p>

<p>1 owner and founder. Page 21</p> <p>2 We were here a couple months ago, I hope you</p> <p>3 guys remember when we came for the plat, like</p> <p>4 Mr. Leger mentioned. And we're back tonight to</p> <p>5 re-present our project in a more complete manner.</p> <p>6 We are headquartered in West Palm Beach,</p> <p>7 Florida. And I am French-Canadian owner. I moved</p> <p>8 to Florida for the palm trees, just like anybody</p> <p>9 who wasn't born here. And I actually got a master</p> <p>10 in business administration in 2015 from Northwood</p> <p>11 University, which is now Keiser University, right</p> <p>12 in West Palm Beach.</p> <p>13 And our company employs five full staff</p> <p>14 members. We're a small business, but we still hire</p> <p>15 five full staff member. And we deal with the local</p> <p>16 subcontractors.</p> <p>17 So we specialize in development there. You</p> <p>18 can take a look at our achievement here. So we</p> <p>19 have more than 51 properties that we rehabilitated</p> <p>20 since the inception. All of them were sold to</p> <p>21 owner-occupants.</p> <p>22 And we started to build new construction in</p> <p>23 January of last year. And since then we have</p> <p>24 completed 26 new home. Again, also to</p> <p>25 owner-occupants.</p>	<p>1 For civil, we have Civil Engineering Page 23</p> <p>2 Consulting.</p> <p>3 Architecture, Goarch Engineering.</p> <p>4 Surveyor, Miller Surveying.</p> <p>5 So all these businesses are local here in</p> <p>6 Palm Beach County and we use them with the rest of</p> <p>7 our projects. So we're really loyal to our</p> <p>8 stakeholders when we undertake projects.</p> <p>9 Our Fontaine Subdivision, as mentioned, it's</p> <p>10 plat and site plan approval for six fee simple</p> <p>11 duplexes, 3/2 units. It is consistent with the</p> <p>12 city's comprehensive plan and the MF-15 land use</p> <p>13 regulations.</p> <p>14 Fortunately we have utilities readily</p> <p>15 available on site. Water runs along our site. And</p> <p>16 sewer is also there in the street for sanitary</p> <p>17 connection.</p> <p>18 One of the key points that we've mentioned</p> <p>19 when we were here a couple weeks ago was that our</p> <p>20 strategy was to market to owner-occupants that</p> <p>21 would purchase to live on one side and rent the</p> <p>22 other. And having that into consideration when we</p> <p>23 market our properties, we plan on offering them</p> <p>24 through a 30 days first look period for first</p> <p>25 responders, medical staff, City of Riviera Beach</p>
<p>1 We offer a very high quality product while Page 22</p> <p>2 remaining affordable.</p> <p>3 And we offer our in-house management for</p> <p>4 project, which allows for greater efficiency. So</p> <p>5 we try to undertake every step of the project as</p> <p>6 much as we can, so that we can have a better</p> <p>7 building cost and then offer a better price for the</p> <p>8 people.</p> <p>9 You can see the pictures below there. These</p> <p>10 are some homes that we've completed in the Westgate</p> <p>11 area. So that was a site where we build 14 homes.</p> <p>12 Just recently we're finishing them up by the end of</p> <p>13 the year. And on the right there is just a picture</p> <p>14 of the inside of our product.</p> <p>15 A little bit of history on the parcel. So we</p> <p>16 purchased this parcel back in January 2020.</p> <p>17 We have been working with the City prior to</p> <p>18 purchase, and really from the beginning. We've had</p> <p>19 a pre-application meeting with Mr. Leger and</p> <p>20 Mr. Gagnon back then. And we've always been</p> <p>21 working with the folks about the development there.</p> <p>22 As far as our design team for planning, we</p> <p>23 have Place Planning and Design. Mr. Corey</p> <p>24 O'Gorman, who was with me last time, couldn't make</p> <p>25 it tonight. But he is in charge of our planning.</p>	<p>1 and Atkins TLC employees. So that these folks have Page 24</p> <p>2 an opportunity to purchase prior to anybody else.</p> <p>3 So that is a marketing that we plan on implementing</p> <p>4 for these dwellings.</p> <p>5 In order -- about the concerns. So, yes,</p> <p>6 there were concerns that were brought up at the</p> <p>7 last meeting which we well noted and we tried to</p> <p>8 address. And we did our best in addressing them,</p> <p>9 hopefully to your satisfactions.</p> <p>10 So, as mentioned before, we plan on putting a</p> <p>11 wall between our site and the day care on the</p> <p>12 north. It's a SimTek product. It's kind of a</p> <p>13 fence. But it's more of a wall. It's a very</p> <p>14 sturdy product. We'll share the specification a</p> <p>15 little later.</p> <p>16 So that is, obviously, a very, very important</p> <p>17 point, because the kids' safety is a priority for</p> <p>18 everybody. And we will certainly ensure that this</p> <p>19 wall is constructed even before we even initiate</p> <p>20 construction on the site.</p> <p>21 Another point was that our structures are one</p> <p>22 story so there is no second story to overlook the</p> <p>23 day care's backyard or playground as it would if it</p> <p>24 was a townhome or a two-story structure. So that's</p> <p>25 a pretty important point.</p>

<p>Page 25</p> <p>1 In regards to the speed hump, like Mr. Leger 2 mentioned, it is under review by the city engineer 3 and it sort of looks like it is not required. We 4 would like to put one, no matter what. So I don't 5 know how that can be done; if, you know, the 6 engineer can review his recommendation or -- but we 7 would definitely like to put one or two, whatever 8 the requirements are. Because even when I was 9 walking the site, I mean the people were driving 10 fast on that street and I didn't like that at all. 11 So I would really like to see if we can work with 12 whoever we have to in order to implement those. 13 I see that the sidewalk was also a concern. 14 So we do have a proposed five-foot sidewalk on our 15 site plan that will be constructed along the site. 16 So the sidewalk is going to go east to west along 17 the property, five-foot sidewalk. So that's part 18 of the site plan. 19 In regards to parking, we know there were 20 some concerns about parking. So what we thought 21 about was to restricting the parking to two cars 22 per unit. There are management, so obviously we 23 cannot control how folks will be managing their 24 buildings, but under our management we will 25 recommend and enforce two parking maximum per unit.</p>	<p>Page 27</p> <p>1 developing this class; which will require in our 2 contract that the potential purchaser read and go 3 through it, and enforce to the best of their 4 abilities. 5 And obviously we have Mr. Atkins and 6 Ms. Williams here, sitting with us, and they know 7 about our project. We've presented them with 8 pretty much the same package that's here tonight. 9 We've had conversations; and their two most 10 concerns were obviously the side boundary with the 11 wall, which we're going to be putting the wall to 12 create that buffer, you know, with the wall and the 13 landscape and all. So, to make sure that the units 14 were going to be managed properly so that we have 15 the best quality tenants as possible. So that's 16 why we're implementing these two, these two 17 strategies here, the management class and then 18 obviously the walls. 19 So that was, from the notes that we took in 20 our last meeting when we were here, that was pretty 21 much all the concerns that I believe came up. If 22 there are any other concerns, we'll be happy to 23 discuss them and try to come up with a resolution. 24 This is the SimTek product. So, it's very 25 nice. You might have seen it around in the county.</p>
<p>Page 26</p> <p>1 In regards to the fire prevention, I know 2 that there was a comment about the fire, making 3 sure the buildings were compliant with the fire 4 code. We've had plans reviewer from the Bureau of 5 Fire Prevention and they did not have any comments 6 about our plans. Which was positive. 7 We also received comments from Police Major 8 Thomas, who recommended to use the graffiti 9 resistant paint, landscape buffers, lighting and 10 cameras, which we all plan to implement in order to 11 maximize the safety of the occupants and also 12 everybody that would be walking on the street 13 there. 14 And also a very important point was in 15 regards to management. So we have -- we're looking 16 to develop a Landlord 101 class which would kind of 17 be a guideline for the people purchasing our 18 buildings, to teach them how to manage their 19 property, how to screen tenants, how to do a 20 background check, for example, how to be ready to 21 undertake potential repairs. So we actually plan 22 on developing this sort of class/course with the 23 owners of the Atkins Center here present. Since 24 they're masters of education and we're pretty good 25 in management, we want to work with them in</p>	<p>Page 28</p> <p>1 I know that there's other facilities, educational 2 or residential development, that use them. It's 3 made of LLDPE, which is a strong polymer plastic. 4 It's got good wind rating. It blocks 98 percent of 5 direct sound. Impact resistant. And it's made in 6 the USA, which is great. So we really look forward 7 installing this wall between our site and the day 8 care. 9 And that's, as you've seen before, this is 10 our outside rendering elevation. So we plan on 11 having paver driveway and concrete aprons near when 12 you walk -- when you're drive into the driveways. 13 And we plan on providing very high quality 14 construction. They're vaulted ceilings, open floor 15 plan, and maximizing the living space for the 16 occupants. 17 And also, like Mr. Leger said, the perimeter 18 will be fully fenced between each dwelling. Each 19 unit is going to have its own little gate so they 20 have access to their backyard. So everything to 21 the rear of the buildings is fully fenced and 22 secure, to protect everybody. 23 That is a rendering for the inside there. 24 So, impact windows. Very typical impact doors and 25 windows for our structures. We have an open floor</p>

<p>Page 29</p> <p>1 plan there with a little island and the high</p> <p>2 cabinets and the double pantries; that's kind of</p> <p>3 our signature that we use. So we try to build a</p> <p>4 product that will last in time as much as possible.</p> <p>5 And we've been very successful. I mean,</p> <p>6 everybody that buy our homes are very happy and</p> <p>7 very pleased with the quality of construction that</p> <p>8 they get; because in general the builders, they</p> <p>9 charge extra for upgrades but we make it a package</p> <p>10 where everything is included, really, and it's</p> <p>11 already high quality.</p> <p>12 If you have any questions, we would be --</p> <p>13 well, I would be happy to answer them. Thank you.</p> <p>14 CHAIR CLARK: Okay. Well, merci beaucoup,</p> <p>15 Monsier.</p> <p>16 I do have questions.</p> <p>17 I was glad to see the fence. Now, the fence</p> <p>18 is going to be constructed in the back of the</p> <p>19 properties?</p> <p>20 MR. BOUCHER: And the sides, too. And the</p> <p>21 outermost sides as well.</p> <p>22 CHAIR CLARK: Okay. So the same materials</p> <p>23 separating the units and also in the back --</p> <p>24 MR. BOUCHER: So, in the outermost side. So</p> <p>25 that in the big perimeter in between the units it</p>	<p>Page 31</p> <p>1 elegance and a message to the area that this is</p> <p>2 changing. If you could take that into</p> <p>3 consideration.</p> <p>4 Loud music. I don't think you can do</p> <p>5 anything about that. We're looking at a day care</p> <p>6 and unfortunately some people who own property, or</p> <p>7 sometimes they rent, do not have good neighbor</p> <p>8 habits. But if Atkins can take that into the 101</p> <p>9 training to bring up that we do have a day care and</p> <p>10 those children take naps. And I -- some children</p> <p>11 may have learning challenges and maybe they don't</p> <p>12 like loud noises. I just want the owners, the</p> <p>13 buyers, the tenants, to be conscious that there is</p> <p>14 a day care on the other side and the children are</p> <p>15 utmost important.</p> <p>16 And I see that you have the grass -- and it</p> <p>17 looks like on the front it's kind of narrow -- for</p> <p>18 each owner. Hopefully it is narrow enough where we</p> <p>19 will not see a situation where someone has an extra</p> <p>20 car and they just decide to park on the grass.</p> <p>21 I don't remember that street, that there was</p> <p>22 street parking. Do you remember if there was</p> <p>23 street parking?</p> <p>24 MR. BOUCHER: I don't think so, no.</p> <p>25 CHAIR CLARK: No street parking?</p>
<p>Page 30</p> <p>1 will be wood-on-wood fencing. Yes. We're only</p> <p>2 putting the wall on the outside boundaries of the</p> <p>3 site, yes.</p> <p>4 CHAIR CLARK: Okay. Thank you for the</p> <p>5 clarification.</p> <p>6 MR. BOUCHER: Yes. Absolutely.</p> <p>7 CHAIR CLARK: And that's six feet. So you</p> <p>8 addressed the units -- that was -- between the</p> <p>9 units, that was my question.</p> <p>10 I'm going to leave the traffic calming</p> <p>11 devices discussion, I'm going to leave that open to</p> <p>12 the body so everyone will give their perspective on</p> <p>13 that.</p> <p>14 And I do like the idea that you are having</p> <p>15 the 101 real estate class, landlord, for the</p> <p>16 buyers, and how to select tenants.</p> <p>17 The units across the street from you are very</p> <p>18 lovely too. Your rendition is nice. I would like</p> <p>19 to see a little bit more ornateness to it. Maybe</p> <p>20 you could add, where the doors are, maybe just some</p> <p>21 brick facade where the doors are, just to make it</p> <p>22 jump out. If I remember correctly, the ones across</p> <p>23 the street, they either have a lot of brick or they</p> <p>24 have some very architectural brick. I think that</p> <p>25 would be a nice feature to bring a sense of</p>	<p>Page 32</p> <p>1 MR. BOUCHER: No. But I don't think they'll</p> <p>2 be able to squeeze --</p> <p>3 CHAIR CLARK: That's what I'm hoping.</p> <p>4 MR. BOUCHER: Yeah. No, and --</p> <p>5 CHAIR CLARK: -- that an extra car would not</p> <p>6 be able to squeeze.</p> <p>7 Some people just don't have common sense or</p> <p>8 good neighborly habits.</p> <p>9 MR. BOUCHER: Yeah.</p> <p>10 CHAIR CLARK: And I think those were all the</p> <p>11 questions that I have.</p> <p>12 So I'm going to open up to our body. Board,</p> <p>13 if you have any questions. Just raise your hand</p> <p>14 and I will acknowledge.</p> <p>15 MR. WYLY: I have a question. If I could</p> <p>16 piggyback.</p> <p>17 CHAIR CLARK: Yes, go ahead.</p> <p>18 MR. WYLY: Just so I can piggyback off what</p> <p>19 she was saying about the parking. I was looking at</p> <p>20 that, and you're saying that that picture that you</p> <p>21 had up there of the houses, that was going to be an</p> <p>22 exact rendition of what the house was going to look</p> <p>23 like?</p> <p>24 CHAIR CLARK: Let's have you put that back</p> <p>25 up, if you can do that for us.</p>

<p>1 MR. WYLY: That's going to be exact?</p> <p>2 MR. BOUCHER: I mean it's going to look a lot</p> <p>3 like this, yes, the elevation and the parking</p> <p>4 and -- you know, yes, it should look a lot like</p> <p>5 this.</p> <p>6 MR. WYLY: So let me ask you a question then</p> <p>7 about, she said about the parking. And I mean I'm</p> <p>8 all for this because I expanded my parking lot at</p> <p>9 my house. Here, would it be possible -- I know we</p> <p>10 might have a grass to cement rule here, where you</p> <p>11 have to have so much, but is it possible to kind of</p> <p>12 trim that to be able to get three cars in? Because</p> <p>13 you have a two -- I'm assuming that you are --</p> <p>14 there are two -- three-bedroom, two-bedroom, right?</p> <p>15 MR. BOUCHER: 3/2, yes. Three bedrooms.</p> <p>16 MR. WYLY: Three-bedroom. Okay. So we're</p> <p>17 assuming that maybe mom, dad, maybe a son there</p> <p>18 maybe, so possibly there could be three cars in the</p> <p>19 parking lot, correct? Maybe?</p> <p>20 MR. BOUCHER: Let me just pull the site plan</p> <p>21 real quick so I can see to scale how much space we</p> <p>22 have in between.</p> <p>23 And I'm going to ask Josue if he can just</p> <p>24 wade in here and see what his thoughts would be.</p> <p>25 MR. WYLY: Yeah, see if it's possible or if</p>	<p>Page 33</p> <p>1 you're telling me, cut and dry, it's just two</p> <p>2 spaces there? And suppose somebody is handicapped.</p> <p>3 Point out a handicapped space for me. Or are you</p> <p>4 telling me it's no handicapped spaces.</p> <p>5 MR. LEGER: So, this is a residential</p> <p>6 property, so it's -- it's not like a multifamily</p> <p>7 where you have, you have 10, 15, 20 units which</p> <p>8 will require a certain amount of handicap spaces.</p> <p>9 However, the width, 18-foot, the standard</p> <p>10 parking requirement, if an owner is handicapped</p> <p>11 they'll have to make sure that they treat the unit</p> <p>12 in a manner -- of the parking in a manner that</p> <p>13 accommodates for their own residents, or brother,</p> <p>14 sister, whoever it may be, within the household.</p> <p>15 But this is a duplex, they're not required to</p> <p>16 provide handicap parking spaces per se.</p> <p>17 So, however, obviously, if you are</p> <p>18 handicapped or you have a family member, a friend,</p> <p>19 that's handicapped, you will have to maneuver</p> <p>20 around to make sure that when they're visiting you</p> <p>21 can accommodate them.</p> <p>22 MS. SHEPHERD: Let me go back one more time.</p> <p>23 If somebody pass away, wedding, whatever, where do</p> <p>24 they park? Because --</p> <p>25 MR. BARNES: On the street.</p> <p>Page 35</p>
<p>1 it's legal to be able to expand that to where you</p> <p>2 can have, you know, possibly three cars, and</p> <p>3 therefore kind of save on maintenance.</p> <p>4 MR. BOUCHER: Yes. No, I agree. I want</p> <p>5 to -- I would like to get his take on it because,</p> <p>6 you know, he knows the code more than I do.</p> <p>7 MR. LEGER: Once again, Josue Leger, for the</p> <p>8 record.</p> <p>9 So the minimum parking dimensions per code is</p> <p>10 ten by twenty, right? So here the applicant is</p> <p>11 proposing a width of 18 feet. Actually for -- in</p> <p>12 width. And 20 feet in length. So they are meeting</p> <p>13 the minimum requirements; and it's very tight, you</p> <p>14 know, for them actually meeting the -- if you look</p> <p>15 here where I'm pointing, this is the parking</p> <p>16 spaces. As you can see, the two spaces here.</p> <p>17 So it will be very challenging, based on the</p> <p>18 configuration, the design, for them to actually</p> <p>19 accommodate for three parking spaces, due to the</p> <p>20 minimum required dimension for parking.</p> <p>21 I mean, we would not allow the applicant to</p> <p>22 propose any substandard parking space. So...</p> <p>23 MR. WYLY: Just an idea.</p> <p>24 MS. SHEPHERD: May I ask one question?</p> <p>25 Suppose if you have a party or somebody die or --</p> <p>Page 34</p>	<p>1 MR. LEGER: So they're adjacent to West 26th</p> <p>2 Court. Obviously, if you -- if you're having a</p> <p>3 party or something, or someone passed away, you are</p> <p>4 having visitors, then with very cautious you can</p> <p>5 probably park on the street, which is a public --</p> <p>6 with caution, to make sure that you're not creating</p> <p>7 a traffic hazard. But that would be at the control</p> <p>8 of the homeowner. And if any traffic hazard is</p> <p>9 created, your neighbor can call the police and</p> <p>10 says, hey, you're creating a traffic hazard on the</p> <p>11 street.</p> <p>12 So it would be the same if currently if</p> <p>13 anybody lives in a duplex and they're having a</p> <p>14 party or they're having multiple guests over and</p> <p>15 they don't have the parking to accommodate them,</p> <p>16 they'll have to find where to park to accommodate</p> <p>17 their guests.</p> <p>18 MS. SHEPHERD: Okay. Thank you.</p> <p>19 MR. WYLY: Okay. The reason why I say that,</p> <p>20 because I know in my neighborhood, I mean, I was --</p> <p>21 residents talk to me about some of the issues they</p> <p>22 have and sometimes I complain to them about some of</p> <p>23 the things they're doing. The reason why I say</p> <p>24 that, because I think that would be an easier way,</p> <p>25 if it was possible -- because, let's say for</p> <p>Page 36</p>

<p>1 example they do have, like she said, a neighbor 2 comes over, you know, a friend visits or whatever, 3 and they park -- and they will end up parking their 4 cars behind those vehicles. And now you're going 5 to have a situation to where you're going to be in 6 the area where a lot of kids are going to be and 7 that is going to impede the sidewalk, to where now 8 the kids have to go out into the road to go back 9 around that car.</p> <p>10 And then apparently, with all the nice 11 apartments there, there's going to be a lot of 12 that, you know, issues. That's why I was saying 13 that if it's possible we could move it up to where 14 now the -- that the sidewalk will be free for use, 15 for walking, jogging, and for the kids to run up 16 and down the road, because there's a lot of kids in 17 that area also.</p> <p>18 So that's why I was trying to come up with 19 that idea, to see if that was something possible, 20 could it be implemented.</p> <p>21 MR. LEGER: If two cars can go as close as 22 possible to the unit, to the front door, you know, 23 maybe another car can be, you know, para -- in 24 perpendicular behind them. But that's at the 25 control of whoever occupied the units, whether</p>	<p>Page 37</p>	<p>1 are visible, they're lighted up at night. That 2 wasn't up there as part of your consideration. I 3 would consider that.</p> <p>4 Also the glazed areas should be impact 5 resistant. That's more for break-ins. You know, 6 it's very hard to smash in an impact window on the 7 bottom level. So you didn't agree to that as well. 8 I'm not sure if you're --</p> <p>9 MR. BOUCHER: Right, they will be impact 10 windows and doors.</p> <p>11 MS. SHEPHERD: That's part of the code.</p> <p>12 MR. FERNANDEZ: Okay. Well, I didn't see it 13 up there so I didn't know if he was addressing 14 that.</p> <p>15 MS. SHEPHERD: No, they have to build that.</p> <p>16 MR. FERNANDEZ: Now, during construction you 17 have, obviously, the Atkins child care. What 18 barriers -- what are you putting up to prevent the 19 dust, the dirt, and everything else going into the 20 playground and preventing the kids from accessing 21 the construction site? What do you have?</p> <p>22 MR. BOUCHER: So we'll put the SimTek wall 23 that we're proposing, we're going to get that built 24 before we even start construction. And then we're 25 going to have a temporary fence, like the green</p>	<p>Page 39</p>
<p>1 they'll be able to do that.</p> <p>2 As it relates to designing the site plan to 3 accommodate for three parking spaces, if you do 4 that now you're probably going to take away 5 landscaping area, you know. So -- which we 6 probably would not encourage, especially when you 7 are meeting the minimum requirement of the code.</p> <p>8 MR. WYLY: Got it. Thank you.</p> <p>9 CHAIR CLARK: Mr. Fernandez?</p> <p>10 MR. FERNANDEZ: Good evening. First of all, 11 I'm glad you are considering the speed bumps on 12 that area. I hope the city can work with them 13 since the developer is already willing and able to 14 install; that we can refer to our engineer saying 15 they're willing and able to do it, let's get that 16 done. Okay?</p> <p>17 Second, I'm going over the Riviera Beach 18 Police Major Steve Thomas's report. I know you 19 included some of the suggestions in your 20 construction, but there's a couple of other ones 21 which are minor. You know, numerical addresses 22 have to be highlighted at night. When you have a 23 police responding or a fire department responding 24 or ambulance, you want to be able to see those 25 numbers. So we got to make sure that those numbers</p>	<p>Page 38</p>	<p>1 one, the chain link fence, in the front of the 2 perimeter of the site.</p> <p>3 MR. FERNANDEZ: With the dust covers and 4 everything on there, correct?</p> <p>5 MR. BOUCHER: Yes, the one that has the 6 green -- that it's -- that you can't see anything. 7 And, you know, we'll look into the dust control, 8 absolutely. We are already in touch with the 9 fencing company. We've talked to them before. So 10 we'll make sure that we have that as well.</p> <p>11 MR. FERNANDEZ: Are you also taking into 12 consideration maybe hiring local Riviera Beach 13 residents for job sites?</p> <p>14 MR. BOUCHER: We already do. We already hire 15 several Riviera Beach workers. Mr. Bobby Leonard, 16 he's been on our team since the beginning. We 17 already do that so...</p> <p>18 MR. FERNANDEZ: Thank you very much. That's 19 it for me.</p> <p>20 MR. BOUCHER: All right.</p> <p>21 CHAIR CLARK: Okay. I have a couple 22 questions. Storage. Looking at the cars that are 23 going to be parked forward of the building. And 24 I'm just going to say this, because this is just 25 one thing that I detest. I cannot stand it when I</p>	<p>Page 40</p>



<p style="text-align: right;">Page 41</p> <p>1 see people barbecue in front of the house. And</p> <p>2 store their barbecue pit in front of the house.</p> <p>3 Drives me absolutely bonkers. So -- but people do</p> <p>4 want to barbecue. What provisions or room is there</p> <p>5 in the back to accommodate storage? Is that on the</p> <p>6 owner to acquire that storage unit?</p> <p>7 MR. BOUCHER: Well, they have a little patio</p> <p>8 in the back there, as you can see in the site plan,</p> <p>9 that will be there, and hopefully they'll be</p> <p>10 grilling in the back and not in the front.</p> <p>11 CHAIR CLARK: Is that that tiny square way</p> <p>12 back there?</p> <p>13 MR. BOUCHER: Mhmm, yes. That's a paver</p> <p>14 pad. So it's kind of a patio area in the back. So</p> <p>15 that that's where people should be hanging there,</p> <p>16 in their backyard. So, yes, that is a paver patio,</p> <p>17 we call it. Yeah, it's right in front of the</p> <p>18 sliding doors.</p> <p>19 So by having the open floor plan --</p> <p>20 CHAIR CLARK: You know what, I think I'm kind</p> <p>21 of looking at the wrong thing. Do you have the</p> <p>22 little red light, where you can --</p> <p>23 MR. BOUCHER: Yes, I do. Absolutely.</p> <p>24 So, right there, yeah, that is a patio area,</p> <p>25 yes.</p>	<p style="text-align: right;">Page 43</p> <p>1 guard to just stay on site at night so...</p> <p>2 CHAIR CLARK: Right.</p> <p>3 MR. BOUCHER: Well, that's an option that we</p> <p>4 are considering strongly, is just to hire a</p> <p>5 security guard to guard our site at night. And</p> <p>6 during the day our team is there so, yeah.</p> <p>7 CHAIR CLARK: Okay. Good.</p> <p>8 MR. BOUCHER: Yeah. You know, we've already</p> <p>9 kind of juggled around the option of that so, yeah,</p> <p>10 yeah.</p> <p>11 CHAIR CLARK: Okay. I'm going to ask if we</p> <p>12 have any more questions from our board. And I</p> <p>13 would like the Atkins company to introduce</p> <p>14 themselves and speak a little bit about real estate</p> <p>15 101 management. So I'm going to ask the board</p> <p>16 members if they have any further questions.</p> <p>17 MR. WYLY: All right. I got two more.</p> <p>18 CHAIR CLARK: All right, Mr. Wyly.</p> <p>19 MR. WYLY: All right, sir. You know what</p> <p>20 gnarly means, right?</p> <p>21 MR. BOUCHER: Excuse me?</p> <p>22 MR. WYLY: You know what gnarly means, right?</p> <p>23 When she said it was gnarly?</p> <p>24 MR. BOUCHER: Well, I kind of, you know.</p> <p>25 MR. WYLY: Yeah, it means kind of -- it's</p>
<p style="text-align: right;">Page 42</p> <p>1 And this is the wood fence that divides unit</p> <p>2 A and B, so that it's -- and we'll have a fence</p> <p>3 right here as well.</p> <p>4 So all this site setback here will most</p> <p>5 likely be used for storage. So people can put</p> <p>6 their bicycle, can put their stuff right there in</p> <p>7 the site setback, because we'll have a fence there,</p> <p>8 right? So the gate to the backyard will be right</p> <p>9 there. That's all free space for storage. And</p> <p>10 then that's pad here -- patio, patio here, with</p> <p>11 nice little chair. That's barbecue right there.</p> <p>12 That's sliding door, kitchen, living, so...</p> <p>13 I mean, I think the people will -- well, and</p> <p>14 we'll put that in our Landlord 101 guidelines, like</p> <p>15 do not put anything outside, keep it in the back,</p> <p>16 you know. You have space, you have a gate, put it</p> <p>17 in the back. So, yeah, that's --</p> <p>18 CHAIR CLARK: Now, as you construct this</p> <p>19 project, and you know the area pretty well -- I'm</p> <p>20 going to say it's pretty gnarly. And my question</p> <p>21 is, what procedures or mechanisms are you going to</p> <p>22 put in place really to protect your materials as</p> <p>23 you're building out this project, so that you stay</p> <p>24 on track?</p> <p>25 MR. BOUCHER: Yeah, we might hire a security</p>	<p style="text-align: right;">Page 44</p> <p>1 cool. I saw the look on his face.</p> <p>2 MR. BOUCHER: I mean, I kind of --</p> <p>3 (All speaking at once)</p> <p>4 MR. WYLY: Sorry about that. Sorry I made</p> <p>5 light of it.</p> <p>6 The wall is going to be six feet. Is that</p> <p>7 something that the Atkins agreed with, that six</p> <p>8 feet will suffice?</p> <p>9 MR. BOUCHER: I believe so, yeah. That's --</p> <p>10 MS. SHEPHERD: I would like to hear from</p> <p>11 Mr. Juan. I would like to hear him express his</p> <p>12 self.</p> <p>13 I know he's very quiet, but Juan can talk.</p> <p>14 MR. BOUCHER: No, no. I mean, I'm sure they</p> <p>15 will, yeah.</p> <p>16 MR. WYLY: One more question.</p> <p>17 MR. SHEPHERD: Mr. Atkins, come up and talk</p> <p>18 for us.</p> <p>19 MR. WYLY: One more question. One more</p> <p>20 question. No, he can come on up. Come on up, come</p> <p>21 on up. I'm just finishing up this one question.</p> <p>22 I haven't been over there in a while. Right</p> <p>23 there at the corner of RJ Hendley and 26th, that's</p> <p>24 a four-way stop, correct? That's a four-way stop?</p> <p>25 MS. SHEPHERD: Well, I know Lyndsey Davis is</p>

<p>1 right there. Page 45</p> <p>2 MR. WYLY: Right. So I do want to make</p> <p>3 sure -- because for the traffic calming -- because</p> <p>4 I know we're getting something done on 13th Street</p> <p>5 within the next couple months, and I know that will</p> <p>6 probably help out. But I know you was saying</p> <p>7 earlier that the traffic was -- you know, people</p> <p>8 was kind of driving kind of fast. Even though it's</p> <p>9 a four-way stop way there, there was still bad</p> <p>10 traffic?</p> <p>11 MR. BOUCHER: I mean, honestly, I don't</p> <p>12 recall if there's a four-way stop at the</p> <p>13 intersection. She said yes.</p> <p>14 MS. SHEPHERD: It's a four-way stop.</p> <p>15 (Inaudible conversation)</p> <p>16 MR. WYLY: So speed bumps will probably be</p> <p>17 adequate?</p> <p>18 MR. BOUCHER: No, yeah, absolutely. I</p> <p>19 think -- I mean, what I was trying to say is that</p> <p>20 we'll pay for them, we'll implement them.</p> <p>21 Obviously, we can't just go and build them on</p> <p>22 our own. But we need to have the city engineer's</p> <p>23 cooperation and action plan and just guiding us and</p> <p>24 implementing them, you know, that's -- we want to</p> <p>25 implement them, that's for sure.</p>	<p>1 So I can tell you now, you're going to -- Page 47</p> <p>2 it's going to be very difficult to get this done</p> <p>3 with the speed bumps.</p> <p>4 And I hope we don't penalize them. They want</p> <p>5 to do it.</p> <p>6 But the rules needs to be changed in this</p> <p>7 city.</p> <p>8 MS. SHEPHERD: Yeah, they got to (inaudible)</p> <p>9 rules.</p> <p>10 MR. BOUCHER: So that maybe you make it a</p> <p>11 condition of approval then, you know, like -- we</p> <p>12 really wouldn't mind that at all.</p> <p>13 CHAIR CLARK: I mean, we appreciate your</p> <p>14 willingness. And we as a body, when we make a vote</p> <p>15 and a decision, and we will make a stipulation in</p> <p>16 the motion, we are taking our board members'</p> <p>17 recommendation into consideration. So we'll handle</p> <p>18 that from our motion.</p> <p>19 MR. BOUCHER: Sure, yeah. Yeah, absolutely.</p> <p>20 MR. GALLON: And my question that I had was,</p> <p>21 I think I heard you say that the purchaser,</p> <p>22 hopefully the buyer, will be required to live in</p> <p>23 one of the units?</p> <p>24 MR. BOUCHER: That's who we're going to try</p> <p>25 to market them at first, will be what's considered</p>
<p>1 I mean that was -- I believe it was your Page 46</p> <p>2 comment back then and it's still, you know,</p> <p>3 required, in our opinion. So, yeah.</p> <p>4 MR. WYLY: And that's just going to provide</p> <p>5 safety to your residents, to the people in that</p> <p>6 area, just to be safe, just in case, like I say,</p> <p>7 for kids, anybody -- you know, bicycle riders or</p> <p>8 anything like that.</p> <p>9 So, and again (inaudible) for Mr. Atkins, for</p> <p>10 the Atkins group, that, you know, provide safety to</p> <p>11 them also. So, please do that. Thank you.</p> <p>12 MR. BOUCHER: Yeah, kids and future owners as</p> <p>13 well. Right? Like they might also have kids, or</p> <p>14 they might, for themselves -- they don't want to</p> <p>15 have to, you know, have a car drive very fast past</p> <p>16 them so, yes, so we'll -- yeah.</p> <p>17 MR. WYLY: Thank you, sir.</p> <p>18 MR. GALLON: Madam Chair.</p> <p>19 CHAIR CLARK: Yes.</p> <p>20 MR. GALLON: I can tell you now, with these</p> <p>21 speed bumps, I think the rules that we have in this</p> <p>22 city with these speed bumps need to change. I have</p> <p>23 been trying to get more speed bumps on my street,</p> <p>24 and the city engineer has turned it down every</p> <p>25 time.</p>	<p>1 owner-occupants. So that they would live on one Page 48</p> <p>2 side and rent the other. So we're going to put a</p> <p>3 30 days, we consider it a first-look program. The</p> <p>4 bank used to do that before with the property that</p> <p>5 were repossessed, so that owner-occupants purchase</p> <p>6 them. Rather than investors, you know.</p> <p>7 MR. GALLON: Yeah, I would like to see that</p> <p>8 to be made as a requirement. Because I'm quite</p> <p>9 sure they're going to make sure whoever lives next</p> <p>10 door to them will do the right thing.</p> <p>11 MR. BOUCHER: Yes. And we're going to do</p> <p>12 everything we can to market these properties as</p> <p>13 such, and try to have that gap -- that time frame,</p> <p>14 I should say, where we push owner occupancy.</p> <p>15 I know that there is another duplex that was</p> <p>16 built on the south side there, on 26th Court, and</p> <p>17 that's where it sold. It sold to an owner-occupant</p> <p>18 and they're renting the other side so...</p> <p>19 I think, honestly, that's going to be a very</p> <p>20 popular product. Just because I have not seen many</p> <p>21 new duplexes here in the county. So the fact that</p> <p>22 we're new, I think, is going to be a good advantage</p> <p>23 for us. Because a lot of people look for a new</p> <p>24 home, right? And so now you get the best of both</p> <p>25 worlds, you get a new home and then you get an</p>

<p>1 investment property.</p> <p>2 So -- and we only have six, so I'm fairly</p> <p>3 confident that, you know, we're going to -- you</p> <p>4 know, we're going to be pushing it as much as we</p> <p>5 can. I mean, I'm a real estate broker so I control</p> <p>6 our listings, you know. So I can control all the</p> <p>7 listings going to be pushed, and our marketing.</p> <p>8 And Erica is there. And, you know, we've got a lot</p> <p>9 of tools in our tool box, yes.</p> <p>10 MR. GALLON: Okay. That's all the questions</p> <p>11 I have.</p> <p>12 MS. SHEPHERD: Madam Chair, I wanted to ask</p> <p>13 Mr. Atkins -- Juan -- if is it all right if I call</p> <p>14 you Juan?</p> <p>15 MR. ATKINS: Sure.</p> <p>16 CHAIR CLARK: Well, just one moment. I had</p> <p>17 one more question. I want to get the questions</p> <p>18 addressed with the applicant.</p> <p>19 MS. SHEPHERD: Well, they're standing there.</p> <p>20 CHAIR CLARK: Yeah, I know, but you invited</p> <p>21 them up and we were still addressing the applicant.</p> <p>22 If you find this confidential, you don't have</p> <p>23 to answer it. Do you own other land here in</p> <p>24 Riviera Beach, and you're going to replicate this</p> <p>25 model?</p>	<p>Page 49</p> <p>1 MR. BARNES: Thank you.</p> <p>2 MR. BOUCHER: Thank you.</p> <p>3 CHAIR CLARK: Okay. If we don't have any</p> <p>4 further questions, I would like the Atkins group to</p> <p>5 come forward and introduce yourself.</p> <p>6 MR. BOUCHER: Thank you.</p> <p>7 CHAIR CLARK: You're welcome, Mr. Boucher.</p> <p>8 Good evening. And if you could state your</p> <p>9 name and your company and your position for the</p> <p>10 record.</p> <p>11 MS. ATKINS WILLIAMS: Good evening. My name</p> <p>12 is Tijuana Atkins Williams. I'm actually Juan's</p> <p>13 baby sister. And I am the executive director for</p> <p>14 the center that's located right adjacent to the</p> <p>15 property.</p> <p>16 So, we've been there, it will be five years</p> <p>17 this month. So this is our fifth year there.</p> <p>18 And I think the last time we were before this</p> <p>19 board --</p> <p>20 CHAIR CLARK: I'm confused. Are you part of</p> <p>21 the day care?</p> <p>22 MS. ATKINS WILLIAMS: Yes.</p> <p>23 CHAIR CLARK: Okay. I thought you were part</p> <p>24 of teaching the class 101.</p> <p>25 MS. ATKINS WILLIAMS: No. What happened,</p>
<p>Page 50</p> <p>1 MR. BOUCHER: Not at the moment. But we</p> <p>2 would love to. I mean, we would love to acquire</p> <p>3 more land here, absolutely, yes.</p> <p>4 CHAIR CLARK: All right. Do we have any more</p> <p>5 questions from our board members to the applicant?</p> <p>6 Yes.</p> <p>7 MR. BARNES: What's your schedule?</p> <p>8 MR. BOUCHER: Well, it all depends on -- you</p> <p>9 know, we're assuming approval. And then as soon as</p> <p>10 this gets here by city council and gets approved,</p> <p>11 we're going to shift gears into construction</p> <p>12 documents, which are about 50 percent done already.</p> <p>13 And then as soon as they're ready, we're going to</p> <p>14 file for building permits.</p> <p>15 So -- and our internal timeline with</p> <p>16 operations, we're ready to go as soon as the</p> <p>17 permits are approved, to be honest, you know.</p> <p>18 MR. BARNES: What do you expect for a</p> <p>19 construction timeline?</p> <p>20 MR. BOUCHER: I would say six to eight</p> <p>21 months.</p> <p>22 MR. BARNES: For all six?</p> <p>23 MR. BOUCHER: Yes. Yeah, once we start we're</p> <p>24 going to go sequentially, yeah, that's how we do</p> <p>25 it.</p>	<p>Page 52</p> <p>1 when Philippe mentioned that he was going to do the</p> <p>2 class, I told him that we would help him develop</p> <p>3 the curriculum, because there's some -- certain</p> <p>4 subjects that we have a keen interest in making</p> <p>5 sure that certain things are covered as far as</p> <p>6 tenants and things like that.</p> <p>7 And my background, I have a -- my masters is</p> <p>8 in public administration with a concentration on</p> <p>9 human resources management. Undergrad degree is in</p> <p>10 journalism. So I had offered my support with them</p> <p>11 as they develop this course for the potential</p> <p>12 owners and subsequent tenants in the units. So</p> <p>13 that's how that came about.</p> <p>14 CHAIR CLARK: Okay. Thank you. I was just</p> <p>15 confused on that. Obviously, I don't know you. So</p> <p>16 I wouldn't, you know, know that you were part of</p> <p>17 that day care. I thought you were teaching the 101</p> <p>18 class.</p> <p>19 And I was actually going to say that you</p> <p>20 could teach this throughout the entire City of</p> <p>21 Riviera Beach for landowners but --</p> <p>22 MS. ATKINS WILLIAMS: Well, you know what,</p> <p>23 you never know what we come up. It may be</p> <p>24 something that could be duplicated and essential</p> <p>25 for other -- so, you know, this will be a good test</p>

<p>1 run.</p> <p>2 CHAIR CLARK: So if I'm understanding, you</p> <p>3 collaborated with Mr. Boucher; and, obviously, as a</p> <p>4 business, you had concerns, you would like to see</p> <p>5 development because all of that is vacant over</p> <p>6 there, except for the other townhomes that are on</p> <p>7 the opposite side of the street, so owning a day</p> <p>8 care, you weren't here when they first came aboard</p> <p>9 but we just intrinsically were trying to address</p> <p>10 your business, its operation, the safety of the</p> <p>11 children. So, basically, if you could share with</p> <p>12 us what your thoughts are. Both of you, please.</p> <p>13 MS. ATKINS WILLIAMS: Okay. So we did meet</p> <p>14 with Elite Capital's team, Miss Erica in</p> <p>15 particular. And she gave us basically the</p> <p>16 information that you all have with the site plans</p> <p>17 and renderings, et cetera.</p> <p>18 So upon looking at the plans and what they</p> <p>19 had in mind, our -- we did have a few concerns</p> <p>20 because we're so close to the property.</p> <p>21 CHAIR CLARK: Could you be specific, please?</p> <p>22 MS. ATKINS WILLIAMS: Specifically our first</p> <p>23 concern is the safety of our children. So we are</p> <p>24 licensed for 151 children. Right now, on a given</p> <p>25 day, we serve about 120 children in our community.</p>	<p>Page 53</p> <p>1 of yours.</p> <p>2 MS. ATKINS WILLIAMS: Yes. And we have</p> <p>3 received notifications before with people that are</p> <p>4 in our community. And I know there are certain</p> <p>5 rules -- and I don't know all of those rules -- but</p> <p>6 there are certain rules that limit where people can</p> <p>7 stay if they have certain criminal backgrounds. So</p> <p>8 that we understand.</p> <p>9 The other thing, we just wanted to make sure</p> <p>10 that our kids are in a safe comfortable</p> <p>11 environment. So those were some of the things that</p> <p>12 came into mind.</p> <p>13 Of course, with the traffic, that is a</p> <p>14 concern, but we're a narrow property as well, so</p> <p>15 most of our parents enter our property from R</p> <p>16 Avenue. Some will travel -- I travel 26th Court</p> <p>17 every day to get to the school, but most people</p> <p>18 come from north or south from the RJ Hendley</p> <p>19 Avenue. So that was one of the concerns.</p> <p>20 Our other concern was just making sure that</p> <p>21 our staff have an opportunity to be homeowners and</p> <p>22 that the property is affordable. That's a huge</p> <p>23 thing, and I think a really good incentive for</p> <p>24 people, to be able to have an opportunity to own a</p> <p>25 home and be able to pay their mortgage and gain</p>
<p>Page 54</p> <p>1 So our primary concern is for the safety of our</p> <p>2 children and their families. So the fence pretty</p> <p>3 much addressed that particular concern.</p> <p>4 Our playground is not an open playground.</p> <p>5 There's only access from within our building. So</p> <p>6 it's completely fenced.</p> <p>7 And just for clarification, we have two</p> <p>8 playgrounds; one that's on the east side of the</p> <p>9 building, and another playground, a smaller</p> <p>10 playground, on the west side of our building. So</p> <p>11 we have two playgrounds for our children. So that</p> <p>12 was our big, big concern, the safety of the</p> <p>13 children. The types of people that may be around</p> <p>14 us. We want to make sure that everyone that is</p> <p>15 near the day care are people that should be near a</p> <p>16 facility. So that was one concern.</p> <p>17 CHAIR CLARK: Let me ask a question. When</p> <p>18 you say types of people, and you may know the</p> <p>19 legislation more so than I do, is it some sort of</p> <p>20 notification that is sent to you if there is some</p> <p>21 sort of child abuser that is going to reside in the</p> <p>22 area, for example, whenever that type of person</p> <p>23 comes into the community?</p> <p>24 I'm not saying that that would happen with</p> <p>25 this property, but I know that would be a concern</p>	<p>Page 56</p> <p>1 equity in their homes, so we thought that was a</p> <p>2 really good idea.</p> <p>3 One thing that came up that is really not</p> <p>4 related to this project but our project in</p> <p>5 particular, is we have a -- about 15 or 20 oak</p> <p>6 trees. I don't know if you all have driven by our</p> <p>7 property. But we have oak trees that were required</p> <p>8 when we initially built, because of shade. What we</p> <p>9 have noticed is that our oak trees are getting</p> <p>10 really big and they're about five feet away from</p> <p>11 our building, so we are looking to replace those</p> <p>12 oak trees with a different type of tree that may</p> <p>13 not be so intrusive as far as the roots. So one</p> <p>14 thing that we've worked, we've talked with Elite</p> <p>15 Capital, is giving us an opportunity to switch our</p> <p>16 trees out before they would get started. Because</p> <p>17 once their project is up, we won't really -- it</p> <p>18 will be hard for us to access it. So they have</p> <p>19 agreed to work with us as we go along that</p> <p>20 particular side project for us.</p> <p>21 So those are our three major concerns that we</p> <p>22 were able to come, you know, to an agreement and</p> <p>23 consensus as it relates to this project here.</p> <p>24 And I'll turn it over to Juan. You would</p> <p>25 like to say a few words.</p>

<p>Page 57</p> <p>1 MR. ATKINS: Thank you. I think you did very 2 well. 3 My name is Juan Atkins. I am her oldest 4 brother. I am titled as the CFO of Atkins Tender 5 Loving Care. 6 We have been long-term stakeholders in the 7 community. Atkins TLC has been around for about 45 8 years now. So it's been a long prosperous 9 fulfilling journey as we provide care, excellent 10 care, to all of our children who we serve. 11 I want to give a very quick history lesson as 12 it relates to how we acquired that property. We 13 acquired that property a number of years ago. At 14 the time Riviera Beach CDC was in the process of 15 trying to acquire all those vacant parcels in that 16 area. 17 Of course, when you're dealing with the 18 government, it's a lot of red tape, takes a long 19 time. We just happened to see it and we pounced on 20 that 1.1 acre lot, because that was going to be our 21 third center. 22 So we began working with Riviera Beach CDC, 23 because the plan back then was to create an in-fill 24 housing development, with Atkins Tender Loving Care 25 being one of the center pieces of that development.</p>	<p>Page 59</p> <p>1 really about up-keeping the area. So that was 2 my -- that's my -- that's my -- probably my biggest 3 fear. But I really believe that Elite Capital is 4 really introduced in producing a quality project. 5 What Tijuana didn't mention, she did drive to 6 some of their other areas and took a look at the 7 properties that they've already built; and she was 8 very happy with them. So I have all the confidence 9 in what she tells me. 10 So, you know, I do support the project. And 11 we look forward to working with them and working 12 with you in the city and making this a stepping 13 stone to a better -- you know, to even more 14 projects. 15 You know, just like you said, this could be a 16 pilot; you know, where we are educating homeowners, 17 people who have never owned a home, we can educate 18 them and teach them about home ownership and even 19 becoming landlords and that sort of thing. So -- 20 that's all I have. 21 CHAIR CLARK: Okay. Well, we thank you so 22 very much. 23 We always, when we have these projects, hope 24 that the surrounding residents will come forward 25 with whatever their perspective would be so that we</p>
<p>Page 58</p> <p>1 It would have been a mixed use of single family as 2 well as multifamily dwellings in that entire area 3 from 26th Court all the way up to 28th. It's a lot 4 of vacant land. Two or three more one acre lots. 5 So that was the plan. However, they had 6 issues in getting site control of all of that 7 property so it never really happened. 8 So we worked -- we waited and waited and we 9 finally decided to move forward with our plans and 10 build our third center. So that's where we are 11 there. 12 So I am grateful to know that someone is 13 coming in to build homes that are affordable for 14 people in our community. 15 And of course the concern that Tijuana has 16 already articulated, I certainly have. And I know 17 there are certain things you can't necessarily 18 legislate but if we take a constructive approach 19 with creating this course that will allow people to 20 be kind of be more educated, we can motivate them 21 intrinsically, we can reduce the likelihood of 22 having this absentee landlord syndrome. And that's 23 really my biggest fear, that we just have a whole 24 bunch of rental properties where the landlord is 25 only concerned about getting the rents and not</p>	<p>Page 60</p> <p>1 would have an opportunity to weigh in. 2 And, again, they were in front of us earlier, 3 and one of the recommendations, that we wanted to 4 hear from the owners of the day care. But you've 5 taken it a step further. And I would feel 6 comfortable, whether it is Elite or any other body 7 that comes to build, even that existing complex, 8 that you guys keep an eye on the neighborhood. 9 And one of my concerns was because this 10 project bumps up against your day care, even though 11 there are six-foot walls, that the residents don't 12 decide to play loud music when you are either 13 teaching or the children are having nap time, or 14 maybe when you're having nap time. You know, we 15 don't want to see that sort of disturbance. But I 16 feel comfortable, it sounds like you will speak up. 17 MR. ATKINS: Yes. And I'm glad you mentioned 18 that, because one of the things I wanted to say was 19 we did design that building to filter out outside 20 noise. So you really don't hear anything. We 21 have -- we have impact windows, and the building is 22 specifically designed to filter out noise. If you 23 walk in there you don't know what's going on 24 outside unless you happen to be looking out the 25 window. So that's one thing that -- that's a</p>

<p>1 mitigating factor. Page 61</p> <p>2 But, however, our neighbors still need to be</p> <p>3 neighborly.</p> <p>4 CHAIR CLARK: Right. Exactly.</p> <p>5 And you had actually submitted a public</p> <p>6 comment card, so I was going to call you up at the</p> <p>7 appropriate time anyway. So this was your public</p> <p>8 comment time allotted to speak.</p> <p>9 MR. ATKINS: Thank you.</p> <p>10 CHAIR CLARK: You're welcome. Thank you for</p> <p>11 coming.</p> <p>12 MS. SHEPHERD: May I make a comment, since</p> <p>13 you rudely interrupted me. I'm going to tell -- I</p> <p>14 say Juan because when I first moved here to Florida</p> <p>15 it was Sister Raiford, your mother, father, Miss</p> <p>16 Betty, and of course your dad. And I asked Juan a</p> <p>17 few years after that, I said do you remember me.</p> <p>18 He said yes, Ms. Shepherd, I remember you.</p> <p>19 Well, she's 21 years old, and doing well, and</p> <p>20 every time we pass by there she always say this is</p> <p>21 where I was at. So she remembers.</p> <p>22 MR. ATKINS: Amen.</p> <p>23 CHAIR CLARK: Good service.</p> <p>24 MS. SHEPHERD: If you treat them right --</p> <p>25 it's one thing about children, if you treat them</p>	<p>1 motion to move this project forward. Page 63</p> <p>2 I would like to see a caveat that the</p> <p>3 engineer, with the calming aspect of this project,</p> <p>4 that that language is somewhat stronger so that</p> <p>5 city council will take it as very important, not</p> <p>6 only for the generous offer of the applicant but</p> <p>7 also of the Atkins group who saw that as a concern</p> <p>8 too. So we're not trying to hold this up, but I</p> <p>9 want to send a message to city council that we have</p> <p>10 a generous offer, and we have a concern by the</p> <p>11 neighboring company, we'd like to see that in</p> <p>12 place.</p> <p>13 MS. SAVAGE-DUNHAM: Would you like a</p> <p>14 condition that the applicant shall coordinate with</p> <p>15 the public works department with regard to the</p> <p>16 potential installation of traffic calming devices?</p> <p>17 CHAIR CLARK: If that's the proper entity,</p> <p>18 Ms. Savage, yes.</p> <p>19 MR. GALLON: But I think he's already done</p> <p>20 that. He's waiting on a response from the</p> <p>21 engineer. (Inaudible). Yeah, that's something the</p> <p>22 city should be doing.</p> <p>23 MS. SAVAGE-DUNHAM: Well, we have a process</p> <p>24 for speed bumps and that type of thing. There's</p> <p>25 actually like an application process; and they</p>
<p>1 right they will always tell the truth. Page 62</p> <p>2 And I'm so happy this project is here, and</p> <p>3 maybe give me an opportunity to come over and look</p> <p>4 at the building again where you're at. I was only</p> <p>5 there one time. But I do have grandchildren now.</p> <p>6 And I thank you for your -- and I remember</p> <p>7 when you were just a little girl --</p> <p>8 MS. ATKINS WILLIAMS: Yes, ma'am.</p> <p>9 MS. SHEPHERD: -- in the office with your</p> <p>10 mom. Never forget it. And Sister Raiford always</p> <p>11 say she's gonna be somebody. I don't remember if</p> <p>12 you remember her saying that. But she used to say</p> <p>13 you're gonna be somebody.</p> <p>14 So I have to go by and see her and say she is</p> <p>15 somebody. But I'm sure she knows.</p> <p>16 Thank you, Juan.</p> <p>17 MR. ATKINS: All of you have an open door --</p> <p>18 we have an open door policy for all of you to come</p> <p>19 any time. We welcome you. Thank you.</p> <p>20 MS. SHEPHERD: Thank you.</p> <p>21 CHAIR CLARK: Thank you for coming.</p> <p>22 And since we have processes in place, let me</p> <p>23 continue on with how the meeting should go in terms</p> <p>24 of process.</p> <p>25 So at this point we are going to take a</p>	<p>1 analyze the traffic conditions in the area, the Page 64</p> <p>2 geometry, et cetera. So there is a review process</p> <p>3 with the professional staff.</p> <p>4 What we can do is, we could either add a</p> <p>5 condition here, encouraging the applicant to meet</p> <p>6 with the public works department.</p> <p>7 Certainly, if you prefer, staff can</p> <p>8 facilitate that conversation without a condition,</p> <p>9 you know.</p> <p>10 CHAIR CLARK: Sure. I think the applicant is</p> <p>11 willing to pursue that.</p> <p>12 I think if I'm correct, Mr. Gallon, is that</p> <p>13 it's on our side --</p> <p>14 MR. GALLON: It's on the city's side.</p> <p>15 CHAIR CLARK: -- that is not taking the</p> <p>16 initiative.</p> <p>17 MS. SAVAGE-DUNHAM: So, Madam Chair, with all</p> <p>18 due respect, I don't know that I would necessarily</p> <p>19 say that. But there is a process for speed bumps.</p> <p>20 And what we're happy to do is set up a meeting with</p> <p>21 the applicant and the engineer and we can discuss</p> <p>22 it. But, you know, there's a process.</p> <p>23 MR. GALLON: Yes. There is a process. And</p> <p>24 just like I said, I think the process -- I wouldn't</p> <p>25 say the process, but I think some of the rules need</p>

<p>1 to be changed or updated to where, if something is 2 needed, a rule is not stopping it from happening.</p> <p>3 MS. SAVAGE-DUNHAM: Correct. And that's, 4 that's a different conversation. So if there is an 5 interest in revising the code of ordinances or 6 internal policy and procedure with regard to 7 streets and speed bumps, that's a separate 8 conversation. That's not something that you would 9 accomplish with this development permit.</p> <p>10 So duly noted, but this can't fix that.</p> <p>11 CHAIR CLARK: Okay. So if that's the case, 12 we would like to see that separate conversation to 13 address Mr. Gallon's concern. Because that does 14 caveat into not only this applicant but future 15 applicants as well.</p> <p>16 But we're not holding up the project. Just 17 wanted to make sure that the engineer knows that we 18 have a generous offer from the applicant; and also 19 from the owners who own the day care, are concerned 20 about the traffic calming as well.</p> <p>21 MS. SAVAGE-DUNHAM: I think we would be happy 22 to set up a -- so staff will coordinate a followup 23 meeting with the applicant and the engineering 24 department. And we'll make sure that everyone 25 knows that. And we'll talk this through with all</p>	<p>Page 65</p> <p>1 therefore, I mean -- and that road -- I mean, I'm 2 thinking maybe two speed bumps, you know, maybe. I 3 don't know whether there's a rule of how far they 4 have to be between or whatever but --</p> <p>5 MR. GALLON: It is a rule.</p> <p>6 MR. WYLY: It is a rule?</p> <p>7 MR. GALLON: That's why I say rules need to 8 be changed. There is a limit how far you can --</p> <p>9 MR. WYLY: Yeah, because I figured two would 10 be suffice. But if it's a rule and it becomes 11 really complicated or expensive for the, for the 12 city, or for the management company coming in, then 13 I can see that being a problem.</p> <p>14 But I don't see any more than two bumps, you 15 know, two speed bumps. And that would be suffice 16 for just slowing down traffic at least up -- you 17 know, coming up to a four-way stop.</p> <p>18 CHAIR CLARK: Well, I think that staff is 19 going to take this back to the engineer, our 20 recommendations --</p> <p>21 MS. SAVAGE-DUNHAM: We will.</p> <p>22 CHAIR CLARK: -- and hopefully we'll find 23 some success on that. So I think that's about all 24 that we can do besides having a separate 25 conversation and meeting on that type of agenda</p> <p>Page 67</p>
<p>1 of them.</p> <p>2 CHAIR CLARK: So if we can push on that, if 3 that helps Mr. Gallon's concerns. That's what he 4 would like to see. You can caveat and say yes.</p> <p>5 MR. GALLON: Yes, Madam Chair.</p> <p>6 MS. SAVAGE-DUNHAM: Well, we'll be happy to 7 do that, Mr. Gallon.</p> <p>8 MR. GALLON: And I hope I can be involved 9 with that meeting too.</p> <p>10 MR. WYLY: I want to ask a question.</p> <p>11 Ma'am. Ms. Savage, before you leave, I would 12 just like to ask one question.</p> <p>13 Like you said, a very generous offer of what 14 he wants to do in that area.</p> <p>15 I would like to know how much would it cost 16 per speed bump? Is it very expensive?</p> <p>17 MS. SAVAGE-DUNHAM: I can't answer that 18 question. I mean when we start evaluating traffic 19 calming devices and speed bumps, before we even 20 build anything we study the area. We do traffic 21 counts and analysis.</p> <p>22 MR. WYLY: Because with his location, and 23 with the Atkins' location, I figure the main speed 24 bumps that we'll be discussing would be on his 25 street, right there on 26th, correct? So</p> <p>Page 66</p>	<p>1 item for the future.</p> <p>2 MS. SAVAGE-DUNHAM: Yeah, staff commits to 3 advance that conversation, ma'am.</p> <p>4 MR. WYLY: Right. Community safety first.</p> <p>5 CHAIR CLARK: Okay. At this point, let's go 6 ahead and take a vote on accepting and moved this 7 project as presented forward. May I have a motion, 8 please?</p> <p>9 MR. GALLON: So moved.</p> <p>10 MR. WYLY: Second.</p> <p>11 CHAIR CLARK: May we have a vote?</p> <p>12 MS. DAVIDSON: Anthony Brown?</p> <p>13 MR. BROWN: Yes.</p> <p>14 MS. DAVIDSON: James Gallon.</p> <p>15 MR. GALLON: Yes.</p> <p>16 MS. DAVIDSON: William Wyly.</p> <p>17 MR. WYLY: Yes.</p> <p>18 MS. DAVIDSON: Margaret Shepherd.</p> <p>19 MS. SHEPHERD: Yes.</p> <p>20 MS. DAVIDSON: Frank Fernandez.</p> <p>21 MR. FERNANDEZ: Yes.</p> <p>22 MS. DAVIDSON: Russell Barnes.</p> <p>23 MR. BARNES: Yes.</p> <p>24 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>25 CHAIR CLARK: Yes.</p> <p>Page 68</p>

<p>1 MS. DAVIDSON: Unanimous vote.</p> <p>2 CHAIR CLARK: You're welcome to stay and</p> <p>3 watch the rest of the (inaudible) if you like.</p> <p>4 No, you're free if you wanted to leave. But</p> <p>5 you're more than welcome to stay if you wanted to.</p> <p>6 All right, Ms. Savage, let me just go back to</p> <p>7 the agenda here.</p> <p>8 Okay. We have a change to the agenda. 10.</p> <p>9 So we're going to go into workshop item.</p> <p>10 MS. SAVAGE-DUNHAM: Yes, Madam Chair. Thank</p> <p>11 you.</p> <p>12 I laid out for the Board a copy of the</p> <p>13 material revised after our last discussion. This</p> <p>14 was also e-mailed out to you. And so I'm sure that</p> <p>15 you've reviewed it. I'm wondering if the Board has</p> <p>16 any additional comments. You'll see that we took</p> <p>17 your information to heart.</p> <p>18 CHAIR CLARK: Sure. Let's -- I'm sure</p> <p>19 everybody has had an opportunity to review the</p> <p>20 language changes. So let's start going all the way</p> <p>21 down to my far right, in order, with Mr. Brown, and</p> <p>22 if you have any questions or any other</p> <p>23 recommendations to the Section 2731. And Section</p> <p>24 2733.</p> <p>25 MR. GALLON: Are we going to take these by</p>	<p>Page 69</p> <p>1 how we want to name this. And it didn't roll out</p> <p>2 well. And we never recovered from it.</p> <p>3 And I'm still trying to understand the</p> <p>4 process of -- or why we are doing this. Because</p> <p>5 when I read A, and it's saying that we're going to</p> <p>6 go from seven -- we're going to go from seven total</p> <p>7 people here to now five and five alternates who</p> <p>8 shall be appointed by city council -- now, one</p> <p>9 thing I can say is that us being members here, and</p> <p>10 we volunteer our time, and we -- like I say, I know</p> <p>11 for myself, I love the city, born and raised here,</p> <p>12 and I definitely want to see the best things that,</p> <p>13 you know, that's going to come to our city. But I</p> <p>14 don't see how this is going to help the planning</p> <p>15 and zoning board by doing so because even with A</p> <p>16 being implemented in, it causes problems with a lot</p> <p>17 of other -- the -- a lot of other sections here, to</p> <p>18 where I'm still trying to understand the process of</p> <p>19 why we're even doing this.</p> <p>20 MS. SAVAGE-DUNHAM: Okay. That's a fair</p> <p>21 question. So we're doing this because the Board</p> <p>22 asked us to.</p> <p>23 CHAIR CLARK: Ms. Savage, may we hold that</p> <p>24 point just for a moment.</p> <p>25 And just for the record, we had Board member</p>
<p>1 each --</p> <p>2 CHAIR CLARK: I'm sorry. Could you speak a</p> <p>3 little louder? I can't hear you.</p> <p>4 MR. GALLON: Are we gonna take this by each</p> <p>5 letter? Instead of going through the entire</p> <p>6 document, are we going to just pick A, B, C and go</p> <p>7 down to each one?</p> <p>8 CHAIR CLARK: Are you suggesting we just go</p> <p>9 down in order?</p> <p>10 MR. GALLON: Yes.</p> <p>11 CHAIR CLARK: Okay. All right. So if</p> <p>12 that's -- yes, let's -- let's start with Section</p> <p>13 2731, and we're going to start with A. Mr. Brown.</p> <p>14 MR. BROWN: No questions on A.</p> <p>15 CHAIR CLARK: Mr. Gallon.</p> <p>16 MR. GALLON: I have no questions.</p> <p>17 CHAIR CLARK: Do you have questions?</p> <p>18 MR. WYLY: Yes, I do.</p> <p>19 Since the last meeting I had a chance to kind</p> <p>20 of think about this whole process, and I'm still a</p> <p>21 little confused on the whole aspect of it myself.</p> <p>22 Because I managed FedEx and Office Depot in Orlando</p> <p>23 and in the Miami and Fort Lauderdale area for a</p> <p>24 number of years, and I remember we had the process</p> <p>25 of where we did this reorganization or whatever --</p>	<p>Page 70</p> <p>1 Ms. Shepherd, she had to leave, so I just wanted to</p> <p>2 make that note on record.</p> <p>3 MS. DAVIDSON: And the time was 8:04 p.m.</p> <p>4 CHAIR CLARK: Thank you.</p> <p>5 MS. SAVAGE-DUNHAM: So part of why we're</p> <p>6 doing this is because the last time you had</p> <p>7 alternates and regular members appointed, there was</p> <p>8 a lot of confusion about what is the process, how</p> <p>9 do they get appointed, what should be thought</p> <p>10 about, what do we do. This was just a couple of</p> <p>11 months ago.</p> <p>12 This Board asked us to take a look at the</p> <p>13 process and figuring out how do alternates or</p> <p>14 regular members get vetted, how do they get</p> <p>15 appointed. And we took a look at the code.</p> <p>16 The code is antiquated. You have a board</p> <p>17 member who needs to get -- we need to take some</p> <p>18 action. You have one board member who the city</p> <p>19 council needs to do something. So that's why we're</p> <p>20 here today.</p> <p>21 Mr. Sirmons does want to add something to it.</p> <p>22 But I will tell you that, as Mr. Rodriguez said,</p> <p>23 the language that was in there was pretty</p> <p>24 antiquated, so it did need some help.</p> <p>25 As a newcomer to the city, the fact that</p>
<p>Page 71</p>	<p>Page 72</p>



<p>1 nobody really knew how anyone got appointed to the 2 board indicates to me that there needed to be some 3 improvement. 4 And this Board wanted to understand, what is 5 the process, how do we do that. 6 So that's how we got here. And staff looked 7 at it. We're happy to modify it if you want us to 8 modify it. But this is not something that we just 9 chose to do. We did it because it was requested. 10 Mr. Sirmons. 11 MR. SIRMONS: Good evening, Madam Chair, 12 members of the Board. 13 For the record, Clarence Sirmons, Director of 14 Development Services. 15 To add a little context to even before the 16 portion that Ms. Savage -- Assistant Director 17 Savage just described, since I've been at the city 18 we've done at least two appointments to the 19 planning and zoning board. 20 As you know, you are all appointees of 21 different council districts. However, every time I 22 bring these items to city council there is 23 confusion and dissatisfaction amongst the council 24 members on the process. 25 So in addition to the conversations had</p>	<p>Page 73</p>	<p>1 there and they may not have the opportunity to be a 2 full-fledged member. 3 So the purpose of this five and five system 4 is that each council member gets one appointee to 5 this board and each council member also gets one 6 backup or one alternate. So when their appointee 7 rolls off or they are no longer pleased by their 8 service -- because you're all serving at the 9 pleasure of your council person -- they can choose 10 to move up their alternate or pick a new person. 11 But that council person has control over their seat 12 and an alternate, so it's complete fairness and 13 transparency of the process. 14 CHAIR CLARK: And if I could caveat off of 15 that. I don't remember which city council meeting 16 it was but there was a lot of confusion on their 17 behalf around the process, as Mr. Sirmons was 18 sharing. And then, for example, we -- or maybe 19 I -- thought that since -- if you're an alternate, 20 then when the seat becomes, you know, open, because 21 you've been diligent or on the Board already, maybe 22 participating in absentee of a Board member, or 23 just attending the meetings and training, after a 24 couple of years, or a few years, that you thought 25 you were the next in succession and it turns out</p>	<p>Page 75</p>
<p>1 amongst this body about how that process should 2 work and what it will look like, even the council 3 members are dissatisfied with the number of 4 appointees they have, why some districts don't have 5 any appointees, why some districts have two, others 6 have one, others have zero. 7 And so being a process that I as the leader 8 of the department inherited, I also wanted to be 9 receptive of their comments, the frustration and 10 confusion that occurs every time we need to make a 11 new appointment. 12 So what staff has done, in addition to taking 13 back your feedback from the last meeting and taking 14 into account the comments coming from city council 15 to come up with a process that is clear and simple 16 and straightforward moving forward. 17 Another issue that constantly comes up in 18 front of city council is the alternates. This 19 person has been an alternate for several cycles, 20 several years, when are they going to get an 21 opportunity to be promoted to a full voting member. 22 Well, if they're -- if the council member whose 23 appointee seat is open doesn't want to choose 24 someone else as an appointee who is an alternate to 25 fill their seat, then that alternate kind of sits</p>	<p>Page 74</p>	<p>1 that it was not functioning that way. 2 So if there was confusion on the city 3 council's behalf, and there was a deep discussion 4 about that, and then trying to clarify expectations 5 on this end, I think this is why all of this came 6 about. So it wasn't arbitrary. It was discussions 7 that had taken place with city council. And then I 8 kind of caveat into it, and a few other people did, 9 as to how does this supposed to go. 10 MR. WYLY: Okay. So I understand that part 11 of it. 12 And like I say, again, at no point I want you 13 guys to think that definitely I don't appreciate 14 the awesome work you guys have been doing, because 15 I've seen what you bring to the table. So don't 16 think that I said that in any way or you feel I may 17 be insulting you guys. Definitely not that at all. 18 I definitely appreciate what you guys bring to the 19 table, and I think you've done a great job. 20 Only thing I was thinking about was that, how 21 everything was set up. Right? Again, that was one 22 of my biggest things that she just stated, was that 23 even though we're jumping around right now to where 24 the person who comes in there is the alternate, and 25 they've been here for a number of years, I don't</p>	<p>Page 76</p>

<p>Page 77</p> <p>1 want that to be to the point to which the 2 preference of the council. That should not be the 3 preference of the council. That should be 4 mandatory for the person coming in, whose been in 5 that seat working in -- as a sub, or working in as 6 an alternate for those years to be put into that 7 position and then the council person should be able 8 to pick the alternate, if that's the case, to be 9 able to come in to be able to do that. And I think 10 that should be fixed and not to the preference of 11 the council.</p> <p>12 Again, this opens up a lot of worms for 13 council because -- this is my idea. This my idea. 14 Council is not supposed to be involved with 15 day-to-day activities. Am I correct? Yes or no?</p> <p>16 MR. SIRMONS: Day-to-day activities of --</p> <p>17 MR. WYLY: Right, as far as the decision 18 making. I mean, besides making policy. Because I 19 think council is for making policies. And what I 20 don't want, I do not want people being appointed 21 and put on to the board to where -- if you see how 22 we worked tonight with Atkins, right, I think this 23 group is a very good group because we're very open 24 and we're very honest and we're here, you know, to 25 do volunteer work; and we're here, and we feed off</p>	<p>Page 79</p> <p>1 CHAIR CLARK: If I can articulate what 2 Mr. Wyly is saying too. This is predated your 3 staff. And I think we've been here long enough 4 where we've seen a scenario -- and I'll just use 5 the real life example. When we had the charter 6 review, there was a charter review board part one 7 and part two. Part one was really chaotic.</p> <p>8 And what Mr. Wyly is saying, that certain 9 council people appointed certain people who was -- 10 who were of the same opinion or needed to have the 11 same opinion of that council person to push their 12 agenda. And I believe each one of them had that 13 motive.</p> <p>14 And what it did was nearly really destroy our 15 charter review process. As a matter of fact, it 16 was disbanded. It was shut down. It was an 17 embarrassment. That whole part one.</p> <p>18 Then part two came about. And I will use 19 myself as an example that, how it worked well.</p> <p>20 Part two came about after part one was 21 disbanded. Part two, the people who were invited 22 had not been asked by any city council persons. I 23 believe that myself and one other person, we just 24 but our hats in the ring. And so we weren't 25 beholden to any city council's perspective of what</p>
<p>Page 78</p> <p>1 of each other and do a great job. And I commend 2 the group for doing so.</p> <p>3 But I'm thinking that once this situation 4 goes through and they're able to pick the people 5 that they want to hear, as far as another right 6 hand, now you're going to start having a process to 7 where the decisions may not come down to what's 8 right for the city anymore, it's going to come out 9 what's right for the individual. And we don't need 10 that. That's what we don't want in our city. 11 That's what I don't want in my city.</p> <p>12 And I want this to be an open dialogue to 13 where we are working hard to make our city to move 14 it to where it needs to go at and not to where 15 trying to fulfill someone's personal agenda. And I 16 think that's where that's going to lead to sooner 17 or later because if -- think about this. If 18 council is able to do that, right, and be able to 19 pick the people they want to be in this position, 20 what's the difference between council saying, hey, 21 let's go to human resources, I want this person to 22 have a job. Or I want the person in the police 23 department hired as a police officer. That's back 24 into day-to-day activities, and I thought they were 25 not supposed to be involved in that.</p>	<p>Page 80</p> <p>1 ordinance should come up for election or what 2 should be shot down or what should be changed. And 3 it worked out very well that, that part two worked 4 as a team very much similar to the P&amp;Z board.</p> <p>5 And I think that's what Mr. Wyly is saying, 6 is that when you take out the equation of 7 selections and that person being beholden to the 8 person who, you know, put their hat in the ring, 9 versus someone like myself and someone else who 10 came into the charter review process, we put our 11 own hats in the ring and we were selected. And it 12 turned out to be a very good experience, a good 13 collaboration, not only with the residents but also 14 with the city council to a certain extent, of the 15 council members that were present at that time.</p> <p>16 But it was a really good process because we 17 took out that element of anybody who was pushing 18 someone else's agenda; that caused part one to 19 fail.</p> <p>20 MR. WYLY: Exactly. Exactly. Thanks. Thank 21 you for clearing that up for me. That's exactly 22 what I was getting to. Because I've seen that 23 happen before on a larger scale. And it ruined 24 the -- we never got it back. And we missed the 25 comradery of what happened. Because we want the</p>

<p>1 best applicants. Page 81</p> <p>2 Now the one thing I know, when we came in,</p> <p>3 the best voting technique we use -- because, first</p> <p>4 of all, let me get to this point here. If we do --</p> <p>5 for example, if the person from let's say district</p> <p>6 three, does that person have to live, that they</p> <p>7 select, have to live in district three? Or is this</p> <p>8 anybody they can just choose to be in that</p> <p>9 position?</p> <p>10 MR. SIRMONS: If I may back up a bit.</p> <p>11 A lot of the confusion related to the</p> <p>12 appointment process for this board is that there</p> <p>13 are very few laid out guidelines for the process in</p> <p>14 the ordinance. Which is part of the reason we want</p> <p>15 to clean this up right now.</p> <p>16 So in terms of the makeup of the board,</p> <p>17 there's language in there, the number of persons,</p> <p>18 alternates, and the fact that they should be</p> <p>19 appointed by city council. Much of the rest of it</p> <p>20 has been left up to practice and just policy of the</p> <p>21 department and council and what they approve.</p> <p>22 What we want to accomplish here is provide</p> <p>23 clarity. Because it is obvious to the council</p> <p>24 members when we come up to them with the</p> <p>25 reappointment process that they don't understand;</p>	<p>1 the proposed process. Page 83</p> <p>2 The -- to your previous point about too much</p> <p>3 political involvement in the positions. To an</p> <p>4 extent I don't believe we can avoid that. There's</p> <p>5 types of positions -- so when it becomes to city</p> <p>6 employees, council members -- it says in our code</p> <p>7 that council members are not to be involved in</p> <p>8 those types of personnel decisions, that's up to</p> <p>9 the city manager. But when it comes to citizen</p> <p>10 advisory boards such as this, those seats are at</p> <p>11 the pleasure of city council members.</p> <p>12 And I am not aware of many examples of</p> <p>13 precedences where the planning and zoning board is,</p> <p>14 is seated based on a job application process</p> <p>15 without the input of council members.</p> <p>16 We can research that to see if there are some</p> <p>17 models that we can replicate. But we do believe</p> <p>18 that it is clear in our existing ordinances,</p> <p>19 planning and zoning board members are appointed by</p> <p>20 city council. So there is a level of politics</p> <p>21 involved. But the way to assuage that or get rid</p> <p>22 of it is if there is a politician that's not doing</p> <p>23 a good job we have the democratic process to get</p> <p>24 them out of there if they're not serving the city's</p> <p>25 best interests in the decisions and votes they're</p>
<p>1 well, why is it this way, why do we do it this way. Page 82</p> <p>2 And it's not in our ordinance but this is the</p> <p>3 process that we have been perpetuating over time.</p> <p>4 So we want to clarify what the process is,</p> <p>5 and create a process that is clear and transparent.</p> <p>6 What the ordinance does make clear is that</p> <p>7 this is a citizen advisory board and the members of</p> <p>8 it are appointed by city council.</p> <p>9 We are not proposing at this time -- staff is</p> <p>10 not advising that we remove that. The intent</p> <p>11 behind that is in the code that you are all</p> <p>12 appointees of city council members. Therefore, to</p> <p>13 some extent the board has to -- and it's not</p> <p>14 necessarily one council person. They have to take</p> <p>15 a vote and it has to be a majority decision for</p> <p>16 each of you that are here today.</p> <p>17 However, which seats are appointed by which</p> <p>18 council members is something that has developed</p> <p>19 over time through practice.</p> <p>20 And to clear it up is what we've proposed</p> <p>21 with each council person appoint one person and</p> <p>22 each council person has an alternate. And so the</p> <p>23 confusion of alternates not being promoted and why</p> <p>24 is it this person has been here, why are you not</p> <p>25 upgrading my alternate, could all be alleviated by</p>	<p>1 making, including the persons they've nominated. Page 84</p> <p>2 But, again, they nominate the person for</p> <p>3 their assigned seat, the full council has to vote</p> <p>4 on them to actually put them in there.</p> <p>5 MR. WYLY: That's what I wanted to hear</p> <p>6 there.</p> <p>7 One more question. One more and I'll be</p> <p>8 done.</p> <p>9 And again, with the process, I thought, like</p> <p>10 you just said, that's what I wanted to hear,</p> <p>11 because I think that's the part I didn't get,</p> <p>12 because even though that person would be nominated</p> <p>13 the whole board would have to eventually vote on</p> <p>14 that person, correct?</p> <p>15 MR. SIRMONS: Correct.</p> <p>16 MR. WYLY: Now, for what I was doing here is</p> <p>17 that I remember when we came in they had a scale</p> <p>18 and it was from one to five, and they put us all on</p> <p>19 the list, and the person who they wanted number one</p> <p>20 was five, and the person who was in the second</p> <p>21 selection was number four, and then when everybody</p> <p>22 voted, whoever had the highest score was the person</p> <p>23 who was nominated for that one -- for that first</p> <p>24 position. Depending on how many positions was</p> <p>25 open.</p>

<p style="text-align: right;">Page 85</p> <p>1 And to me that seemed to be the most logical</p> <p>2 way and the most, I guess, unbiassed way to be able</p> <p>3 to do so because they had to be voted on by five</p> <p>4 members. And that person, to where when you check</p> <p>5 out their application and you check out -- and</p> <p>6 hopefully we start doing more of a resume'</p> <p>7 verification, to make sure that it is what it say</p> <p>8 it is. Because I know we do have that problem in</p> <p>9 the city, to where a lot of the applications are</p> <p>10 not true. So we want to actually make sure that</p> <p>11 the person has these qualifications or had these</p> <p>12 job qualifications, we want to make sure that this</p> <p>13 is what it is so we can best serve our city in its</p> <p>14 best capacity.</p> <p>15 So therefore that voting system I think, I</p> <p>16 don't know if that's something you want to</p> <p>17 implement or an idea or something you want to run</p> <p>18 past, to where that would be something good to be</p> <p>19 able to use to be able to help in our voting</p> <p>20 system. And then that way we get the best people</p> <p>21 in our planning and zoning board to be able to do</p> <p>22 the things that we are doing now; and we want it in</p> <p>23 a very unbiassed way, to where we can come up with</p> <p>24 great ideas and then be able to move forward in a</p> <p>25 very respectful manner.</p>	<p style="text-align: right;">Page 87</p> <p>1 lot of what we're talking about, what you're</p> <p>2 talking about, makes good sense. I just don't read</p> <p>3 it in the, in the code changes that we're talking</p> <p>4 about.</p> <p>5 MR. SIRMONS: May I respond, Madam Chair?</p> <p>6 CHAIR CLARK: Oh, sure.</p> <p>7 MR. SIRMONS: So you're stating in A, under</p> <p>8 the proposed language, that you see the five and</p> <p>9 five but the additional language may be needed to</p> <p>10 clarify that each --</p> <p>11 MR. BARNES: Yeah, that each commissioner</p> <p>12 will have one appointee and one alternate, and</p> <p>13 those appointees will serve the duration of the</p> <p>14 term that's been identified, whether a new</p> <p>15 commissioner is elected or not. And when their</p> <p>16 term is over, that commissioner will then -- I</p> <p>17 think what you're saying -- would be able to elect</p> <p>18 a new board member.</p> <p>19 MR. SIRMONS: Yeah, I follow what you're</p> <p>20 saying.</p> <p>21 MR. FERNANDEZ: Which is -- if you don't mind</p> <p>22 me -- that's what we said last time, last meeting.</p> <p>23 So when I got this draft, I'm like -- we said that</p> <p>24 the councilperson who was elected by their district</p> <p>25 has a right to select their voting member and</p>
<p style="text-align: right;">Page 86</p> <p>1 And like I say, right now, like I say, I love</p> <p>2 the board now how we have it because we seem to</p> <p>3 bounce off each other and do very well with it.</p> <p>4 And we don't need the -- you know, I don't want the</p> <p>5 politics. I don't want that part of it in here,</p> <p>6 you know, so that's an idea.</p> <p>7 MR. BARNES: I think I'm following where</p> <p>8 you're going. What I don't see is the words that</p> <p>9 you're talking about, because in the first</p> <p>10 paragraph here it talks about -- you said there's</p> <p>11 process, there's code as it relates to the</p> <p>12 appointees. Is that in somewhere else that's not</p> <p>13 here? Because what I think we're saying -- or what</p> <p>14 I think you're saying is that each commissioner</p> <p>15 will have one appointee and one alternate, that</p> <p>16 they'll be responsible for appointing.</p> <p>17 I just -- I don't read that in any of the</p> <p>18 language that's in here.</p> <p>19 And I think what you're saying makes a lot of</p> <p>20 sense.</p> <p>21 Now, I think if you wanted to add in here,</p> <p>22 and those appointees shall last for the duration of</p> <p>23 the three years, or whatever is here, regardless of</p> <p>24 if a new commissioner is elected -- which I think</p> <p>25 is what you were talking about. I mean, I think a</p>	<p style="text-align: right;">Page 88</p> <p>1 alternate and then propose it to the council for a</p> <p>2 vote. We said that. And I do not see that</p> <p>3 anywhere in here.</p> <p>4 The second question I have is, if you're</p> <p>5 going to limit now to five alternates, are the</p> <p>6 other two going to step down if council approves</p> <p>7 this in January? I mean, we really need to put</p> <p>8 up -- codify this. And you're elected for three</p> <p>9 years, appointed for three years, we should stay</p> <p>10 here for three years, not at the whim of the next</p> <p>11 councilperson. We also spoke about that last year.</p> <p>12 I do not see this in the draft. So maybe there's a</p> <p>13 miscommunication going back and forth.</p> <p>14 But the selection of the alternate, I</p> <p>15 understand is an issue where you got folks that</p> <p>16 have served -- yes, you're absolutely right, if</p> <p>17 there's a person that has served on the board, that</p> <p>18 alternate should be proposed to that councilperson,</p> <p>19 for that councilperson to review their resume' and</p> <p>20 decide whether or not that councilperson is going</p> <p>21 to be for that position. But the ultimate decision</p> <p>22 is posed to the council.</p> <p>23 It's not like you're going to have a</p> <p>24 councilperson come up and say, I want Wyly, I want</p> <p>25 Frank, and that's it, my choice, bingo. They</p>

<p style="text-align: right;">Page 89</p> <p>1 should have a right to select their voting member</p> <p>2 and an alternate and then propose it to the council</p> <p>3 for approval.</p> <p>4 CHAIR CLARK: That's the way it was supposed</p> <p>5 to go.</p> <p>6 MR. SIRMONS: And so --</p> <p>7 MR. FERNANDEZ: But it's not here.</p> <p>8 MR. SIRMONS: In section A, I can understand</p> <p>9 your point, I think it can be clarified to state</p> <p>10 that each district gets one appointee and one</p> <p>11 alternate. I think right now it says five</p> <p>12 appointees, five alternates, appointed by council.</p> <p>13 But we can clarify that part that they're nominated</p> <p>14 per the five existing districts.</p> <p>15 As far as the term portion, I believe B does</p> <p>16 speak to that point, the next section, where the --</p> <p>17 how the terms roll over in groups A, B and C. But</p> <p>18 we will take a look at that language to make sure</p> <p>19 that that's clear as well.</p> <p>20 MR. BROWN: Madam Chair.</p> <p>21 CHAIR CLARK: Yes, Mr. Brown.</p> <p>22 MR. BROWN: My question is, why is it a</p> <p>23 district at all? Why is it -- why are they chosen</p> <p>24 by district? I mean, you pick the best person for</p> <p>25 the job. You know, by district, I mean you might</p>	<p style="text-align: right;">Page 91</p> <p>1 No, we can't avoid instances of someone</p> <p>2 fabricating false information on their resume'. So</p> <p>3 there is, you know, some amount of trust that has</p> <p>4 to go in with what we receive. But we do review</p> <p>5 the resume'.</p> <p>6 We've applied -- provided previous</p> <p>7 applications to this board to review at the last</p> <p>8 round of applications, so you're at least seeing</p> <p>9 the material that we have to look at it, that city</p> <p>10 council also considers.</p> <p>11 So there's some parameters in the application</p> <p>12 process through the clerk's office. However, in</p> <p>13 the existing language there's nothing that speaks</p> <p>14 to what type of person or the qualifications they</p> <p>15 should be looking for.</p> <p>16 So this proposed amendment does add language</p> <p>17 in there referring to having some type of technical</p> <p>18 background related to planning and zoning or which</p> <p>19 we view as in some instances equally as valuable,</p> <p>20 having someone who is connected to the community,</p> <p>21 who understands the context and history of Riviera</p> <p>22 Beach and our different neighborhoods. We believe</p> <p>23 that is equally valuable or there should at least</p> <p>24 be a balance between that type of insight as well</p> <p>25 as the technical insight of, you know, say a</p>
<p style="text-align: right;">Page 90</p> <p>1 have two people in one district. You pick the best</p> <p>2 person.</p> <p>3 MR. SIRMONS: The person nominated, there</p> <p>4 isn't language in here saying that the person</p> <p>5 nominated has to live in the district of the person</p> <p>6 appointing them. So they don't necessarily have to</p> <p>7 live -- they're based on what is in here. We have</p> <p>8 set it up so that each district will have a</p> <p>9 representative for that councilperson, but it</p> <p>10 doesn't limit that councilperson to only finding</p> <p>11 someone living in their district.</p> <p>12 Is that your question?</p> <p>13 MR. BROWN: Yes.</p> <p>14 MR. SIRMONS: Okay. Yeah, so we haven't</p> <p>15 limited it that way. But we have added language in</p> <p>16 here that provides guidelines to what we believe</p> <p>17 they should consider as a qualified person to the</p> <p>18 board.</p> <p>19 To get to your point, especially, Mr. Wyly,</p> <p>20 we don't necessarily want it just to be any person</p> <p>21 that has some unknown agenda.</p> <p>22 There is an application process for citizen</p> <p>23 advisory boards which the city clerk's office</p> <p>24 oversees. They fill out the application, their</p> <p>25 qualifications, and they attach their resume'.</p>	<p style="text-align: right;">Page 92</p> <p>1 surveyor or engineer serving on this board.</p> <p>2 So we believe adding those considerations for</p> <p>3 council members as additional guidelines -- again,</p> <p>4 it is a political body, so we can't control how</p> <p>5 they vote. But adding some language in here gives</p> <p>6 them some guidance and it allows some checks and</p> <p>7 balances on what they should be considering and</p> <p>8 looking for when they vote on appointees.</p> <p>9 MR. FERNANDEZ: May I add one more comment?</p> <p>10 When I was appointed, I also interviewed with</p> <p>11 Developmental Services. And I'd recommend that as</p> <p>12 well, that that councilperson when they select an</p> <p>13 individual to nominate, the voting member or the</p> <p>14 alternate, however, go before Developmental</p> <p>15 Services for an informal, for an informal meet and</p> <p>16 greet. Because I did meet with Ms. Dunham and</p> <p>17 Mr. Sirmons, and we had a nice discussion there of</p> <p>18 who I was, what the job entailed, just to give me a</p> <p>19 general idea.</p> <p>20 It wasn't just, here's Frank's name, go</p> <p>21 before the board, and good luck and God bless you.</p> <p>22 CHAIR CLARK: I thought that's how you got</p> <p>23 here. I'm just joking.</p> <p>24 Hold that thought just for a moment.</p> <p>25 I just wanted to go back to Mr. Brown's</p>

<p>1 point. How I got here was that I was recommended 2 by a city councilperson whose district I did not 3 live in, as well as residence. So that's how I got 4 here. And I'm appreciative of that city 5 councilperson who did recommend me to put my hat in 6 the process.</p> <p>7 MR. BARNES: Yeah, I just -- and I think 8 Frank brought up a good point earlier that we need 9 to think about. If we're going to go from seven to 10 five, who's stepping down? And how do you go about 11 determining which of the seven steps down to become 12 the five? If you're going to have five board 13 members and five alternates, and you currently have 14 seven, that means two of the current members need 15 to step down from being an acting board member into 16 an alternate. Or do you set it up -- because 17 that -- and that's not in writing here anywhere. 18 But it's clearly what the intent is. And so do we 19 set that up where it happens as the people are 20 rolling off or how do you work that?</p> <p>21 CHAIR CLARK: So how does that work? Because 22 we're not trying to lose anybody here.</p> <p>23 MR. SIRMONS: That's the --</p> <p>24 CHAIR CLARK: So let's make sure when we're 25 looking at this that we're not losing anybody here,</p>	<p>Page 93</p>	<p>1 and you have two people from district two, you have 2 three people from district one, you have two from 3 district three, and two from district four, and 4 then the at large district you have nobody. Right? 5 So there's actually -- it would be -- you have nine 6 people here. So you actually need one more person 7 to have five regular members and five alternate 8 members. So while we didn't make any firm 9 decisions about it, because we don't even obviously 10 know what city council wants to do, when they vote 11 we would implement it. But, you know, at that 12 point, if it did get to that, we would ask if any 13 of the members would prefer to be alternates. You 14 know, we would ask you what you wanted. It's not 15 even up to us. But there's nine seats right here. 16 This code requires ten.</p> <p>17 MR. BARNES: Right. But my point is, if 18 we -- if what we're doing is we're going to go and 19 ask the commission to remove two people, two voting 20 members, and move them to alternates. And appoint 21 one more alternate.</p> <p>22 MS. SAVAGE-DUNHAM: No, we're asking the city 23 council to adopt a code revision to provide a clear 24 process for appointing people to the board.</p> <p>25 MR. BARNES: That's not in writing here</p>	<p>Page 95</p>
<p>1 whether it is board member or alternate.</p> <p>2 MR. SIRMONS: Do we have to talk about the 3 elephant? I know it's back there, but we don't 4 have to talk about the elephant in the room. But 5 that was obvious to staff as well when we proffered 6 this alternative setup of the board. What we 7 focused on is what we believe would be the best 8 setup and makeup of this board and process for 9 appointments.</p> <p>10 Now, to transition to it, if it is to move 11 forward, we know we will have to figure that 12 portion out. You all are political appointees, so 13 I don't know that anyone here has the power to undo 14 action of city council, which is what put you here. 15 So I believe if this is to move forward and it is 16 pleasing to city council, we will have to figure 17 out how the districts want to move around and who 18 would allow or request their appointee to step 19 down. But I don't believe we directly have control 20 over that portion. And this is a future 21 conversation we will have to work out.</p> <p>22 MR. WYLY: I have a suggestion for that.</p> <p>23 MS. SAVAGE-DUNHAM: If I may. So, 24 Mr. Sirmons is completely correct. But we did game 25 it out a little bit. And you have seven members,</p>	<p>Page 94</p>	<p>1 anywhere.</p> <p>2 MR. FERNANDEZ: And we want to protect what 3 we have. We have a great board here. And we don't 4 want to come out, after they pass this and say, 5 okay, congratulations, District X, you got one out 6 of the three you got to choose, the other two drop 7 to alternates. That's what I'm trying to get at.</p> <p>8 MR. SIRMONS: Again, the transition of a 9 seven member board to a five member board will just 10 be -- be just that, a transition. And the details 11 of that we have not worked out yet.</p> <p>12 Again, you are all here by actions of city 13 council. So if we are going to make this 14 transition, we will likely have to set this up as a 15 workshop discussion with the city council. If they 16 are supportive of it, we would have to work out the 17 details of how the transition looks.</p> <p>18 I don't believe us in this room can control 19 what that looks like. Because we don't have the -- 20 none of us here have the authority to appoint 21 persons to this board, and we would have to leave 22 that to the body who has that vested authority.</p> <p>23 MR. BARNES: We wouldn't be able to make 24 recommendations?</p> <p>25 CHAIR CLARK: Let me --</p>	<p>Page 96</p>

<p>Page 97</p> <p>1 MR. SIRMONS: Yes. Yes. And as a part of</p> <p>2 our report to city council, we will make sure they</p> <p>3 understand the thoughts, comments and concerns of</p> <p>4 this board, and your recommendations.</p> <p>5 CHAIR CLARK: Let me make a suggestion by</p> <p>6 experience of being on the charter review.</p> <p>7 We had a similar type of dynamic when we were</p> <p>8 making the transition of the recommended ordinances</p> <p>9 that went on the ballot, how it was going to impact</p> <p>10 current city council people, as well as the mayor.</p> <p>11 And I think the way that we addressed it, that we</p> <p>12 put this effective date of when that transition was</p> <p>13 going to take place so that the existing city</p> <p>14 councilperson would not fall into that transition.</p> <p>15 So they were protected with their current seat.</p> <p>16 And that transition happened at another point in</p> <p>17 time where it didn't impact the current sitting</p> <p>18 council people whose election I think was upcoming.</p> <p>19 If that makes sense.</p> <p>20 MR. SIRMONS: It does. And that makes me</p> <p>21 think we could potentially put in here -- so the</p> <p>22 original section B talked about when each term</p> <p>23 started and they would go from, from -- for three</p> <p>24 years after that point, and then group A, B and C</p> <p>25 would then transition. So it -- there's precedence</p>	<p>Page 99</p> <p>1 listening to everybody that I actually had that</p> <p>2 experience and we had this scenario of how we</p> <p>3 protected those city council members and the mayor</p> <p>4 in that transition plan.</p> <p>5 MR. SIRMONS: Yes. I think it's certainly</p> <p>6 possible for us to, again, provide a pathway to the</p> <p>7 transition, even if it's not in the ordinance.</p> <p>8 Because it's a one time transition, I think there's</p> <p>9 ways for us to ensure that that happens in a smooth</p> <p>10 way that doesn't significantly disrupt the</p> <p>11 chemistry of the existing board and the persons</p> <p>12 here today.</p> <p>13 CHAIR CLARK: Does that make sense? It works</p> <p>14 for the board members here? The best that I could</p> <p>15 articulate?</p> <p>16 MR. WYLY: I got one more scenario, also.</p> <p>17 Right now we have -- like you say, we have</p> <p>18 seven members that vote, correct? And at this</p> <p>19 point here, why not implement this but then as a</p> <p>20 slow transition to where when people leave or</p> <p>21 decide to leave, or whatever like that, it slowly</p> <p>22 works towards the five and five? Instead of having</p> <p>23 it to where anyone loses any position or anything</p> <p>24 now, let's just wait and play it out and let things</p> <p>25 happen naturally to where when this person leaves</p>
<p>Page 98</p> <p>1 for language in there describing how the board will</p> <p>2 start this membership and how the different terms</p> <p>3 will roll over. So potentially we can describe in</p> <p>4 here how we will transition to a five person board</p> <p>5 so at the end -- the termination of seat 3 in 2022,</p> <p>6 that position will revert to an alternate position,</p> <p>7 as opposed to continuing as a permanent. So</p> <p>8 there's -- we can proffer language such as that to</p> <p>9 address the transition part.</p> <p>10 So, again, initially we focused on what the</p> <p>11 appropriate makeup would be. And if we get</p> <p>12 traction with this, we can work out the details and</p> <p>13 provide for a smooth transition from the current</p> <p>14 configuration to a future one.</p> <p>15 CHAIR CLARK: Yeah. And I think using what I</p> <p>16 just shared as an example, that when people are</p> <p>17 coming and putting their hat in the ring, for</p> <p>18 whether it's this board or any other type of board,</p> <p>19 that sort of community engagement experience that</p> <p>20 they had prior to putting their hat in a ring for a</p> <p>21 particular board position, they may not have an</p> <p>22 engineering background or a P&amp;Z background, but</p> <p>23 they have community engagement and that's just as</p> <p>24 valuable.</p> <p>25 And it just didn't dawn upon me until now</p>	<p>Page 100</p> <p>1 or whatever they would make adjustments with this</p> <p>2 and then we just keep slowly moving towards the</p> <p>3 five and five, away from the seven and two.</p> <p>4 MR. SIRMONS: I think that makes a lot of</p> <p>5 sense and that's certainly possible for us to</p> <p>6 provide a map of that type of gradual transition.</p> <p>7 MR. GALLON: Madam Chair. One of the</p> <p>8 problems is, people don't leave.</p> <p>9 MR. WYLY: Well, that's a good thing. That's</p> <p>10 a good thing.</p> <p>11 MR. BARNES: I don't think that --</p> <p>12 MR. WYLY: That's what I'm trying to --</p> <p>13 that's what I'm --</p> <p>14 MR. BARNES: Maybe instead of when they</p> <p>15 leave, they're tied to the term limit.</p> <p>16 MR. WYLY: Right. That's what I'm trying to</p> <p>17 avoid. I don't -- we don't want anyone leaving.</p> <p>18 We want to work, and we want things to be cordial.</p> <p>19 We want to build the city. That's the whole point,</p> <p>20 we don't want anyone to leave.</p> <p>21 MR. SIRMONS: And if I may respond to that?</p> <p>22 CHAIR CLARK: Sure.</p> <p>23 MR. SIRMONS: As Ms. Savage just pointed out,</p> <p>24 this proposal doesn't require anyone here to leave</p> <p>25 the body. It just transitions how many voting and</p>

<p>1 alternate members there are. So -- in fact, we  2 would actually be adding one more person. There's  3 nine seats currently. We would add one more for a  4 total of ten. We would just transition the makeup  5 of voting members to alternate members. So you  6 wouldn't lose necessarily any of your counterparts  7 here; and it would just, again, change up that  8 voting makeup.</p> <p>9 MR. WYLY: That voting thing is a big deal.</p> <p>10 MR. FERNANDEZ: (Inaudible). So even if  11 people don't want to leave, after they're phased  12 out, their initial term, they're going to have  13 to --</p> <p>14 MR. WYLY: They're going to leave.</p> <p>15 MR. FERNANDEZ: They're going to be back --  16 either back to an alternate or they go back and do  17 wherever they want to go.</p> <p>18 But the bottom line is, there's going to be  19 one voting member per district and one alternate  20 per district.</p> <p>21 MR. BARNES: And after three years they move  22 from voting member (inaudible) the alternate moves  23 to voting member.</p> <p>24 MR. SIRMONS: Again, what we're proposing  25 here is that it -- as it is now, it's the council</p>	<p>Page 101</p> <p>1 MR. WYLY: Because you lose experience, you  2 lose knowledge, you lose education; and you're  3 going to lose the city.</p> <p>4 And that's the whole thing. You want people  5 to be here to grow.</p> <p>6 It's just like me being a teacher, you know,  7 you don't want a first year teacher, second year  8 teacher, teaching your child. You want someone  9 with experience to be able to not only educate but  10 only be able to discipline and be able to motivate.  11 And the longer the person is there, the better  12 they're going to do that job. It's the same thing.</p> <p>13 We don't want to just encourage anyone not to  14 be here. We want them to be here. We want them to  15 be able to work and make our city work.</p> <p>16 We don't want to bring in -- some person  17 bring in their buddy, and that buddy causes a bunch  18 of conflicts with the city, with everyone that's  19 here.</p> <p>20 That's the whole point. We want people here  21 who want to be here, who want to do the best thing  22 for the city, and have the experience and  23 knowledge.</p> <p>24 So if someone is here for seven or eight  25 years, that's a great thing. We want them here, to</p>
<p>Page 102</p> <p>1 member's pleasure as to whether they want to  2 propose a new person when their seated person's  3 term expires or if they want to renominate them.  4 So they don't necessarily have to kick a person out  5 because their term expires. They can reappoint  6 them.</p> <p>7 And several persons of the board --  8 Mrs. Shepherd in particular -- has been reappointed  9 multiple times. So it's not saying that because  10 (video/audio disruption) time for council to  11 reappoint this position, be it the same person or a  12 new one.</p> <p>13 MR. FERNANDEZ: Right. I understand that.  14 But if you have -- if Ms. Shepherd happens to have  15 someone else in her district as voting members, one  16 of them will have to go back to alternate when  17 their term -- this term expires. That's what I'm  18 getting at.</p> <p>19 So, one voting member per district. So if  20 you have a district here has three voting members,  21 and they've done a great job, when that term  22 (video/audio disruption) are going to have to  23 either go back to alternate.</p> <p>24 MR. WYLY: That's what I don't want.</p> <p>25 MR. GALLON: Madam Chair --</p>	<p>Page 104</p> <p>1 be able to do what's right for the city, because  2 they're going to know the ins and outs, they're  3 going to know what questions to ask. They're going  4 to know what to expect from a management or an  5 organization.</p> <p>6 You know, we don't want new people -- you  7 know, that's just my knowledge on it. And like I  8 say, I ran two successful companies and it worked.</p> <p>9 MR. SIRMONS: And if I may respond to that.  10 This proposal doesn't require anyone to go home and  11 pack up their knowledge and experience on this  12 board and no longer participate.</p> <p>13 This -- and legal counsel can correct me if  14 I'm wrong -- just because you're an alternate and  15 you don't vote, doesn't mean that you can't -- or  16 that you're not sitting at this table and  17 participating in the conversation and providing  18 your input and attempting to be influential to your  19 counterparts on the decisions that they have to  20 make. Just as alternates currently do with our  21 current setup.</p> <p>22 We're just saying to clarify this process and  23 make it fair and clear to the council who has  24 expressed their frustration with how it's set up,  25 we believe that the best reformulation is to have</p>



<p>Page 105</p> <p>1 five voting members and five alternates. We're not 2 saying that those alternate persons are no longer, 3 you know, able to participate in the deliberative 4 process of this board hearing items.</p> <p>5 CHAIR CLARK: I think it's just how it 6 sounds, in the sense, if I can use an analogy -- 7 and this is not really any disrespect -- that if 8 you are a lieutenant and then you kind of get 9 bucked down to a staff sergeant --</p> <p>10 MR. WYLY: Acting lieutenant. I understand. 11 It isn't like a lieutenant.</p> <p>12 It doesn't have the same thing. That's what 13 I'm -- that's the thing I want to get -- I don't 14 want -- because if you have someone here who's 15 making votes and they're part of it, now they feel 16 that this is a part of the city, they're a part of 17 the city and making decisions and making things 18 move, and then you take them and take that power 19 away from them then, you know, they're going to 20 slowly -- I mean, I've seen it every day in how I 21 have to motivate my kids in school. If I don't 22 drive them, if I put them and make them feel 23 important, they'll just back off and not 24 participate at all. And I've seen it happen.</p> <p>25 CHAIR CLARK: So can we make this</p>	<p>Page 107</p> <p>1 district can continue their representation on the 2 advisory board is a strong model that we have been 3 following.</p> <p>4 MR. BROWN: We are all here. We're working 5 towards one goal. I mean, I don't see why it's 6 particular districts. It makes no sense.</p> <p>7 CHAIR CLARK: Why is it such? Is it just 8 because it's been precedent, the way that we did 9 things? And is there -- and I'm sure it's up to 10 city council, you know, just to abolish it.</p> <p>11 That's what you're asking.</p> <p>12 MR. WYLY: Right.</p> <p>13 MR. SIRMONS: And we can certainly propose 14 both alternatives to them. We can say if we want 15 to keep any type of district based system, this is 16 our recommendation of the best path forward. If we 17 want to abolish the district based system, this is 18 an alternative model and this is what that would 19 look like. We can propose both and see which they 20 prefer.</p> <p>21 MR. WYLY: But think about what he's saying, 22 though. The whole thing is a contradiction almost. 23 Because if you have a district member, right, even 24 when that person is responsible for that district, 25 they're really responsible for the whole city,</p>
<p>Page 106</p> <p>1 recommendation so that we can move on? I think 2 Mr. Sirmons and team have heard us. And if it 3 takes -- (inaudible) well, what I'm saying is, is 4 that if we need to give them more time to 5 deliberate this, that's what I'm suggesting, so we 6 can move on.</p> <p>7 MR. BROWN: Madam Chair.</p> <p>8 CHAIR CLARK: Yes.</p> <p>9 MR. BROWN: Why are we chosen by districts? 10 That is my question.</p> <p>11 MR. SIRMONS: Why are you chosen by 12 districts?</p> <p>13 MR. BROWN: Yeah. Why are we -- why did the 14 city council get together and choose this body and 15 not chosen by districts?</p> <p>16 MR. WYLY: I agree.</p> <p>17 MR. SIRMONS: There -- we have five council 18 members. And for a citizen advisory board, the 19 council members appoint the persons to those 20 organizations. And we have seen strong models that 21 support making sure each district has 22 representation, which is why we divide up --</p> <p>23 MR. BROWN: But why?</p> <p>24 MR. SIRMONS: -- the process that way. And 25 so making sure that the representative of that</p>	<p>Page 108</p> <p>1 correct? So they're responsible for the whole 2 city, so at that point, that person who they bring 3 in, they're responsible for the whole city, not 4 just that district anyway. So it doesn't matter 5 whether that person is from that district. That 6 person chooses that person.</p> <p>7 Like you said, you pick the best five people 8 who are best qualified for the job, and then you 9 let them do their job. And that's it. And I think 10 that's the best most unbiased way to be able to do 11 it; without having any political involvement, no 12 anything, just basically getting the city -- 13 putting the city first.</p> <p>14 MR. SIRMONS: I've seen models of that. And 15 I think that gets to the broader city and how our 16 electorate is set up. We are set up in five 17 council districts. That's how our -- the citizens 18 select their representatives.</p> <p>19 There are models where -- and the city is 20 divided geographically into different districts, 21 and the persons in those districts choose their 22 representation that way.</p> <p>23 There are models where some cities have all 24 of their elected officials at large; so it doesn't 25 matter where you live, you vote on all five of</p>

<p>1 them. But Riviera Beach simply isn't set up that 2 way. And I think our citizen advisory boards 3 follow how our electorate is set up. 4 CHAIR CLARK: And I guess what the question 5 is, is it just status quo? Or we just provide 6 another alternative, to Mr. Brown and Mr. Wyly's 7 point. 8 I mean, because if you think about it -- I'm 9 going to use me as an example. I was recommended 10 by a councilperson whose district I didn't live in. 11 But when I got here as an alternate -- and even 12 currently as a voting member -- I'm looking at 13 Riviera Beach as a whole, in terms of who I am 14 beholden to. Because I was not recommended by 15 whose district I live in. So I'm not bound by any 16 sort of agenda, if you will, by that person. 17 Because the person who recommended me was from 18 somewhere else. So I'm here at large. 19 And I think that's what Mr. Brown is saying, 20 that we all are here at large. 21 MR. WYLY: We're all here at large. 22 Now think about it. The city votes on 23 every -- even though we may have a district four 24 election come -- I mean, whatever. I'm just using 25 an example. Right? Everybody in the city votes</p>	<p>Page 109</p> <p>1 representative and they're looking at the whole 2 city then, you know, some neighborhoods could get 3 overlooked, because they don't have a specified 4 person overlooking the specific concerns of this 5 corner of the city; which may differ from this side 6 of the city. 7 And we know all too well in Riviera Beach 8 certain neighborhoods have vast different 9 socioeconomic realities. So in some instances a 10 district setup ensures that there's one person 11 looking over the specific interests of this 12 particular neighborhood. 13 At the end of the day, you know, of course we 14 want what's best for the city. But, again, there 15 are some pros and cons to both setups. But, again, 16 that gets to a city charter type issue, in terms of 17 how those elections are set up. As opposed to an 18 ordinance for appointing P&amp;Z board members, which 19 we're looking at. 20 So there are some trickle down effects of how 21 this ordinance is set up based on how our charter 22 sets up districts of the city and how we elect 23 representatives. 24 And my recommendation is that we -- based on 25 the feedback from this board -- is that we propose</p> <p>Page 111</p>
<p>1 for that person. Right? So if everyone is going 2 to vote for that person, no matter what election it 3 is, it's the same thing then. The process should 4 be set up to where everybody gets an opportunity to 5 be able to do it, and not necessarily done by 6 district. 7 And I think that, again -- I understand what 8 you're saying, sir. And like I say, I definitely 9 appreciate your hard work and everything that 10 you're putting into this. All I'm saying is that 11 the best people -- and I know I work very hard for 12 myself and my career, and I think that the -- I 13 want the best person to try to get the best -- to 14 have the best opportunity to be able to get the 15 job; and not because someone just decided, hey, let 16 me just put my buddy in the position. 17 Because at the end of the day, our city will 18 suffer if that happens. And I always said this, 19 Riviera Beach first. It's simple as that. 20 MR. SIRMONS: So I would only respond to 21 say -- because I think, again, part of it gets to a 22 broader conversation about how we elect 23 representatives for the city. And there's pros and 24 cons to both systems. 25 So if you don't have a district based</p> <p>Page 110</p>	<p>1 both to city council and see what they prefer. At 2 the end of the day we can't make anything happen 3 that they don't support in terms of their votes. 4 So we can give them two -- I can proffer a 5 discussion and deliberation item amongst city 6 council and we see what their pleasure is for 7 moving forward. 8 CHAIR CLARK: And I think we're not elected 9 officials by virtue of the residents. We are a 10 volunteer body. So that differs where, literally, 11 I think we're at large. 12 Let me just ask Mr. Gallon, if I can put you 13 on the spot. 14 MR. GALLON: Well -- 15 CHAIR CLARK: You've been here for how long? 16 MR. GALLON: I've been here a few -- not a 17 long time, but I've been here a few years. But, 18 you know, I kind of -- I understand where Mr. Wyly 19 is coming from. But also, we have to realize we 20 have a new city council. 21 CHAIR CLARK: And -- 22 MR. GALLON: It is not the old council. So 23 we need to, you know, kind of move away from -- at 24 least from my point of view. I understand about, 25 you know, the different districts because, you</p> <p>Page 112</p>

<p>Page 113</p> <p>1 know, where I live at, you may not know what's 2 going on in my neighborhood. So how can you help 3 my neighborhood or my district? You can't. 4 Because you don't live in that district. 5 So I understand both point of views. But, 6 you know, I think we're trying to push something 7 that I think doesn't need to be changed. 8 CHAIR CLARK: Okay. All right. Well, we are 9 here to hear different views. And ultimately it's 10 up to the city council. And I'm thinking just the 11 options. I mean, it's up to them. But I think 12 we've laid out the changes that you've made here. 13 And then to Mr. Gallon's point, the council 14 may see something different. We don't know. So 15 the only thing we can do is just present two 16 options. 17 MR. SIRMONS: And what I would like to do 18 before we take this to city council is to clarify 19 the desire of this body so that that recommendation 20 can be presented to council, even though they'll 21 have both options. So one would be a system where 22 each district has an alternate and a full voting 23 member, based on the districts. And the 24 alternative would be a scenario where there are 25 still rolling appointments coming up with the</p>	<p>Page 115</p> <p>1 If they are interested in continuing a 2 district based system versus a system that isn't 3 based on districts, let's find that out before 4 staff continues to draft and create language and, 5 you know, going back and forth with this body. Not 6 that we don't value the feedback from you. But if 7 they're ultimately making the decision, let's find 8 out their desire before we spend too much time on 9 something that they may not be supportive of. 10 So, what I can do is set this for a 11 deliberation or workshop item with city council to 12 see what their preference is. 13 MR. FERNANDEZ: Madam Chair. I kind of agree 14 with that. If you remember, the last meeting we 15 had Ms. Shepherd brought up that statement that the 16 council is going to do whatever they want to do 17 anyway. 18 I agree with Mr. Sirmons, go back to council 19 and see what do they want. Because for us to be 20 going back and forth, back and forth with the 21 language, I just -- just spending our time with 22 something that they probably don't want to do in 23 the first place. 24 MR. WYLY: But at least we give them some 25 options though.</p>
<p>Page 114</p> <p>1 board; and as they come up for appointment, then 2 council will just take a vote on the persons -- 3 well, choose -- nominate a person; and that person 4 will be voted on based on their qualifications. 5 MR. BARNES: Chair, clarification. So you're 6 going to put that together and bring it back to us 7 so we can see it before you take it to the council? 8 MR. WYLY: Right. 9 MR. BARNES: Because I'm not comfortable 10 (inaudible) being able to read what we're talking 11 about doing. There's a lot of other items in there 12 as well (inaudible) ask for clarification. So is 13 your intent to have us approve it now verbally and 14 then you are going to draft it and take it to 15 council or you're going to draft it and bring it 16 back to us for a last review before you take it to 17 council? 18 MS. DAVIDSON: Mr. Barnes, if you would, 19 please, speak into the microphone so that the -- do 20 you mind sitting in front of one? Just so the 21 recording can pick up your question. 22 Thank you. 23 MR. SIRMONS: My recommendation is that from 24 here we go to council to figure out what they're 25 interested in.</p>	<p>Page 116</p> <p>1 MR. FERNANDEZ: We give them the options, 2 that's correct. But it ultimately is going to be 3 up to city council. 4 CHAIR CLARK: But that's how we function now 5 when we look at projects. We don't know what they 6 want and what they're going to do. So when we look 7 at projects and we make recommendations on a 8 project, we're setting it up and we're giving them 9 some suggestions, ideas, content. We're helping 10 them out. Because what's the point of us even 11 being here as P&amp;Z board members if they're going to 12 do whatever they want to do. We might as well not 13 even see the projects. 14 Our role here is to look at the projects, 15 make recommendations, tweak it, make it the best 16 package that goes in front of city council. 17 Because the way that I see it, just like last 18 night's meeting, a project that came before us, we 19 had tightened it up so well that they just said 20 yes, yes, yes, yes. 21 MR. FERNANDEZ: Right. But we're now in the 22 political realm. This is a little different. 23 CHAIR CLARK: But we're taking it out of the 24 political realm. 25 The way that I had mentioned it the last</p>

<p>1 meeting was that they were already unsure of why it 2 was and why they were doing it. So my thought 3 process was, let's give them something to think 4 about, consider, and marinate, and that helps them 5 out. Which is what we talked about, option one. 6 And then there's option two.</p> <p>7 They already had this discussion. They 8 didn't know what they wanted. If that was the 9 case, we wouldn't be discussing it today.</p> <p>10 MR. SIRMONS: And I think the best way to 11 ensure that the pains of this board is heard is for 12 us tonight to -- for a motion to be made and this 13 board make their recommendation.</p> <p>14 So, what we will do is prepare a dialogue 15 around the system that has a five and five district 16 based system versus an appointment process where 17 there's rolling terms and every time a term 18 expires, they look at the applications and they 19 take a vote; but no councilperson has the power to 20 nominate a direct person because it's their 21 district, but as applications are -- I'm sorry. As 22 an opening comes forward, they look at the 23 applicants and they make a decision based on that. 24 And it's not based on whose district it is. 25 CHAIR CLARK: I think that's what I'm saying.</p>	<p>Page 117</p> <p>1 councilperson said that, hey, I have a strong idea 2 of who I want to nominate but I would love for them 3 to sit down with you and talk a bit. So that was 4 at their request. They're not required to do that. 5 And I don't know if requiring them to do that is 6 consistent with what they will feel is appropriate.</p> <p>7 So, again, we're bringing a set of 8 recommendations to them. But if you bring them in 9 a way that, hey, what we're going to do is limit 10 your power when it comes to appointing the best 11 person you believe should represent your district, 12 it's something that they will be less likely to 13 support in many cases.</p> <p>14 But, again, we will give them the options, 15 see what system makes the most sense, and then work 16 out the details for it. But I think this board 17 making a recommendation of what you think is best 18 for this body will go a long way. Whether, again, 19 it's a district based system or we remove that from 20 the equation.</p> <p>21 CHAIR CLARK: I see it as both options. And 22 we just have to see what pans out.</p> <p>23 MR. SIRMONS: And I guess my only question 24 would be, would this board like to take a vote to 25 recommend one option or the other or would you</p> <p>Page 119</p>
<p>1 MR. WYLY: Let me ask you a question also. 2 Because I think you made a point to where you said 3 earlier that, let's say for example we have an 4 applicant that applies for planning and zoning 5 board, right, and we were saying that maybe they 6 should have a sit down with you, to be able to kind 7 of talk. Now what if you sit down with someone and 8 you are like, umm, no, this is not a good idea. So 9 at that point they are the pleasure of the board 10 and that's the person that they want and you think 11 that that's not a good idea, then what happens 12 then?</p> <p>13 MR. SIRMONS: I wouldn't insert myself into 14 that process because it's a political appointee.</p> <p>15 MR. WYLY: Right. But wouldn't that be the 16 whole -- wouldn't that be the point, where we were 17 saying to have someone to be able to evaluate and 18 to be able to look to see if this is the right 19 choice. Because, again, we want to avoid that 20 process.</p> <p>21 So, again, a person of your expertise and 22 your knowledge, you would be the prime person to be 23 able to, at the end of the day, be the end all.</p> <p>24 MR. SIRMONS: Well, and the example of 25 Mr. Fernandez, that he brought up, that that</p> <p>Page 118</p>	<p>1 prefer that staff take both to council and just see 2 what they say?</p> <p>3 CHAIR CLARK: I'm just going to speak for me 4 and let others speak for themselves. Both options 5 to council.</p> <p>6 MR. SIRMONS: Well, I'll bring both in any 7 scenario. It's just a question of does this board 8 want to recommend one over the other before we take 9 it to city council?</p> <p>10 CHAIR CLARK: Again, for me, I'm not going to 11 recommend one over the other. I would like, for 12 me, to see both options presented.</p> <p>13 So, let's start with Mr. Brown, if the same 14 question is asked, and what his answer would be.</p> <p>15 MR. BROWN: I was thinking a districtwide 16 thing. But Mr. Gallon's point, I guess I have to 17 reconsider that. He's thinking one person per 18 district. And I was thinking a districtwide board.</p> <p>19 MR. SIRMONS: A citywide?</p> <p>20 MR. BROWN: A citywide board. But I don't 21 know, I think you could take it to the board -- 22 take it to city council and see.</p> <p>23 CHAIR CLARK: Mr. Gallon.</p> <p>24 MR. GALLON: My suggestion would be take it 25 to the city council. But would it be as a workshop</p> <p>Page 120</p>

<p>1 or will they actually be taking a vote? Page 121</p> <p>2 MR. SIRMONS: At this time we would workshop</p> <p>3 it. It would be a nonvoting item where we say,</p> <p>4 hey, these are the two options moving forward,</p> <p>5 which do you prefer. And we'll try to proffer a</p> <p>6 clear direction from them.</p> <p>7 Because we are up against board members who</p> <p>8 already have expired terms, we need to resolve this</p> <p>9 and get it before them so we can get some movement</p> <p>10 on this. So that's why after this conversation I</p> <p>11 think we need to bring the two options, see which</p> <p>12 one they prefer, and get some traction.</p> <p>13 MR. GALLON: As long as it's not a voting</p> <p>14 scenario, yes, I would prefer it goes to the city</p> <p>15 council and let them decide on which one they want</p> <p>16 to do. Then bring it back to us and then we --</p> <p>17 MR. BARNES: Do you have a preference of</p> <p>18 which one you like?</p> <p>19 MR. GALLON: -- go from there.</p> <p>20 MR. BROWN: Madam Chair. But we're just on</p> <p>21 item A, right?</p> <p>22 CHAIR CLARK: I'm sorry. I didn't hear.</p> <p>23 MR. BROWN: We're just at A. (Inaudible)?</p> <p>24 Right?</p> <p>25 MS. SAVAGE-DUNHAM: No, the entire thing.</p>	<p>1 MR. WYLY: Right. Well, again, I'm all for Page 123</p> <p>2 the best person for the job. That's as simple as</p> <p>3 that. So, again, I think that would be</p> <p>4 districtwide. Correct? So that's what I would</p> <p>5 rather have, districtwide.</p> <p>6 MR. BARNES: I think I'd rather have each</p> <p>7 commissioner appoint someone from their district,</p> <p>8 so we can make sure that we've got representation</p> <p>9 from the entire city and we don't have five people</p> <p>10 from Singer Island making recommendations for the</p> <p>11 rest of Riviera Beach.</p> <p>12 MR. WYLY: True. True. I agree with that.</p> <p>13 I agree.</p> <p>14 MR. FERNANDEZ: I agree with Mr. Barnes.</p> <p>15 CHAIR CLARK: Okay. So now we've got a</p> <p>16 temperature.</p> <p>17 MR. WYLY: That's the way I feel too.</p> <p>18 CHAIR CLARK: All right. Okay. So, you</p> <p>19 know, we've used a lot of time. So I just want to</p> <p>20 just not go through this but if there's anything</p> <p>21 that has jumped out in any of these sections from</p> <p>22 anybody, let's just bang it out the way. And if</p> <p>23 not, then the other stands as is.</p> <p>24 MR. BARNES: Well, I'm not comfortable with</p> <p>25 where it stands. But I would really like a copy of</p>
<p>1 MR. FERNANDEZ: So can we just vote on Page 122</p> <p>2 sending it to workshop?</p> <p>3 CHAIR CLARK: No. I don't think we need to</p> <p>4 vote. I just think we're making a recommendation.</p> <p>5 MR. FERNANDEZ: To send it to workshop.</p> <p>6 MR. SIRMONS: We will take it to council to</p> <p>7 workshop it either way.</p> <p>8 Again, I'm just asking if this board has a</p> <p>9 preference that you would like me to present to</p> <p>10 them.</p> <p>11 CHAIR CLARK: Right. And, okay, I think</p> <p>12 three of us have already shared that. I won't</p> <p>13 stare at you too long.</p> <p>14 MR. WYLY: What happened? What's wrong? You</p> <p>15 want to vote now?</p> <p>16 CHAIR CLARK: Oh. Your preference.</p> <p>17 MR. WYLY: Oh. Okay. I thought -- I was</p> <p>18 waiting on you.</p> <p>19 Again, I'm -- again, if we're going to go to</p> <p>20 the board first with this, I mean -- and, again, it</p> <p>21 doesn't matter --</p> <p>22 CHAIR CLARK: No, we're not going to. It's</p> <p>23 going to be workshopped. And what we're asking</p> <p>24 right now is, do you have a preference. Because</p> <p>25 he's just trying to get a temperature read.</p>	<p>1 it in a word document; maybe I could send my Page 124</p> <p>2 comments to you.</p> <p>3 CHAIR CLARK: That's what -- what I'm saying</p> <p>4 is, let us go and give our comments to the rest of</p> <p>5 it, so that he has that and can put it in a</p> <p>6 document for us.</p> <p>7 MR. SIRMONS: Yeah, if you have any</p> <p>8 additional comments or -- yeah, any comments or</p> <p>9 markups on what's --</p> <p>10 CHAIR CLARK: We haven't finished going</p> <p>11 through this, so for time's sake, if anybody has</p> <p>12 something that jumped out at them, let's just bring</p> <p>13 it right now and then it's finished and staff will</p> <p>14 go back and put what you just said, it together so</p> <p>15 that we can see it.</p> <p>16 MR. BARNES: I'll send you mine in writing.</p> <p>17 MR. SIRMONS: We can ensure everyone has the</p> <p>18 word document so they don't have any issues</p> <p>19 providing comments. That's not a problem.</p> <p>20 CHAIR CLARK: The only thing that jumped out</p> <p>21 for me was in Section 2731, letter F. And it says</p> <p>22 the board shall automatically forfeit his or her</p> <p>23 appointment. I just don't think gender is</p> <p>24 necessary. You don't have to designate gender.</p> <p>25 Because somebody might be both.</p>

<p>Page 125</p> <p>1 MR. FERNANDEZ: You want to make it gender neutral?</p> <p>2</p> <p>3 MS. SAVAGE-DUNHAM: Chair, yeah, we can use "their".</p> <p>4</p> <p>5 CHAIR CLARK: Yeah, that was just one thing that jumped out at me, that was all.</p> <p>6</p> <p>7 Anybody else have anything else that jumped out at them?</p> <p>8</p> <p>9 MR. BROWN: Madam Chair, is it okay to just hand over your notes to staff?</p> <p>10</p> <p>11 CHAIR CLARK: Yeah.</p> <p>12</p> <p>13 MS. BUSBY: Yes. You want to take a vote?</p> <p>14</p> <p>15 MR. BROWN: No. Is it okay to hand over your notes?</p> <p>16</p> <p>17 MS. BUSBY: Yes, you can provide your notes to staff who can consolidate it. It's just that the public won't hear those changes until it's submitted to the city council for their workshop. So I just want you to be aware of that.</p> <p>18</p> <p>19 MR. BROWN: Yes. It's going to come back to us though, right?</p> <p>20</p> <p>21 MS. BUSBY: Yes, after the workshop.</p> <p>22</p> <p>23 MR. GALLON: After the board workshop. After the council workshop.</p> <p>24</p> <p>25 MS. BUSBY: We're just going to review this</p>	<p>Page 127</p> <p>1 pick the alternate. Not the person to jump, leapfrog the person. Is that correct or is that --</p> <p>2</p> <p>3 MR. SIRMONS: I understand what you're saying. But I think with the bigger question on the floor we need to figure out which system that council prefers. And then once we figure out that system we can work in language that creates an automatic promotion for alternate members so, you know, so they're not staying as alternates for, you know, excessive periods of time. I think that can work in either system.</p> <p>4</p> <p>5 MR. WYLY: Exactly. That's what I'm saying. I think it works in either.</p> <p>6</p> <p>7 And this is the downfall, I think, with the second one. When you say that if a new council comes in, right, and they bring in somebody, from where? From what? I mean, as far as the experience for the City of Riviera Beach and the knowledge that you're going to lose for anybody who is leaving that position and to bring in someone new is like starting over every three years. Why would we want to do that?</p> <p>8</p> <p>9 MR. SIRMONS: And I think the concern towards alternate members not having the opportunity for promotion is shared by this body as well as city</p>
<p>Page 126</p> <p>1 item every meeting. I'm just kidding.</p> <p>2</p> <p>3 MR. WYLY: Just so I'm clear, this is one of the fine tuning points that I strongly recommend. And just so I'm clear, I know we talked about it and I don't want to beat the dead horse, but the member, once put on the board, is on it for a period of three years. At the point where that person's three years is up and they have an alternate in that position, that alternate will go into that position automatically; no matter what the district person in that area says, that person goes into that position and that district person gets to choose the alternate, right? And not the person that move into that position right over the alternate. Have the alternate automatically be able to go into that position and then the district person be able to pick the alternate at that point. And then if something happens to that person then, you know, then that -- no, it just keeps going that same way, it just keeps doing that. They get hired for a three-year period -- or they volunteer for a three-year period, they're in for three years. But then at that point, that person does the three years and then the alternate goes into that position, and then that district person gets to</p>	<p>Page 128</p> <p>1 council, in their conversations related to this. So I don't think there is any issue with ensuring that that is a part of whichever solution moves forward.</p> <p>2</p> <p>3 CHAIR CLARK: Okay. So I think he's clear, we're clear, of your desire.</p> <p>4</p> <p>5 MR. WYLY: I think it still needs a little Windex.</p> <p>6</p> <p>7 CHAIR CLARK: Okay. We don't have to take a vote on this because we're just making recommendations. Okay?</p> <p>8</p> <p>9 Okay. All right. So if we are finished with that -- thank you, Mr. Sirmons, for indulging us, Miss Savage, Miss Simone. Our city attorney, thank you for indulging us on that process.</p> <p>10</p> <p>11 MS. BUSBY: Yes, Chair.</p> <p>12</p> <p>13 CHAIR CLARK: And the last thing is general discussion. There are no public comments. Do we have any correspondence?</p> <p>14</p> <p>15 Planning and zoning board comments? Let's just go down the row, starting with Mr. Brown.</p> <p>16</p> <p>17 MR. BROWN: No additional comments, Madam Chair.</p> <p>18</p> <p>19 CHAIR CLARK: Mr. Gallon.</p> <p>20</p> <p>21 MR. GALLON: No comments.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1	CHAIR CLARK: No comments from me.	Page 129	1	because we normally e-mail out a link. And it just	Page 131
2	Mr. Wily.		2	was finished today, right before the meeting. So	
3	MR. WILY: I would like to just state that		3	we brought it for you all. You're the first ones	
4	they approved last night the traffic calming in the		4	to get it. But we will be distributing it.	
5	area of 13th Street, for the speed bumps and for		5	CHAIR CLARK: Thank you. Thank you. And	
6	the signage. It was a lot more expensive than I		6	with that being said, I will ask for a motion for	
7	thought it was going to be, even though UPS		7	us to adjourn.	
8	volunteered with donating a lot of money to the		8	MR. WILY: So moved.	
9	cause. But I think it's something that's very,		9	MR. FERNANDEZ: Motion to adjourn.	
10	very necessary for the safety, because it is a		10	CHAIR CLARK: Everybody was so quick on that.	
11	school area with the Suncoast in that area, and a		11	Thank you. And good evening.	
12	lot of kids in that area meet at the bus because		12		
13	that bus at that corner takes the kids to Dwyer and		13		
14	to other schools and everything. So that was		14		
15	approved last night. And I know in the next couple		15		
16	months they will be finishing up that project.		16		
17	So I just wanted to thank you, that that's		17		
18	going to be something very good for that area and		18		
19	hopefully we can get some other areas with some		19		
20	beautification projects also. Especially with the		20		
21	new companies coming in, to be able to donate money		21		
22	to be able to help out the city grow and beautify		22		
23	the city.		23		
24	So I just wanted to bring that up so everyone		24		
25	knows that you will see construction in the		25		
1	neighborhood upcoming soon.	Page 130	1		
2	CHAIR CLARK: Okay. Mr. Barnes.		2		
3	MR. BARNES: No, ma'am.		3	THE STATE OF FLORIDA, )	
4	CHAIR CLARK: Mr. Fernandez.		4	COUNTY OF PALM BEACH. )	
5	MR. FERNANDEZ: No comment, ma'am.		5		
6	CHAIR CLARK: Ms. Savage, just one last		6	I, Claudia Price Witters, RPR, Registered	
7	thing. If you could just mention the Development		7	Professional Reporter, do hereby certify that I was	
8	Services on the rise, just for the general public,		8	authorized to and did transcribe the foregoing	
9	the newsletter, before we close.		9	proceedings, and that the foregoing is a true and	
10	MS. SAVAGE-DUNHAM: The Development Services		10	correct transcription of said proceedings.	
11	newsletter was laid out for you. Was there --		11	IN WITNESS WHEREOF, I have hereunto set my	
12	CHAIR CLARK: How the community can access		12	hand this 20th day of November 2021.	
13	it.		13		
14	MS. SAVAGE-DUNHAM: Oh. Ms. Davidson, is our		14		
15	newsletter online on our website?		15		
16	MS. DAVIDSON: Yes, there's actually a link		16		
17	on the website. It has not yet been updated. But		17		
18	it should be before the middle of next week.		18		
19	But we do have the previous three. They're		19		
20	loaded there. So there is a newsletter link on our		20		
21	website.		21		
22	CHAIR CLARK: Okay. Just so that the general		22		
23	public would know, there's a new one out and it's		23		
24	going to be up soon on how to access it.		24		
25	MS. SAVAGE-DUNHAM: It's hot off the presses,		25		

CERTIFICATE

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*Claudia Price Witters*  
Claudia Price Witters, RPR



## CITY OF RIVIERA BEACH STAFF REPORT (ORDINANCE 4191 )

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 (COASTAL CONSTRUCTION), ARTICLE III (WETLANDS PRESERVATION) UPDATING APPENDIX I (WETLAND PRESERVATION AREAS OF RIVIERA BEACH), APPENDIX II (WETLANDS VEGETATION); PROVIDING FOR APPLICABILITY, REPEAL OF LAWS IN CONFLICT, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- A. Applicant:** The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 23, Section 23-83 "Designation and delineation of wetlands preservation areas", in order to update Appendix I, and provide for applicability, conflicts, severability and codification, and providing for an effective date.
- C. Location:** N/A
- D. Property Description and Uses:** N/A
- E. Adjacent Property Description and Uses:** N/A
- E. Background:** The City's Code of Ordinances requires an updated map of the City's official Wetlands Preservation Area Map in Appendix I. The Ordinance provides that the lands adjacent to the Atlantic Ocean and Lake Worth should be conserved by prohibiting any activity that would destroy or significantly disrupt the biological capacity of those areas. The Ordinance further provides that the "general location" of the wetlands preservation areas are identified in Appendix I, but the burden of determining the specific boundaries, according to the criteria set forth in the Ordinance, shall be upon the applicant. It is not the intent of the Ordinance to set the specific dimensions of each designated wetlands preservation area. The current map contained as Appendix I in the Code of Ordinances only generally identifies protection areas near the Atlantic Ocean, however, not the areas adjacent to Lake Worth. The text of the Code of Ordinances does in fact refer to this area and it should be updated in the official Wetland Preservation Area Map. Staff has initiated this text amendment to update the map and make sure it accurately reflects the text of the Ordinance.





Additional relevant background information includes the rezoning of the area adjacent to the Lake Worth Lagoon last year. Between June and October of 2020, the City Council held six public meetings during which 200+ public comments were received on the topic of preserving the natural areas along Lake Worth north of Pine Point Rd. and west of N. Ocean Drive. The community overwhelmingly supported the protection of these areas. At that time, the City approved Ordinance 4147 which rezoned this section of land as “Special Preservation”; the zoning district with the lowest allowable development density for the purpose of preserving environmentally sensitive areas. During the process of approving this rezoning ordinance, the City also commissioned an independent study of the areas along the Lake Worth Lagoon west of N. Ocean Drive to determine the absence or presence of wetlands and protected species. The report concluded that the area provides significant habitat for protected species and includes extensive seagrass beds with adjacent mangroves, all of which further supports staff’s position to update the map.

**F. Staff Analysis:** Staff’s analysis of this item produced the following findings:

- Goal 1, Objective 1.1 of the Conservation Element of the City’s Comprehensive Plan states that, the City shall continue to implement, revise, maintain and adopt new codes, ordinances and regulations as necessary, to protect and conserve the City’s natural resources including, Air; Beaches, shores; Fisheries; Native plant and animal communities and ecosystems; Noise level; Wetlands; Soils; Water; Wildlife and wildlife habitats; and Bottomlands.
- Policy 1.4.1 of the Future Land Use Element of the City’s Comprehensive Plan states that the City shall continue to enforce the Wetlands Preservation Ordinance.
- Sec 23-82 (b) of the City’s Land Development Code states that “It is the intent of the city council to conserve and protect the natural resources and scenic beauty of the lands within the corporate limits of the city adjacent to the waters of the Atlantic Ocean and Lake Worth, by prohibiting any activity that would destroy or significantly disrupt the biological capacity of areas. It is the intent of the city council to carry out the policies of the comprehensive plan to preserve and protect mangroves and tidal areas from off-site and on-site developmental impacts”.
- The City’s Land Development Code defines wetlands as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation capable of growth and reproduction and typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, tidal basins and similar areas, which are periodically inundated with fresh, salt or brackish water.
- In July, 2020, the City commissioned an assessment by a professional environmental consulting firm of the Lake Worth Lagoon – North of Pine Point Drive & West of North Ocean Drive/A1A – which concluded that the area provides significant habitat for protected species and includes extensive seagrass beds with adjacent mangroves.



**Staff Comment:** Staff works continuously to ensure that the Land Development Code facilitates a desirable built environment and creates a stable land development environment by addressing any lack of clarity, antiquated language, voids, etc. found within the Code. The revision of this Section of the Code of Ordinances to update Appendix I will provide clearer guidance relative to the application and procedures of the Wetlands Preservation Ordinance and will allow for more certainty for land owners, a smoother process for land developers, and more support for City staff..

- G. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Section 23-83 as described herein and recommend approval of this Ordinance as proposed.



## **ORDINANCE NO. 4191**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 (COASTAL CONSTRUCTION), ARTICLE III (WETLANDS PRESERVATION) UPDATING APPENDIX I (WETLAND PRESERVATION AREAS OF RIVIERA BEACH) AND APPENDIX II (WETLAND VEGETATION); PROVIDING FOR APPLICABILITY, REPEAL OF LAWS IN CONFLICT, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City's Code of Ordinances controls and directs the development of land within the municipal limits of the City by way of text and maps; and

**WHEREAS**, Goal 1, Objective 1.1 of the Conservation Element of the City's Comprehensive Plan states that, the City shall continue to implement, revise, maintain and adopt new codes, ordinances and regulations as necessary, to protect and conserve the City's natural resources including, Air; Beaches, shores; Fisheries; Native plant and animal communities and ecosystems; Noise level; Wetlands; Soils; Water; Wildlife and wildlife habitats; and Bottomlands; and

**WHEREAS**, Policy 1.4.1 of the Future Land Use Element of the City's Comprehensive Plan states that the City shall continue to enforce the Wetlands Preservation Ordinance; and

**WHEREAS**, Sec 23-82 (b) of the City's Land Development Code states that "It is the intent of the city council to conserve and protect the natural resources and scenic beauty of the lands within the corporate limits of the city adjacent to the waters of the Atlantic Ocean and Lake Worth, by prohibiting any activity that would destroy or significantly disrupt the biological capacity of areas. It is the intent of the city council to carry out the policies of the comprehensive plan to preserve and protect mangroves and tidal areas from off-site and on-site developmental impacts"; and

**WHEREAS**, the City's Land Development Code defines wetlands as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation capable of growth and reproduction and typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, tidal basins and similar areas, which are periodically inundated with fresh, salt or brackish water; and

**WHEREAS**, in July, 2020, the City commissioned an assessment by a professional environmental consulting firm of the Lake Worth Lagoon – North of Pine Point Drive & West of North Ocean Drive/A1A – which concluded that the area provides significant habitat for protected species and includes extensive seagrass beds with adjacent mangroves; and

**WHEREAS**, the City Council of the City of Riviera Beach finds that the proposed

amendment to the Code of Ordinances is consistent with the City's Comprehensive Plan; sensitive to wetlands preservation; protects, maintains and enhance the wetlands; and promotes the health, safety, and welfare of the residents of the City and the general public.

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

**SECTION 1.** That Chapter 23 (Coastal Construction), Article III (Wetlands Preservation) is hereby amended at Sec. 23-83 to provide a revised and updated Appendix I (Wetland Preservation Areas of Riviera Beach), attached and incorporated hereto, consistent with the provision below.

\* \* \*

**CHAPTER 23 – COASTAL CONSTRUCTION**

**ARTICLE III. WETLANDS PRESERVATION**

**Sec. 23-83. Designation and delineation of wetlands preservation areas.**

- (a) *Designation:* The general location of wetlands preservation areas within the city to be regulated by this article is hereby noted on an official Wetlands Preservation Area Map, City of Riviera Beach, which shall be made a part of this article as appendix I to the ordinance from which this article is derived. The CDEC is authorized to amend/update the official map when necessary, as authorized by the planning and zoning board.
- (b) (2) Wetland area, for purposes of delineation, are those lands which are covered by water and/or dominated by the species, either singly or in combination, listed in appendix II to the ordinance from which this article is derived, and made a part of this article. When vegetation indices are used, the perimeter of the wetlands shall be determined by establishing a circumference taken from points determined by the most landward driplines of the applicable vegetation. In the absence of vegetation, or if more restrictive, the boundary of the wetlands may be determined by a survey of the mean high water line, ordinary high water line, or debris line, as determined by a registered surveyor.

\* \* \*

**SECTION 2: APPLICABILITY.** For purposes of jurisdictional applicability, this Ordinance shall apply to the City of Riviera Beach.

**SECTION 3: REPEAL OF LAWS IN CONFLICT.** All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 4: SEVERABILITY.** If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the

Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**SECTION 5: CODIFICATION**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Riviera Beach, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

**SECTION 6: EFFECTIVE DATE.** The provisions of this Ordinance shall become effective upon final approval and adoption.

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**PASSED and APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED and ADOPTED** on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

---

**RONNIE L. FELDER**  
**MAYOR**

---

**SHIRLEY D. LANIER**  
**CHAIRPERSON**

**ATTEST:**

---

**KASHAMBA MILLER-ANDERSON**  
**CHAIR PRO TEM**

---

**CLAUDENE L. ANTHONY,**  
**CERTIFIED MUNICIPAL CLERK**  
**CITY CLERK**

---

**TRADRICK MCCOY**  
**COUNCILPERSON**

---

**JULIA A. BOTEL, Ed.D.**  
**COUNCILPERSON**

---

**DOUGLAS A. LAWSON**  
**COUNCILPERSON**

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

**MOTIONED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**T. MCCOY** \_\_\_\_\_

**K. MILLER-ANDERSON** \_\_\_\_\_

**S. LANIER** \_\_\_\_\_

**J. BOTEL** \_\_\_\_\_

**D. LAWSON** \_\_\_\_\_

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

**MOTIONED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**T. MCCOY** \_\_\_\_\_

**K. MILLER-ANDERSON** \_\_\_\_\_

**S. LANIER** \_\_\_\_\_

**J. BOTEL** \_\_\_\_\_

**D. LAWSON** \_\_\_\_\_

**Reviewed as to Legal Sufficiency**

\_\_\_\_\_  
**DAWN S. WYNN**  
**CITY ATTORNEY**

**DATE:** \_\_\_\_\_



# Riviera Beach




## Wetlands Preservation Areas



0 0.07 0.15 0.3 Miles



### Legend

-  Parcel Boundary's
-  City of Riviera Beach Boundary
-  Wetlands Preservation Areas





# 62-340.450 Vegetative Index.

## (1) Obligate Species:

Scientific Name	Common Name
<i>Acer saccharinum</i>	maple, silver
<i>Acoelorrhaphe wrightii</i>	palm, paurotis
<i>Acrostichum spp.</i>	leather fern
<i>Aeschynomene pratensis</i>	joint-vetch, meadow
<i>Agalinis linifolia</i>	false-foxglove, flax-leaf
<i>Agalinis maritima</i>	false-foxglove, saltmarsh
<i>Alisma subcordatum</i>	water-plantain, subcordate
<i>Alnus serrulata</i>	alder, hazel
<i>Alternanthera philoxeroides</i>	alligator-weed
<i>Alternanthera sessilis</i>	alligator weed, sessile
<i>Amaranthus australis</i>	amaranth, southern
<i>Amaranthus cannabinus</i>	amaranth, tidemarth
<i>Amaranthus floridanus</i>	amaranth, Florida
<i>Ammannia spp.</i>	toothcup
<i>Annona glabra</i>	pond apple
<i>Aristida affinis</i>	three-awn grass, long-leaf
<i>Armoracia aquatica</i>	lakecress
<i>Arnoglossum sulcatum</i>	indian-plantain, Georgia
<i>Asclepias incarnata</i>	milkweed, swamp
<i>Asclepias lanceolata</i>	milkweed, fen-flower
<i>Asclepias perennis</i>	milkweed, aquatic
<i>Asclepias rubra</i>	milkweed, red
<i>Aster carolinianus</i>	aster, climbing
<i>Aster elliotii</i>	aster, Elliott's
<i>Aster subulatus</i>	aster, saltmarsh
<i>Aster tenuifolius</i>	aster, saltmarsh
<i>Avicennia germinans</i>	mangrove, black
<i>Baccharis angustifolia</i>	false-willow
<i>Bacopa spp.</i>	water-hyssop
<i>Batis maritima</i>	saltwort
<i>Betula nigra</i>	birch, river
<i>Bidens spp.</i>	beggar-ticks
except <i>Bidens pilosa</i>	beggar-ticks, white (FAC)
<i>Bidens bipinnata</i>	Spanish needles (U)
<i>Boehmeria cylindrica</i>	false-nettle, small-spike
<i>Borrichia spp.</i>	sea oxeye
<i>Burmanningia spp.</i>	burmannia
<i>Callitriche spp.</i>	water-starwort
<i>Campanula floridana</i>	bellflower
<i>Canna spp.</i>	canna
except <i>Canna x generalis</i>	canna, common (FAC)
<i>Cardamine bulbosa</i>	bitter-cress
<i>Cardamine pensylvanica</i>	spring-cress
<i>Carex atlantica</i>	sedge, prickly bog
<i>Carex comosa</i>	sedge, bearded

<i>Carex crinita</i>	sedge, fringed
<i>Carex crus-corvi</i>	sedge, raven-foot
<i>Carex decomposita</i>	sedge, cypress-knee
<i>Carex elliotii</i>	sedge, Elliott's
<i>Carex folliculata</i>	sedge, long
<i>Carex gigantea</i>	sedge, large
<i>Carex howei</i>	sedge, Howe's
<i>Carex hyalinolepis</i>	sedge, shoreline
<i>Carex leptalea</i>	sedge, bristly-stalk
<i>Carex louisianica</i>	sedge, Louisiana
<i>Carex lupulina</i>	sedge, hop
<i>Carex lurida</i>	sedge, shallow
<i>Carex stipata</i>	sedge, stalk-grain
<i>Carex walteriana</i>	sedge, Walter's
<i>Carya aquatica</i>	hickory, water
<i>Cephalanthus occidentalis</i>	buttonbush
<i>Chamaecyparis thyoides</i>	cedar, Atlantic white
<i>Cicuta spp.</i>	water-hemlock
<i>Cirsium muticum</i>	thistle, swamp
<i>Cladium spp.</i>	sawgrass
<i>Cleistes divaricata</i>	rosebud
<i>Colocasia esculenta</i>	elephant's ear
<i>Coreopsis nudata</i>	tickseed, Georgia
<i>Cornus amomum</i>	dogwood, silky
<i>Crataegus aestivalis</i>	mayhaw
<i>Crinum americanum</i>	swamp-lily, southern
<i>Cyperus alternifolius</i>	flatsedge, alternate-leaf
<i>Cyperus articulatus</i>	flatsedge, jointed
<i>Cyperus difformis</i>	flatsedge, variable
<i>Cyperus distinctus</i>	flatsedge, marshland
<i>Cyperus drummondii</i>	flatsedge
<i>Cyperus entrerianus</i>	flatsedge
<i>Cyperus erythrorhizos</i>	flatsedge, red-root
<i>Cyperus haspan</i>	flatsedge, sheathed
<i>Cyperus lanceolatus</i>	flatsedge, epiphytic
<i>Cyperus papyrus</i>	flatsedge, papyrus
<i>Decodon verticillatus</i>	swamp-loosestrife
<i>Dichromena latifolia</i>	white-top sedge, giant
<i>Distichlis spicata</i>	saltgrass, seashore
<i>Drosera filiformis</i>	sundew, thread-leaf
<i>Drosera intermedia</i>	sundew, spoon-leaf
<i>Drosera tracyi</i>	sundew, Gulf coast
<i>Dulichium arundinaceum</i>	sedge, three-way
<i>Echinodorus spp.</i>	burhead
<i>Eleocharis spp.</i>	spikerush
<i>Erianthus giganteus</i>	plumegrass, sugarcane
<i>Erianthus strictus</i>	plumegrass, narrow

<i>Eriocaulon</i> spp.	pipewort
<i>Eryngium aquaticum</i>	corn snakeroot
<i>Eupatorium leptophyllum</i>	marsh thoroughwort
<i>Fimbristylis</i> spp.	fringe-rush
except <i>Fimbristylis annua</i>	fringe-rush, annual (FACW)
<i>F. puberula</i>	fringe-rush, Vahl's (FACW)
<i>F. spathacea</i>	hurricane-grass (FAC)
<i>Fraxinus</i> spp.	ash
except <i>Fraxinum americana</i>	ash, white (U)
<i>Fuirena</i> spp.	umbrella-sedge
<i>Gleditsia aquatica</i>	water-locust
<i>Glyceria striata</i>	fowl mannagrass
<i>Heteranthera reniformis</i>	mud-plantain, kidney-leaf
<i>Hibiscus coccineus</i>	rosemallow, scarlet
<i>Hibiscus grandiflorus</i>	rosemallow, swamp
<i>Hibiscus laevis</i>	rosemallow, halberd-leaf
<i>Hibiscus moscheutos</i>	rosemallow, swamp
<i>Hydrochloa caroliniensis</i>	watergrass
<i>Hydrocleis nymphoides</i>	water-poppy
<i>Hydrocotyle ranunculoides</i>	penny-wort, floating
<i>Hydrolea</i> spp.	false-fiddle-leaf
<i>Hygrophila</i> spp.	hygrophila
<i>Hymenachne amplexicaulis</i>	trompetilla
<i>Hymenocallis</i> spp.	spider-lily
<i>Hypericum chapmanii</i>	St. John's-wort, Chapman's
<i>Hypericum edisonianum</i>	St. John's-wort, Edison's
<i>Hypericum fasciculatum</i>	St. John's-wort, marsh
<i>Hypericum lissophloeus</i>	St. John's-wort, smooth-bark
<i>Hypericum nitidum</i>	St. John's-wort, Carolina
<i>Ilex amelanchier</i>	holly, sarvis
<i>Ilex cassine</i>	holly, dahoon
<i>Ilex myrtifolia</i>	holly, myrtle
<i>Ilex verticillata</i>	winterberry
<i>Illicium floridanum</i>	anise, Florida
<i>Impatiens capensis</i>	touch-me-not, spotted
<i>Iris</i> spp.	Iris
except <i>I. verna</i>	dwarf iris (U)
<i>Isoetes</i> spp.	quillwort
<i>Itea virginica</i>	virginia willow
<i>Iva frutescens</i>	marsh elder
<i>Juncus</i> spp.	Rush
except <i>J. tenuis</i>	rush (FAC)
<i>J. marginatus</i>	rush (FACW)
<i>Justicia</i> spp.	water-willow
except <i>J. brandegeana</i>	shrimp plant (U)
<i>Kosteletzkya virginica</i>	mallow, seashore
<i>Lachnocaulon digynum</i>	bogbutton, pineland

<i>Lachnocaulon engleri</i>	bogbutton, Engler's
<i>Lachnocaulon minus</i>	bogbutton, Small's
<i>Laguncularia racemosa</i>	mangrove, white
<i>Leersia spp.</i>	cutgrass
<i>Leitneria floridana</i>	corkwood
<i>Lilaeopsis spp.</i>	lilaeopsis
<i>Lilium iridollae</i>	lily, panhandle
<i>Limnobiium spongia</i>	frogbit
<i>Limnophila spp.</i>	marshweed
<i>Limonium carolinianum</i>	sea-lavender
<i>Lindera melissaefolia</i>	spicebush, southern
<i>Linum westii</i>	flax, West's
<i>Liparis elata</i> = ( <i>L. nervosa</i> )	liparis, tall
<i>Litsea aestivalis</i>	pondspice
<i>Lobelia cardinalis</i>	cardinal flower
<i>Lobelia floridana</i>	lobelia, Florida
<i>Ludwigia spp.</i>	ludwigia; water-primrose
except <i>Ludwigia hirtella</i>	seedbox, hairy (FACW)
<i>Ludwigia maritima</i>	seedbox, seaside (FACW)
<i>L. suffruticosa</i>	seedbox, headed (FACW)
<i>Ludwigia virgata</i>	seedbox, savanna (FACW)
<i>Lycium carolinianum</i>	Christmas berry
<i>Lycopus spp.</i>	bugleweed
<i>Lysimachia spp.</i>	loosestrife
<i>Lythrum spp.</i>	marsh loosestrife
<i>Macranthera flammea</i>	flameflower
<i>Magnolia virginiana</i> var. <i>australis</i>	magnolia, sweetbay
<i>Malaxis spicata</i>	adder's-mouth, Florida
<i>Maxillaria crassifolia</i>	orchid, hidden
<i>Melanthium virginicum</i>	bunchflower, Virginia
<i>Micranthemum spp.</i>	baby tears
<i>Micromeria brownei</i>	savory, Brown's
<i>Mimulus alatus</i>	monkey-flower
<i>Monanthochloe littoralis</i>	keygrass
<i>Muhlenbergia capillaris</i>	muhly grass
<i>Nasturtium spp.</i>	water-cress
<i>Nelumbo spp.</i>	water-lotus
<i>Nuphar luteum</i>	cow-lily, yellow
<i>Nymphaea spp.</i>	water-lily
<i>Nymphoides spp.</i>	floating hearts
<i>Nyssa aquatica</i>	tupelo, water
<i>Nyssa ogeche</i>	tupelo, ogeechee
<i>Nyssa sylvatica</i> var. <i>biflora</i>	tupelo, swamp
<i>Orontium aquaticum</i>	golden club
<i>Osmunda regalis</i>	fern, royal
<i>Oxypolis spp.</i>	water drop-wort
<i>Panicum ensifolium</i>	panic grass

<i>Panicum erectifolium</i>	witchgrass, erect-leaf
<i>Panicum gymnocarpon</i>	panicum, savannah
<i>Panicum hemitomom</i>	maidencane
<i>Panicum longifolium</i>	panicum, tall thin
<i>Panicum scabriusculum</i>	panicum, woolly
<i>Panicum tenerum</i>	panicum, bluejoint
<i>Parnassia</i> spp.	grass-of-parnassus
<i>Paspalidium geminatum</i>	water panicum
<i>Paspalum dissectum</i>	paspalum, mudbank
<i>Paspalum distichum</i>	paspalum, joint
<i>Paspalum monostachyum</i>	paspalum, gulf
<i>Paspalum praecox</i>	paspalum, early
<i>Paspalum repens</i>	paspalum, water
<i>Peltandra</i> spp.	arum; spoon flower
<i>Penthorum sedoides</i>	ditch stonecrop
<i>Pentodon pentandrus</i>	pentodon, Hall's
<i>Persea palustris</i>	bay, swamp
<i>Phragmites australis</i>	reed, common
<i>Physostegia godfreyi</i>	dragon-head, Godfrey's
<i>Physostegia leptophylla</i>	dragon-head, slender-leaf
<i>Pinckneya bracteata</i>	fever-tree
<i>Pinguicula</i> spp.	butterwort
<i>Planera aquatica</i>	planer tree
<i>Platanthera</i> spp.	orchid, fringed
<i>Pleea tenuifolia</i>	rush-featherling
<i>Pogonia ophioglossoides</i>	pogonia, rose
<i>Polygala cymosa</i>	milkwort, tall
<i>Polygonum</i> spp.	smartweed
except <i>P. argyrocoleon</i>	smartweed, silversheath (U)
<i>P. virginianum</i>	jumpseed (FACW)
<i>Pontederia cordata</i>	pickerelweed
<i>Populus heterophylla</i>	cottonwood, swamp
<i>Proserpinaca</i> spp.	mermaid-weed
<i>Psilocarya</i> spp.	baldrush
<i>Quercus lyrata</i>	oak, overcup
<i>Rhexia parviflora</i>	meadow-beauty white
<i>Rhexia salicifolia</i>	meadow-beauty panhandle
<i>Rhizophora mangle</i>	mangrove, red
<i>Rhynchospora cephalantha</i>	beakrush, clustered
<i>Rhynchospora chapmanii</i>	beakrush, Chapman's
<i>Rhynchospora corniculata</i>	beakrush, short-bristle
<i>Rhynchospora decurrens</i>	beakrush, swamp-forest
<i>Rhynchospora divergens</i>	beakrush, spreading
<i>Rhynchospora harperi</i>	beakrush, Harper's
<i>Rhynchospora inundata</i>	beakrush, horned
<i>Rhynchospora macra</i>	beakrush, large
<i>Rhynchospora microcarpa</i>	beakrush, southern

<i>Rhynchospora miliacea</i>	beakrush, millet
<i>Rhynchospora mixta</i>	beakrush, mingled
<i>Rhynchospora oligantha</i>	beakrush, few-flower
<i>Rhynchospora stenophylla</i>	beakrush, Chapman's
<i>Rhynchospora tracyi</i>	beakrush, Tracy's
<i>Rorippa spp.</i>	yellow-cress
<i>Rosa palustris</i>	rose, swamp
<i>Rotala ramosior</i>	toothcup
<i>Rudbeckia mohrii</i>	coneflower, Mohr's
<i>Sabatia bartramii</i>	rose-gentian, Bartram's
<i>Sabatia calycina</i>	rose-gentian, coast
<i>Sabatia dodecandra</i>	rose-gentian, large
<i>Sacciolepis striata</i>	cupscale, American
<i>Sagittaria spp.</i>	arrowhead
<i>Salicornia spp.</i>	glasswort
<i>Salix spp.</i>	willow
<i>Samolus spp.</i>	pimpernel, water
<i>Sarracenia spp.</i>	pitcher-plant
except <i>Sarracenia minor</i>	pitcher-plant, hooded (FACW)
<i>Saururus cernuus</i>	lizard's tail
<i>Scirpus spp.</i>	bulrush
<i>Scutellaria lateriflora</i>	skullcap, blue
<i>Scutellaria racemosa</i>	skullcap
<i>Senecio aureus</i>	ragwort, golden
<i>Senecio glabellus</i>	butterweed
<i>Setaria magna</i>	foxtail
<i>Sium suave</i>	water-parsnip
<i>Solidago elliotii</i>	golden-rod, Elliott's
<i>Solidago patula</i>	golden-rod, rough-leaf
<i>Sparganium americanum</i>	burreed
<i>Spartina alterniflora</i>	cordgrass, saltmarsh
<i>Spartina cynosuroides</i>	cordgrass, big
<i>Spartina spartinae</i>	cordgrass, gulf
<i>Spergularia marina</i>	sandspurry, saltmarsh
<i>Sphagnum spp.</i>	sphagnum moss
<i>Sphenopholis pensylvanica</i>	wedgescale, swamp
<i>Sporobolus virginicus</i>	dropseed, seashore
<i>Stachys lythroides</i>	hedgenettle
<i>Stillingia aquatica</i>	corkwood
<i>Styrax americana</i>	snowbell; storax
<i>Suaeda spp.</i>	sea-blite
<i>Taxodium ascendens</i>	cypress, pond
<i>Taxodium distichum</i>	cypress, bald
<i>Thalia geniculata</i>	thalia; fire flag
<i>Tofieldia racemosa</i>	false-asphodel, coastal
<i>Triadenum spp.</i>	St. John's-wort, marsh
<i>Triglochin striatam</i>	arrow-grass

<i>Typha</i> spp.	cattail
<i>Utricularia</i> spp.	bladderwort
<i>Veronica anagallis-aquatica</i>	speedwell, water
<i>Vicia ocalensis</i>	vetch, Ocala
<i>Viola lanceolata</i>	violet, lance-leaf
<i>Websteria confervoides</i>	water-meal
<i>Woodwardia aereolata</i>	chainfern
<i>Xyris</i> spp.	yellow-eyed grass
except <i>Xyris caroliniana</i>	yellow-eyed grass, Carolina (FACW)
<i>Xyris jupicai</i>	yellow-eyed grass, tropical (FACW)
<i>Zizania aquatica</i>	wildrice
<i>Zizaniopsis miliacea</i>	wildrice, southern

(2) Facultative Wet Species:

Scientific Name	Common Name
<i>Abildgaardia ovata</i>	rush, flat-spike
<i>Acer negundo</i>	box-elder
<i>Acer rubrum</i>	maple, red
<i>Aeschynomene indica</i>	joint-vetch, India
<i>Agalinis aphylla</i>	false-foxglove, scale-leaf
<i>Agalinis pinetorum</i> (= <i>A. pulchella</i> )	false-foxglove
<i>Agalinis purpurea</i>	false-foxglove, large purple
<i>Agarista populifolia</i>	hobble-bush
<i>Agrostis stolonifera</i>	redtop
<i>Amorpha fruticosa</i>	indigo-bush
<i>Amphicarpum muhlenbergianum</i>	blue maidencane
<i>Amsonia rigida</i>	slimpod, stiff
<i>Amsonia tabernaemontana</i>	slimpod, eastern
<i>Andropogon glomeratus</i> (Campbell)	bluestem, bushy
<i>Andropogon liebmanii</i> var. <i>pungensis</i> (Campbell) ( <i>A. mohrii</i> )	bluestem, Mohr's
<i>Anthraenantia rufa</i>	silky-scale, purple
<i>Apteria aphylla</i>	nodding nixie
<i>Arenaria godfreyi</i>	stitchwort, Godfrey's
<i>Arisaema</i> spp.	jack-in-the-pulpit; green-dragon
<i>Aristida purpurascens</i> (s.l.)	three-awn grass, wand-like
<i>Arnoglossum diversifolium</i>	indian-plantain, variable-leaf
<i>Arnoglossum ovatum</i>	indian-plantain, egg-leaf
<i>Aronia arbutifolia</i>	red chokeberry
<i>Arundinaria gigantea</i>	giant cane
<i>Asclepias connivens</i>	milkweed, large-flower
<i>Asclepias longifolia</i>	milkweed, long-leaf
<i>Asclepias pedicellata</i>	milkweed, savannah
<i>Asclepias viridula</i>	milkweed, southern
<i>Aster chapmanii</i>	aster, savannah
<i>Aster eryngiifolius</i>	aster, coyote-thistle
<i>Aster lateriflorus</i>	aster, calico
<i>Aster spinulosus</i>	aster, bog
<i>Aster vimineus</i>	aster, small white

<i>Athyrium filix-femina</i>	fern, subarctic lady
<i>Atriplex patula</i>	saltbush, halberd-leaf
<i>Balduina atropurpurea</i>	honeycomb-head, purple
<i>Balduina uniflora</i>	honeycomb-head, one-flower
<i>Bartonia</i> spp.	screwstem
<i>Bigelowia nudata</i>	golden-rod, rayless
<i>Blechnum serrulatum</i>	swamp fern
<i>Boltonia</i> spp.	boltonia
<i>Brachiaria purpurascens</i>	paragrass
<i>Cacalia suaveolens</i>	indian-plantain, sweet-scent
<i>Calamovilfa curtissii</i>	Curtiss' reed grass
<i>Calopogon</i> spp.	grass-pinks
<i>Calycocarpum lyonii</i>	cupseed
<i>Caperonia</i> spp.	caperonia
<i>Capparis flexuosa</i>	caper-tree
<i>Carex</i> spp.	sedges
except <i>Carex atlantica</i>	sedge, prickly bog (OBL)
<i>Carex comosa</i>	sedge, bearded (OBL)
<i>Carex crinita</i>	sedge, fringed (OBL)
<i>Carex crus-corvi</i>	sedge, raven-foot (OBL)
<i>Carex decomposita</i>	sedge, cypress-knee (OBL)
<i>Carex elliotii</i>	sedge, Elliott's (OBL)
<i>Carex folliculata</i>	sedge, long (OBL)
<i>Carex gigantea</i>	sedge, large (OBL)
<i>Carex howei</i>	sedge, Howe's (OBL)
<i>Carex hyalinolepis</i>	sedge, shoreline (OBL)
<i>Carex leptalea</i>	sedge, bristly-stalk (OBL)
<i>Carex louisianica</i>	sedge, Louisiana (OBL)
<i>Carex lupulina</i>	sedge, hop (OBL)
<i>Carex lurida</i>	sedge, shallow (OBL)
<i>Carex stipata</i>	sedge, stalk-grain (OBL)
<i>Carex walteriana</i>	sedge, Walter's (OBL)
<i>Carphephorus carnosus</i>	chaffhead, pineland
<i>Carphephorus pseudoliatris</i>	chaffhead, bristle-leaf
<i>Carpinus caroliniana</i>	hornbeam, American
<i>Celtis laevigata</i>	sugar-berry; hackberry
<i>Centella asiatica</i>	coinwort
<i>Chaptalia tomentosa</i>	sunbonnet; pineland daisy
<i>Chasmanthium</i> spp.	spanglegrass
except <i>C. latifolium</i>	spanglegrass (FAC)
<i>C. sessiliflorum</i>	long-leaf Chasmanthium (FAC)
<i>Chrysobalanus icaco</i>	cocoplum
<i>Cirsium lecontei</i>	thistle, Leconte's
<i>Cirsium nuttallii</i>	thistle, Nuttall's
<i>Clethra alnifolia</i>	sweet pepper bush
<i>Cliftonia monophylla</i>	buckwheat-tree
<i>Commelina</i> spp.	dayflower



except <i>Commelina erecta</i>	dayflower, sandhill (U)
<i>Conocarpus erectus</i>	buttonwood
<i>Coreopsis falcata</i>	tickseed, sickle
<i>Coreopsis floridana</i>	tickseed, Florida
<i>Coreopsis gladiata</i>	tickseed, southeastern
<i>Coreopsis integrifolia</i>	tickseed, ciliate-leaf
<i>Coreopsis leavenworthii</i>	tickseed, Leavenworth's
<i>Coreopsis linifolia</i>	tickseed, Texas
<i>Cornus foemina</i>	swamp dogwood
<i>Crataegus marshallii</i>	haw, parsley
<i>Crataegus viridis</i>	haw, green
<i>Croton elliotii</i>	croton, Elliott's
<i>Ctenitis submarginalis</i>	fern, brown-hair comb
<i>Ctenium</i> spp.	toothache grass
<i>Cuphea aspera</i>	common waxweed
<i>Cyperus</i> spp.	flatsedge
except <i>C. alternifolius</i>	flatsedge, alternate-leaf (OBL)
<i>Cyperus articulatus</i>	flatsedge, jointed (OBL)
<i>Cyperus difformis</i>	flatsedge, variable (OBL)
<i>Cyperus distinctus</i>	flatsedge, marshland (OBL)
<i>Cyperus drummondii</i>	flatsedge (OBL)
<i>Cyperus entrerianus</i>	flatsedge (OBL)
<i>C. erythrorhizos</i>	flatsedge, red-root (OBL)
<i>Cyperus haspan</i>	flatsedge, sheathed (OBL)
<i>Cyperus lanceolatus</i>	flatsedge, epiphytic (OBL)
<i>Cyperus papyrus</i>	flatsedge, papyrus (OBL)
<i>Cyperus cuspidatus</i>	flatsedge, coastal-plain (FAC)
<i>Cyperus esculentus</i>	flatsedge (FAC)
<i>Cyperus giganteus</i>	flatsedge (FAC)
<i>Cyperus globulosus</i>	flatsedge, baldwin (FAC)
<i>Cyperus huarmensis</i>	flatsedge, black knotty-root (FAC)
<i>Cyperus metzii</i>	flatsedge (FAC)
<i>Cyperus retrorsus</i>	flatsedge (FAC)
<i>Cyperus rotundus</i>	flatsedge, purple (FAC)
<i>Cyperus filiculmis</i>	flatsedge, sandhill (U)
<i>Cyperus ovularis</i>	flatsedge (U)
<i>Cyperus reflexus</i>	flatsedge (U)
<i>Cyperus refractus</i>	flatsedge (U)
<i>C. retrofractus</i>	flatsedge (U)
<i>Cyperus tetragonus</i>	flatsedge (U)
<i>Dichromena colorata</i>	white-top sedge, starbrush
<i>Dichromena floridensis</i>	white-top sedge, Everglades
<i>Dicliptera brachiata</i>	mudwort, wild
<i>Digitaria pauciflora</i>	everglades grass
<i>Diodia virginiana</i>	button-weed
<i>Dionaea muscipula</i>	Venus' flytrap
<i>Drosera brevifolia</i>	sundew, dwarf

<i>Drosera capillaris</i>	sundew, pink
<i>Dryopteris ludoviciana</i>	shield-fern, southern
<i>Dyschoriste humistrata</i>	dyschoriste, swamp
<i>Echinochloa spp.</i>	jungle-rice; cockspur grass
<i>Eclipta alba</i>	yerba de Tajo
<i>Elyonurus tripsacoides</i>	balsam-scale, Pan-American
<i>Equisetum hyemale</i>	horsetail
<i>Erianthus brevibarbus</i>	plume grass, short-beard
<i>Erigeron vernus</i>	fleabane, early whitetop
<i>Eriochloa spp.</i>	cupgrass
<i>Eryngium integrifolium</i>	coyote-thistle, blue-flower
<i>Eryngium prostratum</i>	coyote-thistle, creeping
<i>Eryngium yuccifolium</i>	Rattlesnake master
<i>Erythroides querceticola</i>	erythroides, low
<i>Eulophia alta</i>	coco, wild
<i>Eupatoriadelphus fistulosus</i>	joe-pye-weed
<i>Eupatorium leucolepis</i>	thoroughwort, white-bract
<i>Eupatorium mikanioides</i>	thoroughwort, semaphore
<i>Eupatorium perfoliatum</i>	boneset
<i>Euphorbia humistrata</i> (= <i>Chamaesyce humistrata</i> )	broomspurge, spreading
<i>Euphorbia inundata</i>	spurge, Florida
<i>Euphorbia polyphylla</i>	spurge, many-leaved
<i>Eustachys glauca</i> (= <i>Chloris glauca</i> )	fingergrass, saltmarsh
<i>Eustoma exaltatum</i>	prairie-gentian
<i>Evolvulus convolvuloides</i>	evolvulus
<i>Evolvulus sericeus</i>	silky bindweed
<i>Fimbristylis annua</i>	fimbry, annual
<i>Fimbristylis puberula</i>	fimbry, Vahl's hairy
<i>Flaveria floridana</i>	yellowtop
<i>Flaveria linearis</i>	yellowtop
<i>Forestiera acuminata</i>	privet, swamp
<i>Fothergilla gardenii</i>	witch-alder, dwarf
<i>Galium tinctorium</i>	bedstraw, stiff marsh
<i>Gaylussacia mosieri</i>	woolly-berry
<i>Gentiana spp.</i>	gentian
<i>Gleditsia triacanthos</i>	honey-locust
<i>Gordonia lasianthus</i>	bay, loblolly
<i>Gratiola spp.</i>	hedgehyssop
except <i>Gratiola hispida</i>	hedgehyssop (FAC)
<i>Habenaria spp.</i>	rein orchid
<i>Halesia diptera</i>	silver-bell
<i>Harperocallis flava</i>	Harper's beauty
<i>Hartwrightia floridana</i>	hartwrightia, Florida
<i>Hedychium coronarium</i>	ginger
<i>Helenium spp.</i>	sneezeweed
except <i>Helenium amarum</i>	sneezeweed, pasture (FAC)
<i>Helianthus agrestis</i>	sunflower, southeastern

<i>Helianthus angustifolius</i>	sunflower, swamp
<i>Helianthus carnosus</i>	sunflower, lakeside
<i>Helianthus heterophyllus</i>	sunflower, wetland
<i>Helianthus simulans</i>	sunflower, muck
<i>Heliotropium procumbens</i>	heliotrope, four-spike
<i>Hemicarpha</i> spp.	dwarf-bullrush
<i>Hibiscus aculeatus</i>	rosemallow
<i>Hydrocotyle</i> spp.	pennywort
except <i>H. ranunculoides</i>	pennywort, floating (OBL)
<i>Hypericum</i> spp.	St. John's-wort
except <i>Hypericum chapmanii</i>	St. John's-wort, Chapman's (OBL)
<i>H. edisonianum</i>	St. John's-wort, Edison's (OBL)
<i>H. fasciculatum</i>	St. John's-wort, marsh (OBL)
<i>H. lissophloeus</i>	St. John's-wort, smooth-bark (OBL)
<i>Hypericum nitidum</i>	St. John's-wort, Carolina (OBL)
<i>H. hypericoides</i>	St. Andrew's cross (FAC)
<i>H. tetrapetalum</i>	St. John's-wort, four-petal (FAC)
<i>H. cumulicola</i>	St. John's-wort, scrub (U)
<i>H. drummondii</i>	St. John's-wort, Drummond's (U)
<i>H. gentianoides</i>	pineweed (U)
<i>H. microsepalum</i>	St. John's-wort, small-sepal (U)
<i>H. prolificum</i>	St. John's-wort, shrubby (U)
<i>Hypericum punctatum</i>	St. John's-wort, dotted (U)
<i>Hypericum reductum</i>	St. John's-wort, Atlantic (U)
<i>Hypolepis repens</i>	fern, bead
<i>Hypoxis</i> spp.	Stargrasses, yellow
<i>Hyptis alata</i>	musky mint
<i>Ilex coriacea</i>	holly, bay-gall
<i>Ilex decidua</i>	holly, deciduous
<i>Illicium parviflorum</i>	star anise
<i>Iva microcephala</i>	little marsh elder
<i>Juncus marginatus</i>	shore rush
<i>Kalmia latifolia</i>	laurel, mountain
<i>Lachnocaulon anceps</i>	bogbutton, white-head
<i>Lachnocaulon beyrichianum</i>	bogbutton, southern
<i>Laportea canadensis</i>	wood-nettle, Canada
<i>Leptochloa</i> spp.	sprangle-top
except <i>Leptochloa virgata</i>	sprangle-top, tropic (FAC)
<i>Leucothoe</i> spp.	dog-hobble
<i>Liatris garberi</i>	gayfeather, garber's
<i>Lindera benzoin</i>	spicebush, northern
<i>Lindernia</i> spp.	false-pimpernel
except <i>Lindernia crustacea</i>	false-pimpernel, Malayan (FAC)
<i>Linum carteri</i>	flax, Carter's
<i>Linum striatum</i>	flax, ridged yellow
<i>Lipocarpha</i> spp.	lipocarpha
<i>Liquidambar styraciflua</i>	sweetgum

<i>Liriodendron tulipifera</i>	tulip tree
<i>Listera</i> spp.	twayblade
<i>Lobelia</i> spp.	lobelia
except <i>Lobelia cardinalis</i>	flower, cardinal (OBL)
<i>Lobelia floridana</i>	lobelia, Florida (OBL)
<i>Lophiola americana</i>	golden-crest
<i>Ludwigia hirtella</i>	seedbox, hairy
<i>Ludwigia maritima</i>	seedbox, seaside
<i>Ludwigia suffruticosa</i>	seedbox, headed
<i>Ludwigia virgata</i>	seedbox, savanna
<i>Lycopodium</i> spp.	clubmoss
<i>Lyonia lucida</i>	fetter-bush
<i>Lyonia mariana</i>	fetter-bush
<i>Macbridea</i> spp.	birds-in-a-nest
<i>Manisuris</i> spp.	jointgrass
except <i>M. cylindrica</i>	jointgrass, pitted (FAC)
<i>Marshallia graminifolia</i>	barbara's-buttons, grass-leaf
<i>Marshallia tenuifolia</i>	barbara's-buttons, slim-leaf
<i>Mecardonia</i> spp.	mecardonia
<i>Melanthera nivea</i>	squarestem
<i>Mitreola</i> spp.	hornpod
<i>Muhlenbergia schreberi</i>	nimblewill
<i>Myrica heterophylla</i>	bayberry, evergreen
<i>Myrica inodora</i>	bayberry, odorless
<i>Nemastylis floridana</i>	pleatleaf, fall-flowering
<i>Nemophila aphylla</i>	baby-blue-eyes, small-flower
<i>Oldenlandia</i> spp.	bluets, water
<i>Onoclea sensibilis</i>	fern, sensitive
<i>Osmunda cinnamomea</i>	fern, cinnamon
<i>Panicum abscissum</i> (Hall)	cut-throat grass
<i>Panicum dichotomiflorum</i>	panicum, fall
<i>Panicum dichotomum</i>	panicum
<i>Panicum pinetorum</i>	panicum
<i>Panicum repens</i>	grass, torpedo
<i>Panicum rigidulum</i>	panicum, red-top
<i>Panicum scoparium</i>	panicum
<i>Panicum spretum</i>	panicum
<i>Panicum verrucosum</i>	panicum, warty
<i>Panicum virgatum</i>	switchgrass
<i>Paspalum acuminatum</i>	paspalum, brook
<i>Paspalum boscianum</i>	paspalum, bull
<i>Paspalum floridanum</i>	paspalum, Florida
<i>Paspalum laeve</i>	paspalum, field
<i>Paspalum pubiflorum</i>	paspalum, hairy-seed
<i>Pavonia spicata</i>	mangrove mallow
<i>Philoxerus vermicularis</i>	silverhead
<i>Phyllanthus caroliniensis</i>	leaf-flower, Carolina

<i>Phyllanthus liebmannianus</i>	leaf-flower, Florida
<i>Physostegia purpurea</i>	dragon-head, purple
<i>Physostegia virginiana</i>	dragon-head, false
<i>Pieris phillyreifolia</i>	fetter-bush, climbing
<i>Pilea spp.</i>	clearweed
<i>Pinus glabra</i>	pine, spruce
<i>Pinus serotina</i>	pine, pond
<i>Platanus occidentalis</i>	sycamore
<i>Pluchea spp.</i>	camphor-weed
<i>Polygala spp.</i>	milkwort
except <i>Polygala cymosa</i>	milkwort, tall yellow (OBL)
<i>P. leptostachys</i>	milkwort, sandhill (U)
<i>Polygala lewtonii</i>	milkwort, scrub (U)
<i>Polygala polygama</i>	milkwort, racemed (U)
<i>P. verticillata</i>	milkwort, whorled (U)
<i>Polygonum virginianum</i>	jumpseed
<i>Ponthieva racemosa</i>	shadow-witch
<i>Populus deltoides</i>	cotton-wood, eastern
<i>Pteris tripartita</i>	brake, giant
<i>Ptilimnium capillaceum</i>	mock bishop-weed
<i>Pycnanthemum nudum</i>	mountain-mint, coastal-plain
<i>Quercus laurifolia</i>	oak, laurel
<i>Quercus michauxii</i>	oak, swamp chestnut
<i>Quercus nigra</i>	oak, water
<i>Quercus pagoda</i>	oak, cherry-bark
<i>Quercus phellos</i>	oak, willow
<i>Ranunculus spp.</i>	butter-cup
<i>Reimarochloa oligostachya</i>	grass, Florida reimar
<i>Rhapidophyllu m hystrix</i>	palm, needle
<i>Rhexia spp.</i>	meadow-beauty
except <i>Rhexia parviflora</i>	meadow-beauty white (OBL)
<i>Rhexia salicifolia</i>	meadow-beauty panhandle (OBL)
<i>Rhododendron viscosum</i>	azalea, swamp
<i>Rhynchospora spp.</i>	beakrush
except <i>R. cephalantha</i>	beakrush, clustered (OBL)
<i>R. chapmanii</i>	beakrush, Chapman's (OBL)
<i>R. corniculata</i>	beakrush, short-bristle (OBL)
<i>R. decurrens</i>	beakrush, swamp-forest (OBL)
<i>R. divergens</i>	beakrush, spreading (OBL)
<i>R. harperi</i>	beakrush, Harper's (OBL)
<i>R. inundata</i>	beakrush, horned (OBL)
<i>Rhynchospora macra</i>	beakrush, large (OBL)
<i>R. microcarpa</i>	beakrush, southern (OBL)
<i>R. miliacea</i>	beakrush, millet (OBL)
<i>Rhynchospora mixta</i>	beakrush, mingled (OBL)
<i>R. oligantha</i>	beakrush, few-flower (OBL)
<i>R. stenophylla</i>	beakrush, Chapman's (OBL)

<i>Rhynchospora tracyi</i>	beakrush, Tracy's (OBL)
<i>Rhynchospora grayi</i>	beakrush, Gray's (U)
<i>R. intermedia</i>	beakrush, pinebarren (U)
<i>R. megalocarpa</i>	beakrush, giant-fruited (U)
<i>Roystonea</i> spp.	palm, royal
<i>Rudbeckia fulgida</i>	coneflower, orange
<i>Rudbeckia graminifolia</i>	coneflower, grass-leaf
<i>Rudbeckia laciniata</i>	coneflower, cut-leaf
<i>Rudbeckia nitida</i>	coneflower, shiny
<i>Ruellia noctiflora</i>	wild-petunia, night-flowering
<i>Rumex</i> spp.	dock
<i>Sabal minor</i>	palmetto, dwarf
<i>Sabatia</i> spp.	rose-gentian
except <i>Sabatia bartramii</i>	rose-gentian, Bartram's (OBL)
<i>Sabatia calycina</i>	rose-gentian, coast (OBL)
<i>Sabatia dodecandra</i>	rose-gentian, large (OBL)
<i>Sachsia polycephala</i>	sachsia
<i>Sarracenia minor</i>	pitcher-plant, hooded
<i>Schoenolirion croceum</i>	sunny bells
<i>Schoenolirion elliottii</i>	sunny bells
<i>Schoenus nigricans</i>	black-sedge
<i>Scleria</i> spp.	nutrush
<i>Sclerolepis uniflora</i>	hardscale, one flower
<i>Selaginella apoda</i>	spike-moss, meadow
<i>Sesuvium</i> spp.	sea-purslane
<i>Sisyrinchium atlanticum</i>	blue-eye-grass, eastern
<i>Sisyrinchium capillare</i>	blue-eye-grass
<i>Sisyrinchium mucronatum</i>	blue-eye-grass, Michaux's
<i>Solanum bahamense</i>	canker-berry
<i>Solanum erianthum</i>	night-shade, shrub
<i>Solidago fistulosa</i>	golden-rod, marsh
<i>Solidago leavenworthii</i>	golden-rod, leavenworth's
<i>Solidago sempervirens</i>	golden-rod, seaside
<i>Solidago stricta</i>	golden-rod, willow-leaf
<i>Sophora tomentosa</i>	coast sophora
<i>Spartina bakeri</i>	cordgrass, sand
<i>Spartina patens</i>	cordgrass, saltmeadow
<i>Spermacoce glabra</i>	button-plant, smooth
<i>Sphenoclea zeylandica</i>	chicken-spike
<i>Sphenostigma coelestinum</i>	ixia, Bartram's
<i>Spigelia loganioides</i>	pink-root
<i>Spilanthes americana</i>	spotflower, creeping
<i>Spiranthes</i> spp.	ladies'-tresses
<i>Sporobolus floridanus</i>	dropseed, Florida
<i>Staphylea trifolia</i>	bladdernut, American
<i>Stenandrium floridanum</i>	stenandrium
<i>Stenanthium gramineum</i>	feather-bells, eastern

<i>Stipa avenacioides</i>	grass, Florida needle
<i>Stokesia laevis</i>	stokesia
<i>Syngonanthus flavidulus</i>	bantam-buttons
<i>Teucrium canadense</i>	germander, American
<i>Thalictrum spp.</i>	meadow-rue
<i>Thelypteris spp.</i>	shield fern
<i>Tilia americana</i>	American basswood
<i>Toxicodendron vernix</i>	poison sumac
<i>Trachelospermum difforme</i>	climbing-dogbane
<i>Trepocarpus aethusae</i>	trepocarpus, aethusa-like
<i>Trianthema portulacastrum</i>	horse-purslane
<i>Tridens ambiguus</i>	tridens, savannah
<i>Tridens strictus</i>	tridens, long-spike
<i>Triphora spp.</i>	pogonias, nodding
<i>Ulmus spp.</i>	elm
except <i>Ulmus rubra</i>	elm, slippery (U)
<i>Urechites lutea</i>	allamanda, wild
<i>Uvularia floridana</i>	bellwort, Florida
<i>Vaccinium corymbosum</i>	blueberry, highbush
<i>Verbena scabra</i>	vervain, sandpaper
<i>Verbesina chapmanii</i>	crownbeard, Chapman's
<i>Verbesina heterophylla</i>	crownbeard, diverse-leaf
<i>Vernonia spp.</i>	ironweed
except <i>V. angustifolia</i>	ironweed, narrow-leaf (U)
<i>Veronicastrum virginicum</i>	culver's root
<i>Viburnum dentatum</i>	arrow-wood
<i>Viburnum nudum</i>	viburnum, possum-haw
<i>Viburnum obovatum</i>	viburnum, walter
<i>Vicia acutifolia</i>	vetch, four-leaf
<i>Vicia floridana</i>	vetch, Florida
<i>Viola affinis</i>	violet, Leconte's
<i>Viola esculenta</i>	violet, edible
<i>Viola primulifolia</i>	violet, primrose-leaf
<i>Woodwardia virginica</i>	chainfern
<i>Xanthorhiza simplicissima</i>	yellow-root, shrubby
<i>Xanthosoma sagittifolium</i>	elephant ear
<i>Xyris caroliniana</i>	yellow-eyed-grass, Carolina
<i>Xyris jupicai</i>	yellow-eyed-grass, Richard's
<i>Yeatesia viridiflora</i>	yeatesia, green-flower
<i>Zephyranthes atamasco</i>	lily, atamasco
<i>Zigadenus densus</i>	crow poison
<i>Zigadenus glaberrimus</i>	deathcamas, Atlantic

Within Monroe County and the Key Largo portion of Miami-Dade County only, the following species shall be listed as Facultative Wet:

Scientific Name	Common Name
<i>Alternanthera maritima</i>	beach alternanthera
<i>Morinda royoc</i>	Keys rhubarb

<i>Strumpfia maritima</i>	strumpia
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(3) Facultative Species:

Scientific Name	Common Name
<i>Acacia</i>	ear-leaved acacia
<i>Aletris spp.</i>	colic-root
<i>Alopecurus carolinianus</i>	foxtail, tufted
<i>Anagallis pumila</i>	pimpernel, Florida
<i>Andropogon arctatus</i> (Campbell)	bluestem, savannah
<i>Andropogon brachystachys</i> (Campbell)	bluestem, short-spike
<i>Andropogon gerardii</i> (Campbell)	bluestem, big
<i>Andropogon perangustatus</i> (Campbell)	bluestem, slim
<i>Andropogon virginicus</i> (Campbell)	broom-sedge
<i>Ardisia spp.</i>	marlberry
<i>Aristida rhizomophora</i>	grass, rhizomatous three-awn
<i>Aristida spiciformis</i>	bottlebrush, three-awn
<i>Aristida stricta</i>	grass, pineland three-awn
<i>Arundo donax</i>	reed, giant
<i>Aster dumosus</i>	aster, bushy
<i>Aster umbellatus</i>	aster, flat-top white
<i>Axonopus spp.</i>	carpet grass
<i>Baccharis dioica</i>	false-willow, broom-bush
<i>Baccharis glomeruliflora</i>	groundsel tree
<i>Baccharis halimifolia</i>	false-willow, eastern
<i>Bucida buceras</i>	gregory wood
<i>Bidens pilosa</i>	beggar-ticks, hairy
<i>Bumelia celastrina</i>	bumelia, coastal
<i>Bumelia lycioides</i>	bumelia, buckthorn
<i>Bumelia reclinata</i>	bumelia
<i>Campanula americana</i>	bellflower, American
<i>Canna x generalis</i>	garden canna
<i>Carphephorus odoratissimus</i>	vanilla plant
<i>Carphephorus paniculatus</i>	deer-tongue
<i>Casuarina spp.</i>	casuarina
<i>Cayaponia guingueloba</i>	cyaponia, five-lobe
<i>Cestrum diurnum</i>	day jessamine
<i>Chasmanthium latifolium</i>	spanglegrass
<i>Chasmanthium sessiliflorum</i>	long-leaf Chasmanthium
<i>Chiococca spp.</i>	snowberry
<i>Colubrina asiatica</i>	snakewood, Asian
<i>Conoclinium coelestinum</i>	mistflower
<i>Coreopsis tripteris</i>	tickseed, tall
<i>Cupaniopsis anacardioides</i>	carrotwood
<i>Cuphea carthagenensis</i>	waxweed, Columbia
<i>Cyperus cuspidatus</i>	flatsedge, coastal-plain
<i>Cyperus giganteus</i>	flatsedge
<i>Cyperus globulosus</i>	flatsedge, baldwin
<i>Cyperus huarmensis</i>	flatsedge, black knotty-root



<i>Cyperus metzii</i>	flatsedge
<i>Cyperus retrorsus</i>	flatsedge
<i>Cyperus rotundus</i>	flatsedge, purple
<i>Cypselea humifusa</i>	panal
<i>Cyrilla racemiflora</i>	cyrilla, swamp
<i>Dichondra caroliniensis</i>	pony-foot
<i>Digitaria serotina</i>	crabgrass, dwarf
<i>Diospyros virginiana</i>	persimmon, common
<i>Drymaria cordata</i>	West Indian chickweed
<i>Elytraria caroliniensis</i>	scaly-stem, Carolina
<i>Eragrostis spp.</i>	lovegrass
<i>Erechites hieraciifolia</i>	fireweed
<i>Erigeron guercifolius</i>	fleabane
<i>Erithralis fruticosa</i>	black torchwood
<i>Eryngium bladwini</i>	coyote-thistle, Baldwin's
<i>Eupatorium spp.</i>	thoroughworts
except <i>E. leptophyllum</i>	thoroughwort, secund (OBL)
<i>E. leucolepis</i>	thoroughwort, white-bract (FACW)
<i>E. mikanoides</i>	thoroughwort, semaphore (FACW)
<i>E. perfoliatum</i>	boneset, common (FACW)
<i>Eustachys petracea</i>	finger grass
<i>Euthamia spp.</i>	bushy goldenrod
<i>Ficus aurea</i>	fig, Florida strangler
<i>Fimbristylis spathacea</i>	hurricane-grass
<i>Flaveria bidentis</i>	yellowtop
<i>Flaveria trinervia</i>	yellowtop
<i>Forestiera segregata</i>	privet, Florida
<i>Gaylussacia dumosa</i>	dwarf huckleberry
<i>Gaylussacia frondosa</i>	dangleberry
<i>Gratiola hispida</i>	hyssop, hispid
<i>Helenium amarum</i>	sneezeweed, pasture
<i>Helianthus floridanus</i>	sunflower, Florida
<i>Heliotropium curassavicum</i>	heliotrope, seaside
<i>Heliotropium polyphyllum</i>	heliotrope
<i>Hibiscus tiliaceus</i>	rosemallow, sea
<i>Hypericum hypericoides</i>	St. Andrew's cross
<i>Ilex opaca</i> var. <i>opaca</i>	American holly
<i>Ilex vomitoria</i>	yaupon holly
<i>Jacquinia keyensis</i>	Joewood
<i>Juncus tenuis</i>	rush, path
<i>Kosteletzkya pentasperma</i>	mallow, coastal
<i>Lachnanthes caroliniana</i>	redroot
<i>Leptochloa virgata</i>	sprangle-top, tropic
<i>Liatris gracilis</i>	blazing star
<i>Liatris spicata</i>	gayfeather, spiked
<i>Lilium catesbaei</i>	lily, southern red
<i>Lindernia crustacea</i>	false-pimpernel, Malayan

<i>Linum floridanum</i>	flax, Florida yellow
<i>Linum medium</i>	flax, stiff yellow
<i>Lyonia ligustrina</i>	maleberry
<i>Manisuris cylindrica</i>	joint grass, pitted
<i>Maytenus phyllanthoides</i>	Florida mayten
<i>Melaleuca guinguenervia</i>	punk tree
<i>Melochia corchorifolia</i>	chocolate-weed
<i>Metopium toxiferum</i>	poison wood
<i>Mimosa pigra</i>	mimosa, black
<i>Morus rubra</i>	mulberry, red
<i>Muhlenbergia expansa</i>	cutover muhly
<i>Murdannia spp.</i>	dewflower
<i>Myosurus minimus</i>	mouse-tail, tiny
<i>Myrica cerifera</i>	bayberry, southern
<i>Myrsine guianensis</i>	myrsine, guiana
<i>Nephrolepis spp.</i>	sword ferns
<i>Neyraudia reynaudiana</i>	reed, silk
<i>Oplismenus setarius</i>	grass, woods
<i>Oryza sativa</i>	rice, cultivated
<i>Panicum anceps</i>	panicum, beaked
<i>Panicum commutatum</i> (Hall)	panicum
<i>Panicum hians</i>	panicum, gaping
<i>Panicum strigosum</i>	panicum
<i>Panicum tenue</i>	panicum
<i>Parietaria spp.</i>	pellitory
<i>Paspalum conjugatum</i>	paspalum, sour
<i>Paspalum dilatatum</i>	dallisgrass
<i>Paspalum fimbriatum</i>	paspalum, Panama
<i>Paspalum plicatulum</i>	paspalum, brown-seed
<i>Paspalum setaceum</i>	paspalum, thin
<i>Paspalum urvillei</i>	grass, vasey
<i>Pennisetum purpureum</i>	elephant ear grass
<i>Phalaris spp.</i>	grass, canary
<i>Phyla spp.</i>	frog-fruit
<i>Phyllanthus urinaria</i>	leaf-flower, water
<i>Piriqueta caroliniana</i>	piriqueta
<i>Polypogon spp.</i>	grass, rabbit-foot
<i>Polypremium procumbens</i>	rustweed
<i>Psidium cattleianun</i>	guava, strawberry
<i>Psychotria spp.</i>	wild coffee
<i>Rhodomyrtus tomentosus</i>	downy rose myrtle
<i>Rubus spp.</i>	blackberries
<i>Ruellia brittoniana</i>	wild-petunia, Britton's
<i>Ruellia caroliniensis</i>	wild petunia
<i>Sabal palmetto</i>	palm, cabbage
<i>Sacciolepis indica</i>	grass, glenwood
<i>Sambucus canadensis</i>	elderberry

<i>Sapium sebiferum</i>	tallow-tree, Chinese
<i>Schinus terebinthifolius</i>	pepper-tree, Brazilian
<i>Schizachyrium spp.</i>	bluestem
<i>Scoparia dulcis</i>	sweet broom
<i>Scutellaria floridana</i>	skullcap
<i>Scutellaria integrifolia</i>	rough skullcap
<i>Sebastiana fruticosa</i>	sebastian-bush, gulf
<i>Sesbania spp.</i>	rattle-bush
<i>Setaria geniculata</i>	grass, bristle
<i>Seymeria cassiodes</i>	black senna
<i>Solidago rugosa</i>	golden-rod, wrinkled
<i>Stillingia sylvatica</i> var. <i>tenuis</i>	queen's-delight, marsh
<i>Suriana maritima</i>	bay-cedar
<i>Syzygium spp.</i>	Java plum
<i>Thespesia populnea</i>	seaside mahoe
<i>Tradescantia fluminensis</i>	trailing spiderwort
<i>Trema spp.</i>	trema
<i>Tripsacum dactyloides</i>	grass, eastern gama
<i>Vaccinium elliotii</i>	blueberry, Elliott
<i>Verbesina virginica</i>	crownbeard, white
<i>Wedelia trilobata</i>	creeping ox-eye

Within Monroe County and the Key Largo portion of Miami-Dade County only, the following species shall be listed as Facultative:

Scientific Name	Common Name
<i>Alternanthera paronychioides</i>	Smooth chaff-flower
<i>Byrsonima lucida</i>	locust-berry
<i>Ernodea littoralis</i>	golden creeper
<i>Guapira discolor</i>	blolly
<i>Manilkara bahamensis</i>	wild dilly
<i>Pisonia rotundata</i>	pisonia
<i>Pithecellobium keyensis</i>	blackbead
<i>Pithecellobium unguis-cati</i>	catsclaw
<i>Randia aculeata</i>	box briar
<i>Reynosia septentrionalis</i>	darling plum
<i>Thrinax radiata</i>	Florida thatch palm

(4) Nomenclature. Use of plants in this rule is based solely on the scientific names. Common names are included in the above lists for information purposes only. The following references shall be used by the regulating agency to resolve any uncertainty about the nomenclature or taxonomy of any plant listed by a given scientific name in this section: R. Godfrey, Trees, Shrubs and Woody Vines of Northern Florida and Adjacent Georgia & Alabama (Univ. Ga. Press, Athens 1988) and D. Lellinger, Ferns & Fern-Allies of the United States & Canada (Smithsonian Institution Press, Washington D.C. 1985) for all species covered by these references. For all other listed scientific names the following references will be followed unless the species list in this section designates a different authority next to an individual species name: R. Godfrey & J. Wooten, Aquatic and Wetland Plants of Southeastern United States: Monocotyledons (Univ. Ga. Press, Athens 1979); R. Godfrey & J. Wooten, Aquatic and Wetland Plants of Southeastern United States: Dicotyledons (Univ. Ga. Press, Athens 1979); D. & H. Correll, Flora of the Bahama Archipelago (A.R. Gantner, Germany 1982). When the species list in this section designates a different authority next to an individual species name, the regulating agency shall resolve any ambiguity in nomenclature by using the name identified in D. Hall, The Grasses of Florida (Doctoral Dissertation, Univ. of Fla., Gainesville 1978); or C. Campbell, Systematics of the Andropogon Virginicus Complex (GRAMINEAE), 64 Journal of the Arnold Arboretum 171-254 (1983).

*Rulemaking Authority 373.421 FS. Law Implemented 373.421, 373.4211 FS. History—New 7-1-94, Formerly 17-340.450.*



August 12, 2020

Clarence Sirmons, AICP  
Director of Development Services  
City of Riviera Beach  
600 West Blue Heron Boulevard  
Riviera Beach, Florida 33404

Re: **Preliminary Resource Assessment**  
**Lake Worth Lagoon - North of Pine Point Drive & West of North Ocean Drive/A1A**  
**City of Riviera Beach**  
**Palm Beach County, Florida**

Dear Mr. Sirmons:

Cyriacks Environmental Consulting Services, Inc. (CECOS) is pleased to submit this Preliminary Resource Assessment Letter Report documenting the results of our desktop review for the Study Area shown in Exhibit 1. The Study Area is located within the limits of City of Riviera Beach, Palm Beach County, Florida. It is specifically located north of Pine Point Road and west of North Ocean Drive/State Road (SR) A1A, as illustrated on **Exhibit 1**. The Study Area is also located within the northern portion of Lake Worth Lagoon (LWL) and just south of John D. MacArthur Beach State Park. In order to identify the natural resources present within the Study Area, the following resources/agency databases were reviewed as part of this desktop review:

- Google Earth (Imagery Date: January 2019)
- Lake Worth Lagoon (LWL) Management Plan Revision (2008)
- Lake Worth Lagoon (LWL) Initiative Management Plan (2013)
- Palm Beach County (PBC) Environmental Resources Management (ERM)
- Florida Fish and Wildlife Conservation Commission (FWC) Seagrass and Mangrove Habitat GIS Databases (2020)
- Florida Department of Environmental Protection (FDEP) Map Direct (2020)
- FDEP Statewide Ecosystem Assessment of Coastal and Aquatic Resources (SEACAR) Database Lake Worth Lagoon Seagrass Mapping Project (2013)
- U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (iPaC) Tool (2020)
- USFWS Critical Habitat Map for the Florida Manatee (2000)
- Marine Biodiversity Observation Network (MBON) Data Portal Manatee Synoptic Survey Data (2015)
- National Marine Fisheries Service (NMFS) Essential Fish Habitat Mapper (2020)

#### Environmental Setting

The Study Area is a shallow water body within the LWL ranging in depth from less than five (5) feet to 12 feet in depth (see **Exhibit 2** for a bathymetric map of the LWL). The LWL supports significant natural resources



such as seagrass, mangroves, sea turtles, manatees, and other important fish and wildlife populations. A summary of the resources identified within the Study Area is included below.

John D. MacArthur Beach State Park, to the north, is surrounded by mangrove communities that abut the Study Area's north end and the Lake Worth Cove is located adjacent to the northern limit of the Study Area, within the boundaries of John D. MacArthur Beach State Park. Based on those survey efforts within the Lake Worth Cove discussed within the LWL Management Plan (2013), all seven (7) of Florida's seagrass species were observed within the area, including the federally-threatened Johnson's seagrass.

### Benthic Resources

As shown in **Exhibit 3** (FWC Seagrass Habitat in Florida Map), seagrass is present throughout the Study Area, with the majority designated as continuous coverage and small sections designated as patchy (discontinuous) coverage. Based on the most recent data from FWC and FDEP field surveys, conducted under the SEACAR Lake Worth Lagoon Seagrass Mapping Project (2013), the most common species in this section of LWL was manatee grass (*Syringodium filiforme*), followed in occurrence by shoalgrass (*Halodule wrightii*), paddlegrass (*Halophila decipiens*), Johnson's seagrass (*Halophila johnsonii*) and turtlegrass (*Thalassia testudinum*).

### Mangroves

Mangroves were identified using Google Earth aerial imagery, the LWL Management Plan and the FWC Mangrove Habitat GIS database. Review of the Google Earth imagery revealed that a narrow fringe of mangroves are present along most of the shoreline within the Study Area. This is consistent with the LWL Management Plan Mangrove Map (see **Exhibit 4**).

### Listed Species

The Study Area is located within the USFWS designated Critical Habitat for the West Indian Manatee (*Trichechus manatus*), as shown in **Exhibit 5**. Manatees are observed within the LWL year-round, including within the Study Area. The Marine Biodiversity Observation Network Map showing manatee observation data is included as **Exhibit 6**.

The seagrass beds found within, and adjacent to, the Study Area also support important developmental habitat for juvenile green turtles. As noted in the Lake Worth Lagoon Management Plan, studies conducted by PBC ERM report an abundance of juvenile green sea turtles (*Chelonia mydas*) present within the Study Area. Juvenile loggerhead sea turtles (*Caretta caretta*) were also been reported within the Study Area, however, they were much less prevalent than the green turtle. The LWL Management Plan Sea Turtle Observations Map (2013) is included as **Exhibit 7**.

The Study Area also provides nursery habitats for breeding fish and refuge for juvenile fish species and invertebrates, including the federally-threatened smalltooth sawfish (*Pristis pectinata*). While the Study Area is not within the designated critical habitat or typical range of the sawfish, suitable habitat is present and juveniles may occur within the Study Area.

### Essential Fish Habitat

Essential Fish Habitat (EFH), describes all waters and substrate necessary for fish to spawn, breed, feed, or grow to maturity. As shown in **Exhibit 8**, the NMFS Essential Fish Habitat Mapper indicates that the Study Area is within EFH for snapper/grouper and spiny lobster species. Mangrove and seagrass habitats are



designated EFH by the South Atlantic Fishery Management Council (SAFMC), as well as Habitat Areas of Particular Concern (HAPC). HAPC's are subsets of EFH that are rare, ecologically important, susceptible to human-induced degradation, or located in an environmentally stressed area. Mangroves and seagrass beds provide nursery, foraging, and refuge habitat for federally managed fishery species (e.g. snapper/grouper species), as well as for other commercially and recreationally important fish.

### Conclusion

Based on the results of this desktop review, the natural resources present within the Study Area include extensive seagrass beds with adjacent mangroves. These resources are significant habitat for protected species, including the federally protected manatee, smalltooth sawfish and green sea turtle, as well as many other wildlife species, and are considered EFH by NMFS. Species specific data is not available for the Study Area, however, it is reasonable that the high biodiversity found within the Lake Worth Cove, as described above, could extend into the Study Area due to its close proximity. The horizontal extent of this biodiversity as well as the acreage of seagrass habitat and quality of habitat can be determined with future, targeted, in-water surveys. Additionally, mangrove surveys would be necessary to determine the areal extent (acreage) of mangrove habitat and quality of habitat within the Study Area.

Sincerely,  
Cyriacks Environmental Consulting Services, Inc.

*Wendy Cyriacks*

Wendy Cyriacks  
President

### **Attachments:**

- Exhibit 1 - Project Location Map
- Exhibit 2 - Palm Beach County Lake Worth Lagoon Bathymetry Map (2008)
- Exhibit 3 - FWC Seagrass Habitat Map (2020)
- Exhibit 4 - Palm Beach County Lake Worth Lagoon Mangroves Map (2013)
- Exhibit 5 - USFWS Manatee Critical Habitat Map (2000)
- Exhibit 6 - Marine Biodiversity Observation Network Manatee Observation Map (2015)
- Exhibit 7 - Palm Beach County Lake Worth Lagoon Sea Turtle Observations Map (2013)
- Exhibit 8 - NMFS EFH-Habitat Areas of Particular Concern Map

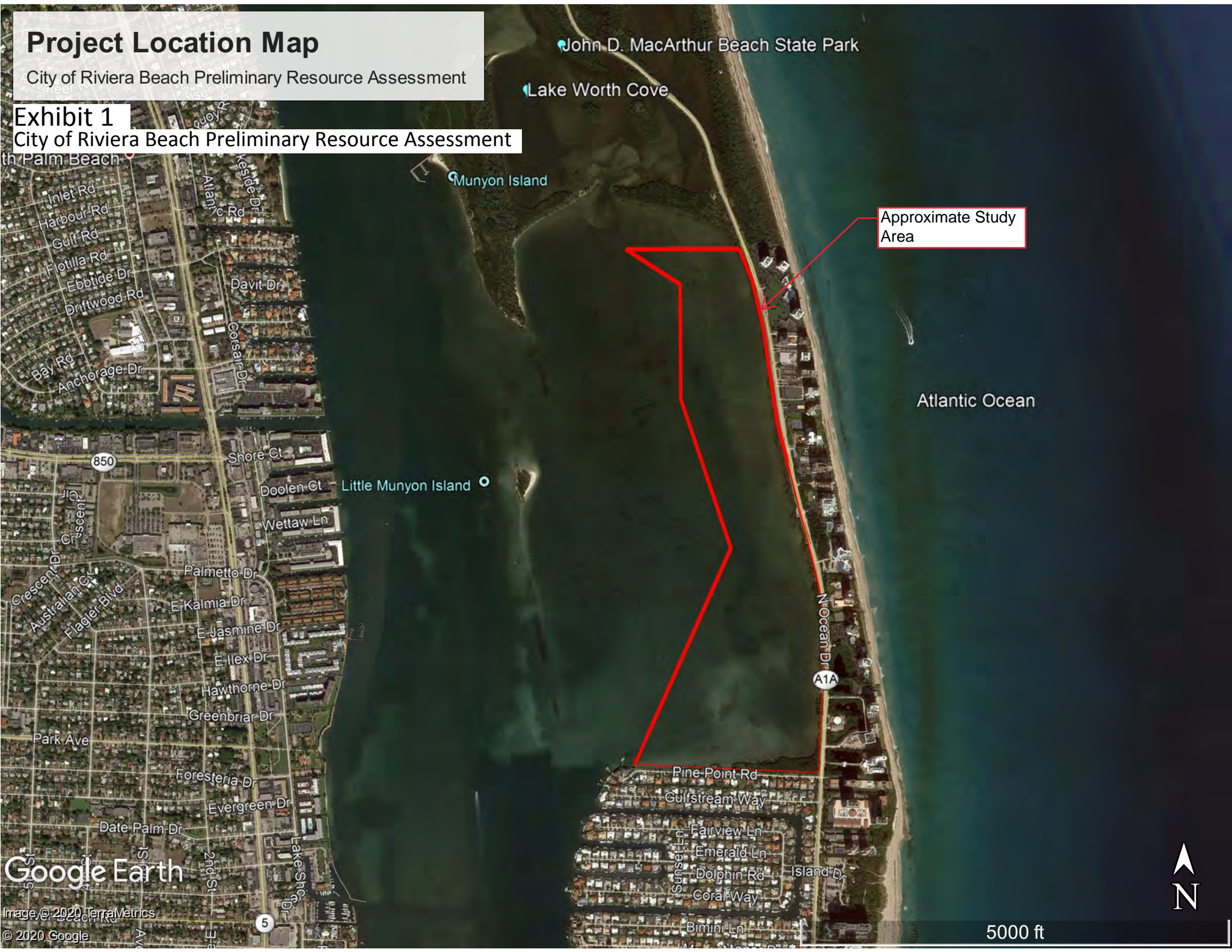


# Project Location Map

City of Riviera Beach Preliminary Resource Assessment

## Exhibit 1

City of Riviera Beach Preliminary Resource Assessment



Approximate Study Area

Atlantic Ocean



5000 ft

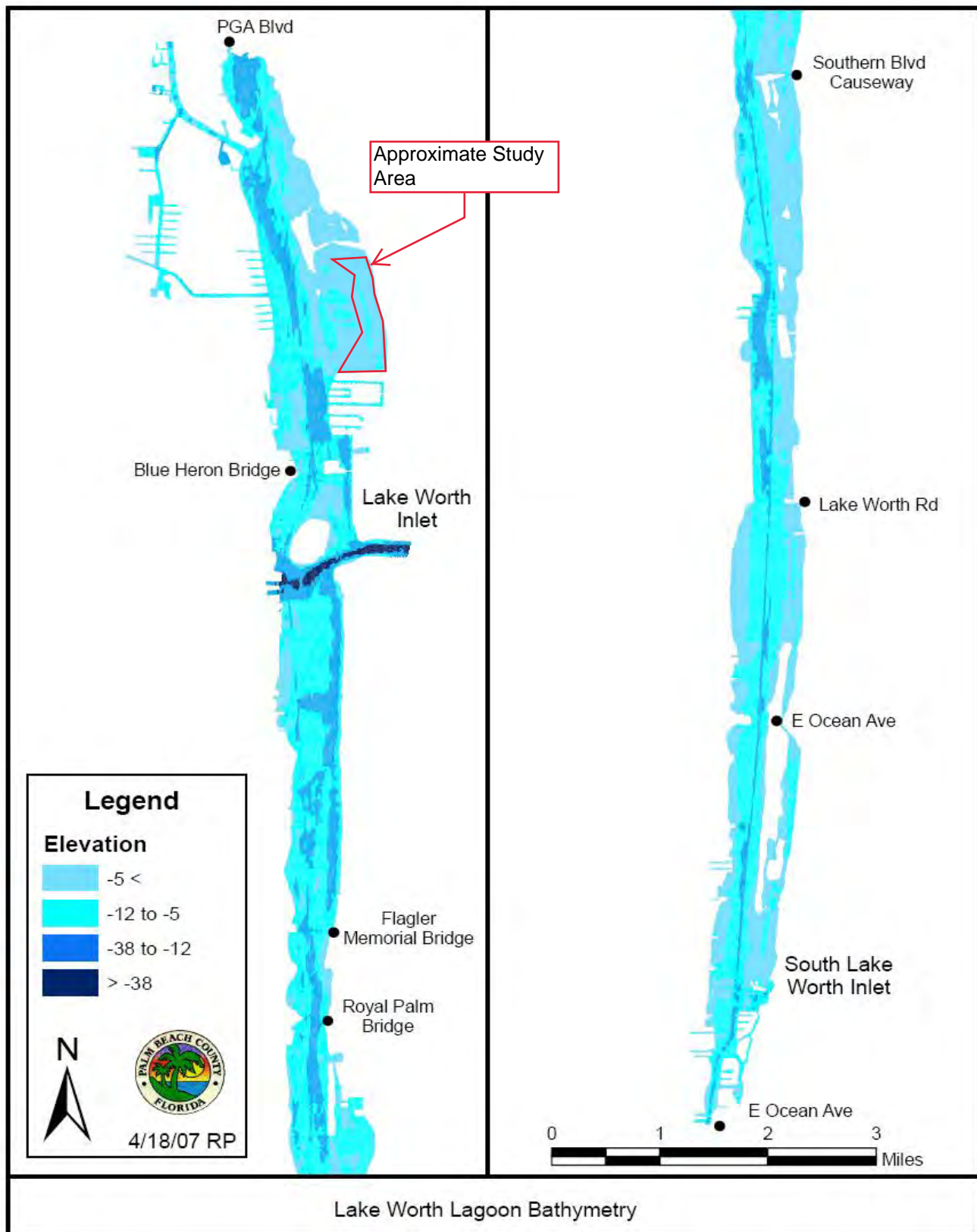
Google Earth

Image © 2020 TerraMetrics  
© 2020 Google



# Exhibit 2

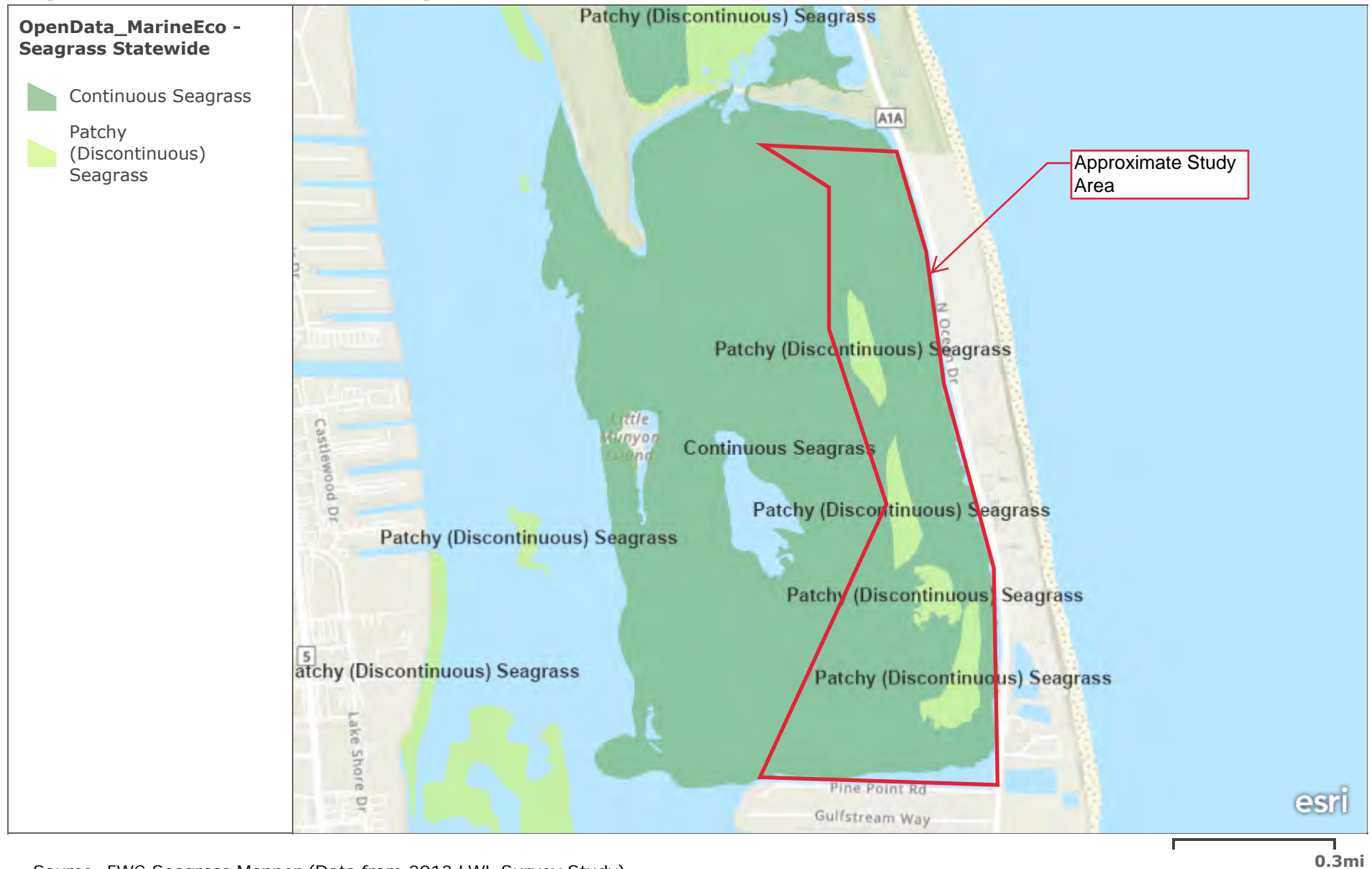
## City of Riviera Beach Preliminary Resource Assessment



**Figure 16. Lake Worth Lagoon Bathymetry Map**

# Exhibit 3

## City of Riviera Beach Preliminary Resource Assessment



Source: FWC Seagrass Mapper (Data from 2013 LWL Survey Study)

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, FDEP, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | Florida Fish and Wildlife Conservation Commission-Fish and Wildlife Research Institute





## Lake Worth Lagoon Mangroves

Map created 9/6/2012

Figure 7. Mangrove Communities in LWL




# Manatee Critical Habitat Map

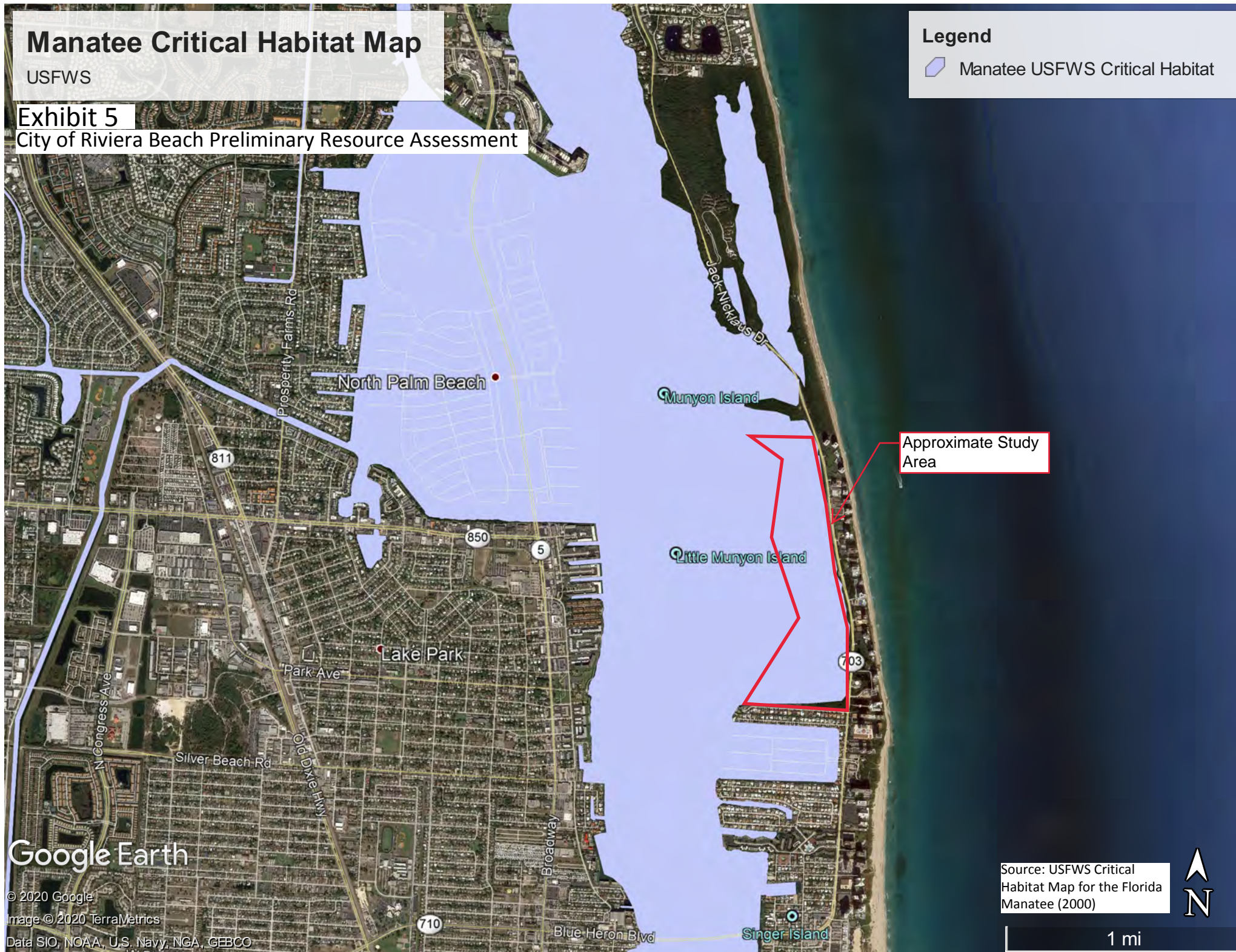
USFWS

## Exhibit 5

City of Riviera Beach Preliminary Resource Assessment

### Legend

 Manatee USFWS Critical Habitat



Google Earth

© 2020 Google  
Image © 2020 TerraMetrics  
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Source: USFWS Critical  
Habitat Map for the Florida  
Manatee (2000)

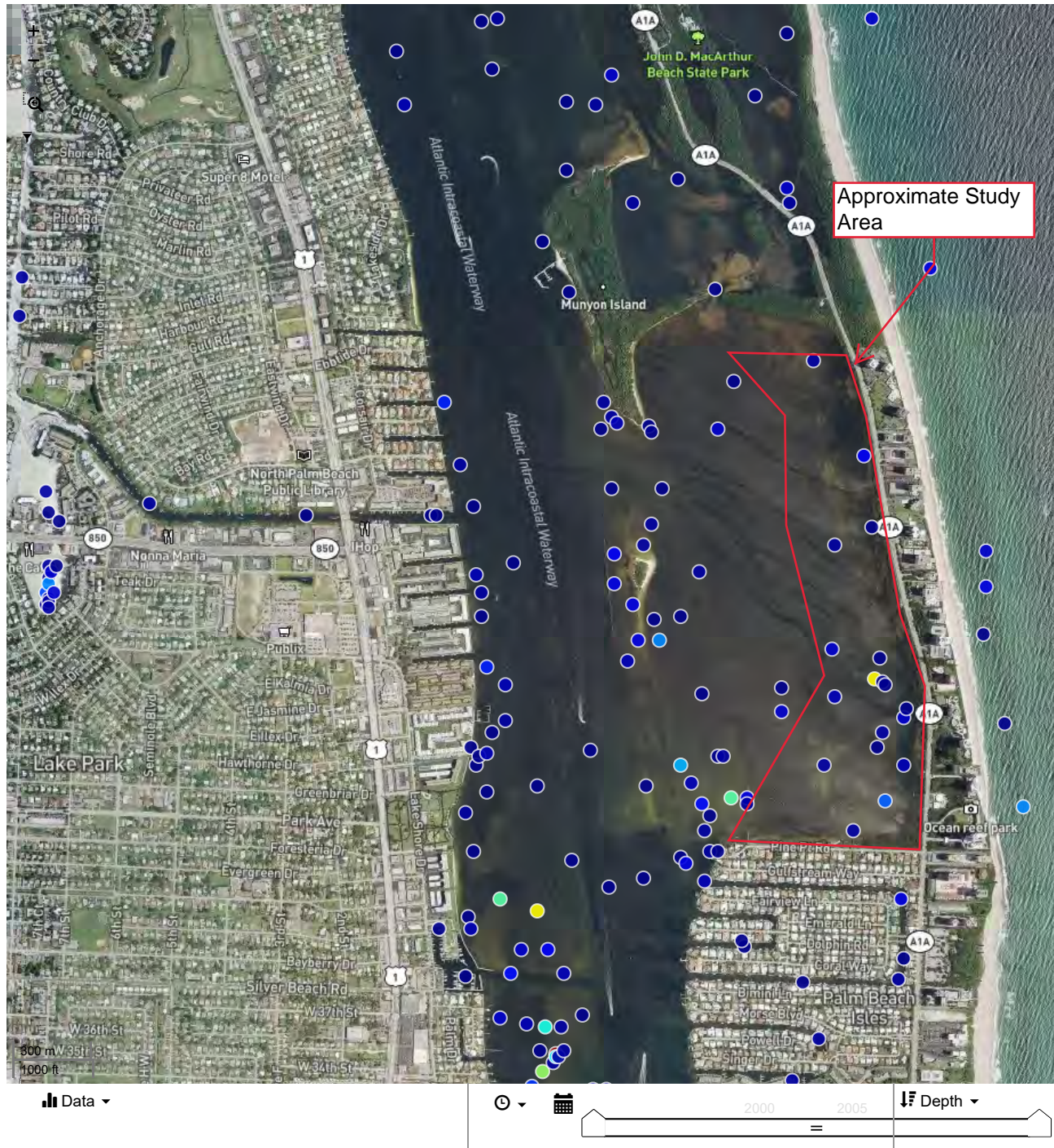


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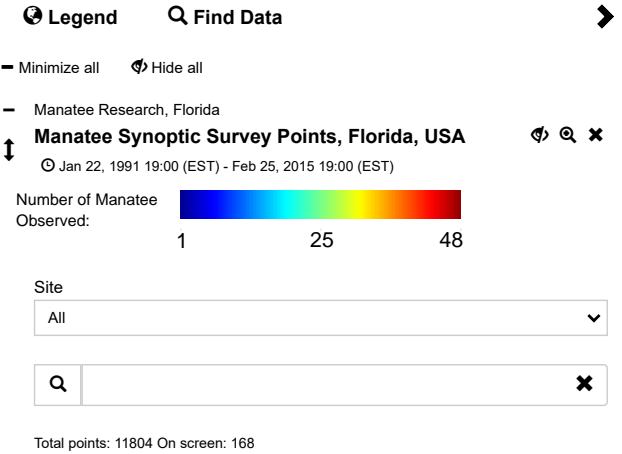


# Exhibit 6

## City of Riviera Beach Preliminary Resource Assessment



## Manatee Observation Map



Source: Marine Biodiversity Observation Network Manatee Synoptic Survey Data (2015)



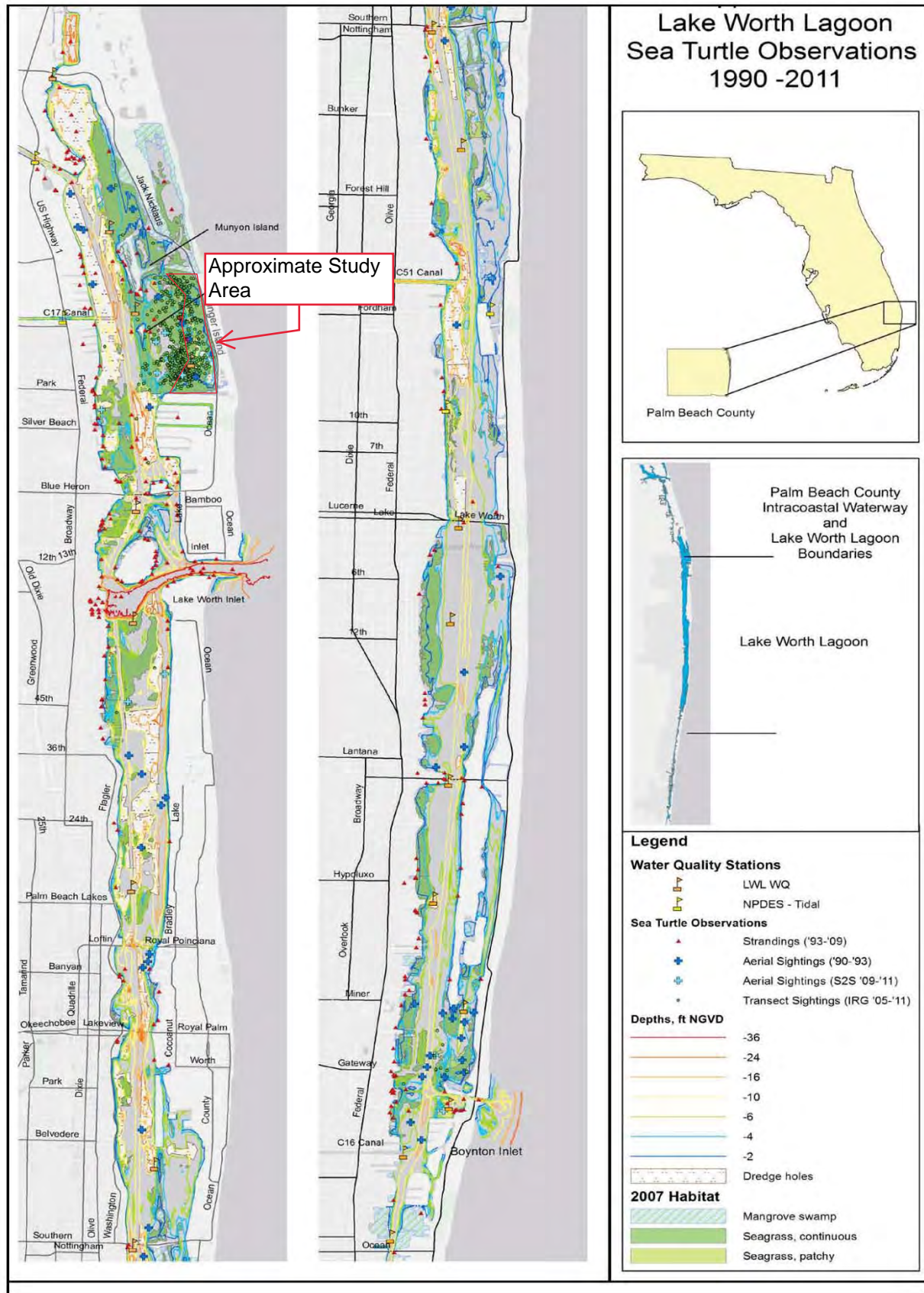



Figure 25. Map of locations of all sea turtle observations

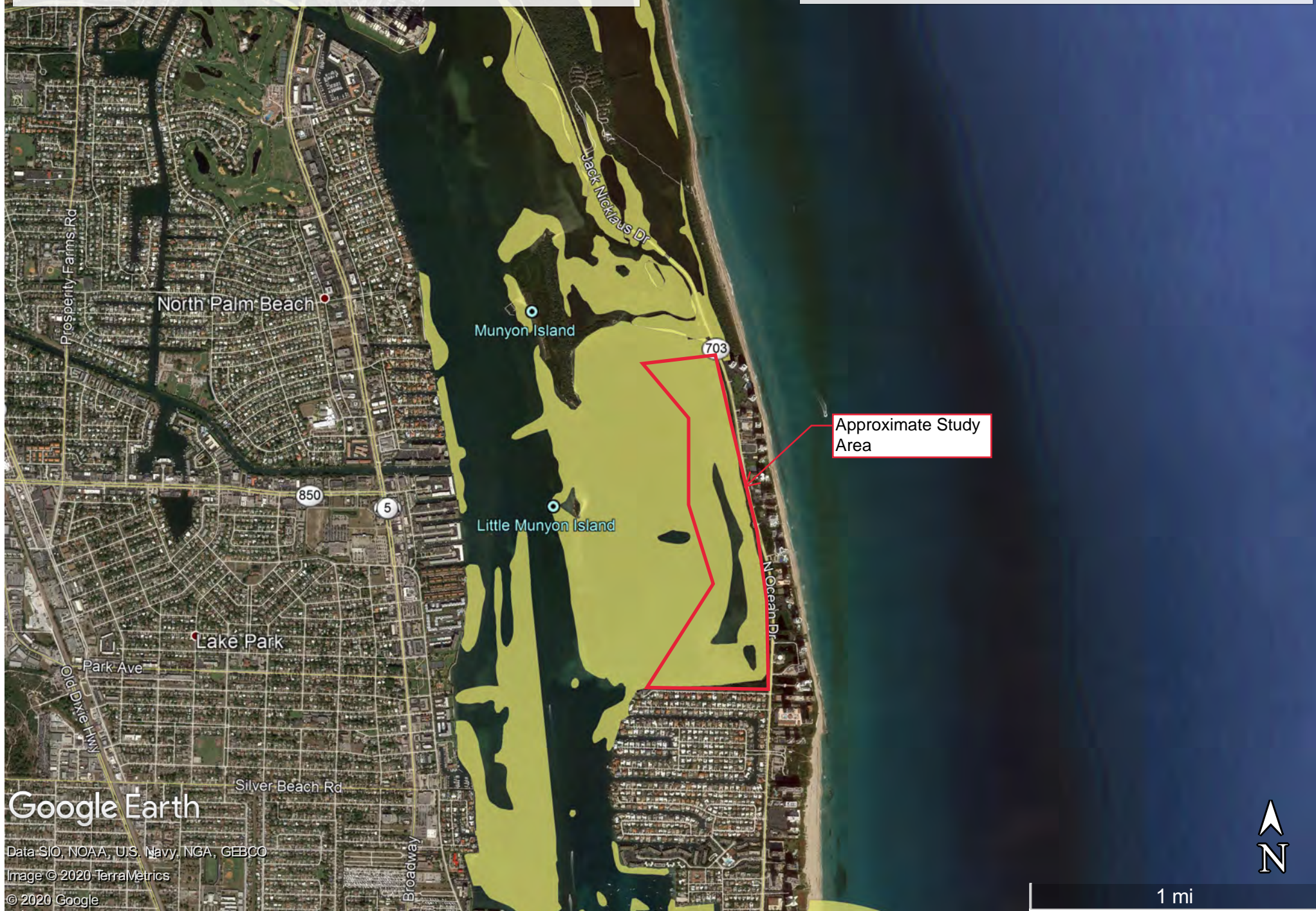


# EFH-Habitat Areas of Particular Concern

NMFS Snapper/Grouper and Spiny Lobster

## Legend

 Seagrass EFH for Snapper/Grouper & Spiny Lobster







## **CITY OF RIVIERA BEACH STAFF REPORT (ZA-21-07)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 27, PLANNING, ARTICLE II, ADMINISTRATION, SECTION 27-31 ENTITLED “CREATED; MEMBERS; QUORUM; TERM; VACANCIES; REMOVAL”, IN ORDER TO CHANGE THE TITLE OF THE SECTION; PROVIDE GUIDANCE ON PROCEDURES FOR APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS; ESTABLISH THE NUMBER OF MEMBERS AND ALTERNATE MEMBERS; AND ESTABLISH GENERAL QUALIFICATIONS FOR BOARD MEMBERSHIP; AND AMENDING CHAPTER 27, PLANNING, ARTICLE II, ADMINISTRATION, SECTION 27-33, GENERAL DUTIES, BY AMENDING THE REFERENCE TO THE PLANNING BOARD AND ADDING BOARD MEMBER PARTICIPATION IN TRAINING TO THE LIST OF GENERAL DUTIES OF THE BOARD; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 
- A. Applicant:** The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 27, Section 27-31 “Created; members; quorum; term; vacancies; removal”, in order to change the section title, provide guidance on the procedures for appointment of regular and alternate members, establish the number of members and alternate members; establish general qualifications for Board membership, and a proposed amendment to Chapter 27, Section 27-33 “General duties” to edit the name of the Board and include participation in training to the list of general duties, and provide for applicability, conflicts, severability and codification, and providing for an effective date.
- C. Location:** The Ordinance is applicable to the Planning and Zoning Board.
- D. Property Description and Uses:** N/A
- E. Adjacent Property Description and Uses:** N/A





**E. Background:** This proposed amendment to the code of ordinances is being brought forward as an initiative to improve our processes and modernize our code. The need to improve the Code was highlighted recently during the process of filling vacancies on the Board. It became apparent that there was a lack of clarity and structure to the process of filling vacancies on the Board. It is important to promptly fill vacancies in order to be able to have a quorum at meetings and keep the business of the City advancing for timely review by the City Council.

In drafting these revisions, the code in other communities were reviewed and staff also utilized their professional experience and judgement. The Planning and Zoning Board (PZB) workshopped this code change twice at public meetings. While there was not consensus on all points the PZB was clear that the final decision on the language was at the discretion of the City Council, at whom's pleasure they serve. The sections that did not have consensus as of this writing are called out in the staff analysis section of this report.

**F. Staff Analysis:** The revision of these Sections of the Code of Ordinances to provide clear guidance relative to the governance and procedures of the PZB makes good sense. The lack of clarity regarding procedures to fill vacancies on the PZB is indicative of the need for more structure.

The items that the PZB did not reach consensus on are as follows:

1. Section 27-31 (d) (1) – the majority of the PZB felt that residency in the City of Riviera Beach should be a requirement for appointment to the PZB. Two members felt that property owners, regardless of their city of residency, should be allowed to serve on the board.

**Staff Comment:** Staff recommends that residency in the city be a requirement for membership on the PZB. Staff has never experienced a governing board of a municipality that was not comprised of citizens of the municipality. In addition, development and development impacts are local and affect the residents in a very personal way when the projects are nearby. It would follow that other residents of the city would be best positioned to advocate for their neighbors and identify opportunities to mitigate any unintended consequences. The City should not, in staff's opinion, delegate care and control of development in the city to a person who does not live in the City. This item is in Section 27-31 (d)(1) and as currently drafted residency in the City is not required so if the Council prefers residency in the City to be required it needs to be edited.

2. Section 27-31 (a) - The Board did not have consensus about if each district in the City should be represented by one regular member and one alternate member, or, if the district affiliation should not be considered when the City Council is making appointments to the PZB.



**Staff Comment:** Staff suggests that having the district affiliation ensures equal representation to all areas of the City of Riviera Beach. The language proposed has this model for equal representation by district as a requirement.

**G. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Sections 27-31 and 27-33 and recommend approval of this Ordinance as proposed.



## **JUSTIFICATION STATEMENT**

### **ZA-21-07: SECTION 27-31 AND SECTION 27-33 OF THE LAND DEVELOPMENT CODE**

This proposed amendment to the Land Development Code (LDC) is a refinement of existing text related to the Planning and Zoning Board. The revisions are intended to:

- Change the title of Section 27-31;
- Provide general guidance on the Planning and Zoning Board procedures;
- Update the existing language for accuracy;
- Provide guidance on the process for the appointment of regular and alternate memberships for the City Council;
- Establishes general qualifications for board membership;
- Eliminates the ex officio provision designated to city staff and establishes procedures for governance and record keeping;
- Establishes the number and process of appointment for alternate memberships serving on the PZB. The State of Florida does not provide guidance on alternate memberships through enabling legislation for alternate memberships to advisory boards. The number of alternates will minimize conflicts of interest and quorum concerns.
- Add participation in training to the general duties of the Planning and Zoning Board.

We believe that updating these sections of the code is aligned with our overall effort to modernize and streamline our procedures in the City of Riviera Beach.

**Sec. 27-31. Created; members; ~~quorum term~~; ~~term-quorum~~; vacancies; removal.**

- (a) There shall be a city planning ~~and zoning~~ board (~~PZB~~), which shall consist of not less than ~~seven five~~ members ~~and five alternates~~ who shall be appointed by the city council. ~~Each council district shall be represented by one regular member and one alternate member on the PZB. Alternates shall be voting members when they serve at a city planning and zoning board meeting in the absence of a regular member.~~
- (b) ~~The members thereof now holding office shall be divided into three groups, designated as groups A, B and C. The members in group A shall hold office until May 1, 1963; the members in group B shall hold office until May 1, 1964, and the members in group C shall hold office until May 1, 1965; and at the expiration of the term of each group the new appointments to each group shall be for terms of three years each. In cases of vacancies by resignation, removal or otherwise, the city council shall fill such vacancy for the unexpired term.~~
- ~~Appointments of the regular voting members and the alternate members require an affirmative vote of three members of the city council at a regularly scheduled meeting. Each term for a city planning and zoning board member will last for a period of three years, with the initial appointments having been staggered, designated as groups A, B and C. Members may be reappointed for subsequent terms.~~
- (c) ~~The city manager, city attorney and mayor shall serve as ex-officio members of the board. The members shall ~~select elect~~ the chairman chairperson of the board. A majority of the board shall be a quorum. The board may adopt reasonable rules of procedure to govern the conduct of its business and the holding of hearings. The board shall keep a permanent record of its proceedings, and shall file approved minutes of each meeting with the city clerk within 30 days of the date of the meeting. All meetings, records and files of the board shall be open and available to the public.~~
- (d) ~~The City Council shall consider the following qualifications for membership when evaluating candidates for appointment to the city Planning and Zoning Board. Candidates must be:~~
- ~~(1) a resident of the city or own property within the City; and,~~
- ~~(2) Knowledgeable about the community or engaged in civic involvement; and/or,~~
- ~~(3) Knowledgeable in the field of comprehensive planning and zoning, this chapter, and other applicable regulations.~~
- (e) ~~In filling vacancies, the City Council may shall give preference to currently serving alternate members for that district. for that district for that district.~~
- (df) ~~The city council may remove any member for cause.~~ Any member of the board who fails to attend ~~two~~ ~~out of three~~ ~~consecutive~~ regular meetings without cause and without prior notification to the secretary of the board shall automatically forfeit ~~his or her their~~ appointment to serve on the board, and the City Council shall promptly fill such vacancy.
- (g) ~~Any act or omission by a board member which constitutes: a breach of the board member's duty to perform the functions of the office; any disruption of the business of the board; a failure to comply with the rulings of the chairman or presiding officer of the board; the infliction of verbal or physical abuse on the other members of the board, City officials, or persons appearing before the board; a failure to carry out the directives of the City Council; or the commission of misdemeanors, misfeasance, or other unlawful acts, whether or not related to the office, shall be deemed cause for removal.~~

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(h) The city council may remove any member for cause with a majority vote.

(Code 1957, § 14A-1)

Formatted: List 1, Justified

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### **Sec. 27-33. General duties.**

The Planning [and Zoning](#) Board shall have power to and shall make recommendations and suggestions to the city council in regard to:

- (1) Making, amending, extending, and adding to the master plan for the physical development of the city as defined in section 27-36.
- (2) Exercising of control over platting and subdividing land within the city.
- (3) Drafting for the city council an official map of the city and recommending or disapproving proposed changes in such map. It shall be the duty of the director of the planning [and zoning](#) board to periodically update the official map and to institute a procedure to show on such map a change list column reflecting past and present changes in zoning districts.
- (4) Making, as provided in section 31-6, a zoning plan, and recommending or disapproving proposed changes in such plan.
- (5) Making, as provided in chapter 26, plans for the clearance and rebuilding of slum districts and blighted areas within the city.
- (6) Submitting annually to the city manager, not less than 120 days prior to the beginning of the budget year, a list of recommended major capital improvements relating to planning and zoning, which in the opinion of the board are necessary or desirable to be constructed during the forthcoming six-year period. Such list shall be arranged in order of preference, with recommendation as to which projects shall be constructed in which year.
- (7) Promoting public interest in and understanding of the master plan and of planning, zoning and slum clearance.
- (8) Meeting not less than once each month and keeping a public record of its resolutions, findings and determinations.
- (9) [Participating in training related to the general duties of the planning and zoning board.](#)

(Code 1957, § 14A-2)



## **CITY OF RIVIERA BEACH STAFF REPORT (ZA-21-08)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 31, ZONING, ARTICLE V, DISTRICT REGULATIONS, SECTION 31-483, MINIMUM SITE AREA, IN ORDER TO ALLOW LAND OUTSIDE THE INLET HARBOR CENTER REDEVELOPMENT AREA TO BE INCLUDED IN THE MINIMUM SITE AREA FOR AN IHC-PUD; AND AMENDING CHAPTER 31, ZONING, ARTICLE V, DISTRICT REGULATIONS, SECTION 31-497, PROPERTY DEVELOPMENT STANDARDS FOR THE INLET HARBOR CENTER PLANNED UNIT DEVELOPMENT (IHC-PUD), TO ESTABLISH A MAXIMUM HEIGHT OF 20 STORIES OR 200 FEET FOR NEW IHC-PUD PROJECTS; AND AMENDING CHAPTER 31, ZONING, ARTICLE V, DISTRICT REGULATIONS, SECTION 31-534, DOWNTOWN DISTRICTS GENERALLY, TO ALLOW NEW INLET HARBOR CENTER PLANNED UNIT DEVELOPMENTS WITHIN THE CRA AND CORRECTING TWO TYPOGRAPHICAL ERRORS; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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- A. Applicant:** The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 31, Section 31-483 "Minimum site area", in order to allow land outside the Inlet Harbor Center Redevelopment Area to be included in the minimum site area for a IHC-PUD, and a proposed amendment to Section 31-497 "Property development standards for the Inlet Harbor Center planned unit development (IHC-PUD)" to establish a maximum height of 200' or 20 stories for new IHC-PUDs, and a proposed amendment to Chapter 31, Section 31-534 "Downtown Districts Generally" to allow new Inlet Harbor Center Planned Unit Developments within the CRA and correcting two typographical errors, and provide for applicability, conflicts, severability and codification, and providing for an effective date.
- C. Location:** The Ordinance is applicable to the Inlet Harbor Center redevelopment area.
- D. Property Description and Uses:** N/A



**E. Adjacent Property Description and Uses:** N/A

**E. Background:** This proposed amendment to the code of ordinances is being brought forward as a way to provide a thoughtful mechanism for higher density development within the CRA and on adjacent properties if they are developed as part of a planned unit development. Any project advanced utilizing this code would need to have review by the Planning and Zoning Board, the CRA and the City Council.

In drafting these revisions staff took a conservative approach. Staff also collaborated with the CRA staff to ensure we are all in agreement with the proposal.

**F. Staff Analysis:** The revision of these Sections of the Code of Ordinances to provide a mechanism for higher density mixed use within the CRA makes sense. Currently no new PUDs are allowed in the CRA. This restriction was put in place at a time when slowing unchecked development was important. Now there is an interest in allowing thoughtful mixed-use development within the CRA to increase the density and generate an economic benefit. This type of PUD would do just that. This is a way to support a higher density of development than is currently allowed by the code without permitting it in every location. The IHC-PUD requires three revenue producing commercial activities in addition to any residential use being proposed so the City would see an economic benefit from such a development. Because this is a PUD (Planned unit development) it is a discretionary permit and not a permitted use so the City Council can reject a proposal that they feel is not right for the city.

**G. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Sections 31-483 and 31-534 and recommend approval of this Ordinance as proposed.





## **JUSTIFICATION STATEMENT**

**ZA-21-08**

This application is a proposed amendment to the Code of Ordinances Chapter 31, Section 31-483 “Minimum site area”, in order to allow land outside the Inlet Harbor Center Redevelopment Area to be included in the minimum site area for a IHC-PUD, and a proposed amendment to Section 31-497 “Property development standards for the Inlet Harbor Center planned unit development (IHC-PUD)” to establish a maximum height of 200’ or 20 stories for new IHC-PUDs, and a proposed amendment to Chapter 31, Section 31-534 “Downtown Districts Generally” to allow new Inlet Harbor Center Planned Unit Developments within the CRA and correcting two typographical errors, and provide for applicability, conflicts, severability and codification, and providing for an effective date.

This proposed amendment to the code of ordinances is being brought forward as a way to provide a thoughtful mechanism for higher density development within the CRA and on adjacent properties if they are developed as part of a planned unit development. Any project advanced utilizing this code would need to have review by the Planning and Zoning Board, the CRA and the City Council.

In drafting these revisions staff took a conservative approach. Currently no new PUDs are allowed in the CRA. This restriction was put in place at a time when slowing unchecked development was important. Now there is an interest in allowing thoughtful mixed-use development within the CRA to increase the density and generate an economic benefit. This type of PUD would do just that. This is a way to support a higher density of development than is currently allowed by the code without permitting it in every location. The IHC-PUD requires three revenue producing commercial activities in addition to any residential use being proposed so the City would see an economic benefit from such a development. Because this is a PUD (Planned unit development) it is a discretionary permit and not a permitted use so the City Council can reject a proposal that they feel is not right for the city.

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**Sec. 31-483. Minimum site area.**

- (a) The planned unit development district classification shall apply only to a tract of land comprising an area of not less than ten acres or more; however, an area of lesser size may be approved in certain circumstances upon evidence presented to the planning and zoning board and the city council to justify such reduction, that requirements for a PUD district and the benefits to be derived can be done in a lesser area and that permitting such lesser area is in conformity with the comprehensive plan of the city. The R-PUD(1) district shall have 50 acres or more.
- (b) In the Inlet Harbor Center redevelopment area, IHC-PUDs may be permitted where the area is not less than two acres. Property located outside of the Inlet Harbor Center redevelopment area that is adjacent or contiguous to a proposed IHC-PUD and in the same ownership may be included in the calculation of the minimum site area of the project and developed as part of the project if it is demonstrated that the inclusion of that property provides an increased economic benefit, enhances the overall project design, contributes to pedestrian connectivity and enables the provision of civic open space.

(Ord. No. 2152, § 3(B)(23.AA-23.II.A), 3-17-82; Ord. No. 2313, § 4, 8-20-86; Ord. No. 2529, § 2, 3-20-91)

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**Sec. 31-497. Property development standards for the Inlet Harbor Center planned unit development (IHC-PUD).**

The property development standards in the IHC-PUD Inlet Harbor Center planned unit development are as follows:

- (1) Setbacks: There shall be a setback of not less than 25 feet on the entire perimeter of an IHC-PUD except where retail stores front public or private streets; in such cases, the setback shall be not less than 12.5 feet. Except for accessways, no portion of this peripheral setback may be used for parking or other vehicular use area.
- (2) Height: maximum height shall not exceed 25 floors nor 300 feet. For projects proposed after December 1, 2021 the maximum height shall not exceed 20 floors or 200 feet.
- (3) Lot coverage: 70 percent.
- (4) Floor area ratio (FAR): the density and intensity of all IHC-PUDs shall be determined by the use of floor area ratio; the maximum FAR for IHC-PUDs is five. Parking structures shall be included in determining this ratio.

(Ord. No. 2152, § 3(B)(23.AA-23.IV.C), 3-17-82; Ord. No. 2313, § 6, 8-20-86)

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## **Sec. 31-534. Downtown districts generally.**

- (a) *Purpose and intent.* The purpose and intent of the downtown districts is to guide the redevelopment of the Community Redevelopment Area of Riviera Beach and the surrounding properties into a vibrant downtown that:
- (1) Provides a variety of housing types to accommodate a diverse population;
  - (2) Establishes a "park once" environment by providing a mix of uses within a pedestrian-friendly environment;
  - (3) Maintains and enhances a continuous, inter-connected network of pedestrian- and bicycle-friendly streets that effectively links transit stations, bike paths, sidewalks, buildings, open spaces, and the waterfront;
  - (4) Provides public open space in the form of civic parks, plazas, and greens;
  - (5) Maintains and enhances public access to the waterfront; and
  - (6) Encourages investment by accommodating new development at a range of scales including individual infill buildings and large redevelopment projects.
  - (7) Maintains and improves real and perceived safety as a key component of walkability and sustainability.
- (b) *Downtown districts named.* To create the vibrant diverse character envisioned for the downtown area, five downtown zoning districts are hereby created and are being assigned to all land within the boundaries of the Community Redevelopment Area in the Downtown Mixed Use, Working Waterfront, General Industrial, High and Medium Density Multiple Family categories on the Comprehensive Plan's Future Land Use Map to carry out the 2010 Riviera Beach CRA Plan:
- (1) DC Downtown Core.
  - (2) DG Downtown General.
  - (3) DR Downtown Residential.
  - (4) DI Downtown Industrial.
  - (5) DM Downtown Marine.
- (c) *Regulating plan for downtown districts.* The Downtown Riviera Beach Regulating Plan depicts the following information:
- (1) *District boundaries.* The locations and boundaries of the downtown zoning districts shall be shown on both a map entitled "City of Riviera Beach Zoning Map" and a map entitled "Downtown Riviera Beach Regulating Plan." The Downtown Riviera Beach Regulating Plan depicts additional information necessary to apply the standards contained in this division and is hereby officially adopted as an integral part of these regulations.
  - (2) *Primary and secondary streets.* Primary Streets are intended to develop overtime as superior pedestrian environments and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses. Streets not designated as Primary Streets are considered Secondary Streets, which will accommodate service functions and vehicular-oriented development needs including parking, loading, and drive-through facilities.
  - (3) *Marina Way.* Marina Way is intended to provide both visual and pedestrian connections to Lake Worth and may or may not include vehicular access. Development along Marina Way shall be held to the

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- same standards as development on primary streets and is also subject to the regulations and approval process set forth in the civic building, uses, and open space section (See section 31-538.).
- (4) *Future streets and alleys.* Potential future streets and alleys are designated on the regulating plan. Future streets and alleys are desired new vehicular and/or pedestrian connections to, or extensions of, existing streets that will improve the overall transportation network. Future streets are intended to be primary streets; future alleys provide vehicular access to parking and other service functions located behind buildings. Future street and alley designations are not precise alignments or specific locations. The appropriateness of and final street designation, alignment and location of these intended links of the transportation network will be determined during the development review process by the community development director. See section 29-65 for design standards for new streets and alleys.
  - (5) *Pre-approved redevelopment design areas.* The regulating plan indicates areas where this code provides pre-approved redevelopment options for mobile home/trailer park properties to create mixed-use, pedestrian-friendly environments. See section 31-540.
  - (6) *Other zoning districts.* For the purpose of informing appropriate transitions of scale and use, lands assigned zoning districts other than the downtown zoning districts are also shown on the regulating plan.
- (d) *General standards for all downtown districts.*
- (1) *Specific standards.* Specific standards for each downtown zoning district are found in section 31-536.
  - (2) *General standards.* General standards that apply to more than one downtown zoning district are found in section 31-535 and sections 31-537 through 31-540.
  - (3) *Conflicts.* Where the requirements of these zoning districts conflict with other portions of this Code, the requirements of these districts shall prevail; however, no development may be approved that conflicts with the comprehensive plan.
  - (4) *Planned unit developments.* ~~New planned unit developments are not permitted within the CRA.~~ Planned unit developments approved prior to December 18, 2013, shall be governed by their respective planned development approvals. Their boundaries may not be expanded. Any amendments to the planned development approvals must comply with the comprehensive plan and the relevant downtown zoning districts to the extent practicable.
- (e) *Review process for downtown districts.* The purpose of site plan review is to ascertain whether a proposed new development follows the pattern of development described in the Community Redevelopment Area (CRA) Plan and conforms to all provisions of the Riviera Beach Comprehensive Plan and this Code. Except for single-family homes on existing lots, all applications for development approval within the CRA that are not otherwise permitted as nonconforming uses or structures shall comply with all requirements of this CODE.
- (1) *Administrative process.* In order to facilitate redevelopment in the downtown area, certain applications may be processed administratively.
    - a. Applications for changes in use, renovations to buildings, redevelopment of sites with buildings existing as of the date of the ordinance from from which this division derives, and development in pre-approved redevelopment design areas may be processed administratively.
    - b. The community development director shall review plans, including the exhibits listed in subsection 31-534(e)(2), for completeness and compliance with the provisions of this code, including the regulating plan in subsection 31-534(c). The community development director shall issue a final decision. Denials shall be in writing and shall specifically set forth the grounds for the denial. Any final decision of the director may be appealed to the zoning board of adjustment in accordance with the procedures established in this code for appeals of administrative decisions.

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(2) *Standard review process.*

- a. Applications for new development on vacant or undeveloped sites, development which proposes a reduction from the minimum building frontage requirements, or any application deemed by the community development director to have a significant impact to surrounding properties shall be reviewed by the planning and zoning board, CRA board, and approved by the city council.
- b. Special exceptions. Requests for special exceptions shall follow the review procedures and standards in sections 31-61 and 31-62 and shall also consider any additional standards defined herein (Division 26).
- c. Variances. Relief from certain requirements may be permitted pursuant to the process and variance standards in sections 31-39 through 31-41 of this Code.

(3) All applications for site plan review shall be accompanied by exhibits prepared by qualified professionals, which shall include the following:

- a. A survey of existing conditions providing the following information:
  - 1. Gross land area (to the nearest 1/100 of an acre).
  - 2. Substantial, visual improvements (in addition to buildings) such as signs, parking structures, swimming pools, etc.
  - 3. Parking areas and number of parking spaces.
  - 4. Indication of access to a public way on land such as curb cuts and driveways, and to and from waters adjoining the surveyed tract, such as boat slips, launches, piers and docks.
- b. In addition to any other application requirements, drawings of the proposed conditions shall be provided depicting the following:
  - 1. Vicinity map showing the property in reference to nearby streets and street intersections.
  - 2. Location of the property lines, location of existing and proposed rights-of-way, location and dimension of existing/proposed easements, water courses and other essential features.
  - 3. Indication of primary or secondary street designations for all rights-of-way and any future street or alley connections provided.
  - 4. Cross section and street design type for new and existing streets and alleys as described in section 29-65.
  - 5. Location of vehicular access to site including driveways and curbs cuts.
  - 6. The outlines of all existing and proposed buildings showing setbacks, percentage of building frontage, dimensions, and points of pedestrian access.
  - 7. Identification and dimensions of frontage types for all primary pedestrian entrances.
  - 8. Building elevations and sections, showing overall building height and number of stories.
  - 9. Location and dimensions of all proposed signage
  - 10. Location and dimensions of all perimeter treatments (sidewalks, pedestrian walkways, street trees, fences, streetwalls, and/or landscaping).
  - 11. Location of all off-street parking, loading facilities, and waste collection areas.
  - 12. Schematic of drainage system.
  - 13. Location, type, and size (in square feet) of civic open spaces.

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14. Landscaping plans, including specifications of species, of plant material, location, and size. Lighting and landscaping plans shall be coordinated.
- c. A data table which indicates the following:
    1. Future land use category and zoning district.
    2. Total acres of the project.
    3. Number of dwelling units.
    4. Square feet of non-residential uses.
    5. Parking computations as described in section 31-539.
    6. Floor Area Ratio (FAR).
    7. Percentage of building frontage required and provided on Primary Streets as described in subsection 31-535(c).
    8. Public benefit height calculation, if applicable, as described in subsection 31-538(b)(7).
  - d. Such other design data as may be needed to evaluate the project's compliance with the requirements of this Code.

(Ord. No. 4038, § 2(Exh. A), 12-18-13)