



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

LOCAL PLANNING AGENCY

Development Services Department: (561)845-4060, www.rivierabch.com

Commencement – 6:30 PM
Thursday, February 24, 2022

Riviera Beach – Event Center
190 E 13th Street, Riviera Beach, FL 33404

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, 1st Alternate

Rena Burgess, Vice-Chair
Margaret Shepherd, Board Member
James Gallon, Board Member
Russell Barnes, 2nd 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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 26 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN" BY ADDING THE IHC-PUD AND PROVIDING A MECHANISM FOR A HEIGHT BONUS; BY UPDATING DEFINITIONS AND CLARIFYING THE PURPOSE OF THE HOUSING TRUST FUND; BY PROVIDING A MECHANISM FOR THE POST CONSTRUCTION CONVERSION OF RESORT HOTEL UNITS TO YEAR ROUND RESIDENTIAL UNITS; BY INCREASING THE PER UNIT IN LIEU OF CONTRIBUTION RATE; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR 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 – March 10, 2022; March 24, 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.

<p style="text-align: right;">Page 1</p> <p>Riviera Beach Planning and Zoning Board Marina Event Center 190 East 13th Street Riviera Beach, Florida 33404 Thursday, December 16, 2021</p> <p>APPEARANCES:</p> <p>Evelyn Harris Clark, Chairperson Rena Burgess, Vice Chair Anthony Brown, Board Member Frank Fernandez, Board Member James Gallon, Board Member Margaret Shepherd, Board Member William Wyly, Board Member Lina Busby, Assistant City Attorney Simone M. Davidson, MPA Mary Savage Dunham, Assistant Director of Development Services</p> <p>Stenographically reported by Claudia Price Witters, RPR</p>	<p style="text-align: right;">Page 3</p> <p>MS. DAVIDSON: Frank Fernandez. MR. FERNANDEZ: Present. MS. DAVIDSON: James Gallon. MR. GALLON: Present. MS. DAVIDSON: Margaret Shepherd. MS. SHEPHERD: Present. MS. DAVIDSON: Rena Burgess. MS. BURGESS: Yes, here. MS. DAVIDSON: Evelyn Harris Clark. CHAIR CLARK: Present. MS. DAVIDSON: Moeti Ncube. (Absent) Russell Barnes. (Absent) You have a quorum. CHAIR CLARK: Thank you. Do we have acknowledgement of board member absence notifications on record? MS. DAVIDSON: Yes, Madam Chair. Both alternates advised that they would be absent this evening. CHAIR CLARK: Thank you. At this moment an item number IV for the Board here to have looked at our agenda. Do we have any additions to the agenda right now? Any additions to the agenda? As well as staff, any additions?</p>
<p style="text-align: right;">Page 2</p> <p>(Reporter's Note: Due to technical difficulties, the call to order at the beginning of the meeting was not recorded. Recording begins with meeting already in progress.)</p> <p>CHAIR CLARK: -- prior to the board discussion of an item. Thank you. At this moment we are going to have a moment of silence for everyone for the holiday season, for peace, love, happiness; and also too for the recent tornado victims' families that just happened recently, may we have a moment of silence for them and we'll go right into the Pledge of Allegiance. (Moment of silence. Pledge of Allegiance recited.) CHAIR CLARK: Before we start with this evening's agenda, I'd like to welcome our residents of Riviera Beach, our visitors, our viewing audience, and extend everybody a happy holiday season. Next we're going to go on to item number II. Madam Clerk. May we have an attendance roll call, please. MS. DAVIDSON: Anthony Brown. MR. BROWN: Present. MS. DAVIDSON: William Wyly. MR. WYLY: Present.</p>	<p style="text-align: right;">Page 4</p> <p>MS. SAVAGE DUNHAM: No, ma'am. I do not. CHAIR CLARK: Okay. Thank you. Any deletions to the agenda? Staff. MS. DAVIDSON: None. CHAIR CLARK: Okay. Thank you. Item number V. Do we have any disclosures by Board members? MS. DAVIDSON: None received, Madam Chair. CHAIR CLARK: Okay. We're good. May I have a motion to adopt the agenda as presented? MS. BURGESS: So moved. MR. GALLON: Second. CHAIR CLARK: Thank you. May we have a vote, Madam Clerk? MS. DAVIDSON: Anthony Brown. MR. BROWN: Yes. MS. DAVIDSON: James Gallon. BOARD MEMBER GALLON: Yes. MS. DAVIDSON: Rena Burgess. MS. BURGESS: Yes. MS. DAVIDSON: William Wyly. MR. WYLY: Yes. MS. DAVIDSON: Margaret Shepherd. MS. SHEPHERD: Yes.</p>

<p>1 MS. DAVIDSON: Frank Fernandez.</p> <p>2 MR. FERNANDEZ: Yes.</p> <p>3 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>4 CHAIR CLARK: Yes.</p> <p>5 MS. DAVIDSON: Unanimous vote.</p> <p>6 CHAIR CLARK: Thank you.</p> <p>7 All right. Do we have any unfinished</p> <p>8 business, Ms. Savage?</p> <p>9 MS. SAVAGE DUNHAM: No, ma'am, we don't.</p> <p>10 CHAIR CLARK: Okay. Let me go back to the</p> <p>11 item, number VII, I missed right over it. We have</p> <p>12 had an opportunity to get the minutes in advance,</p> <p>13 so at this point I'm going to ask for a motion for</p> <p>14 the approval of the minutes.</p> <p>15 MR. WYLY: So moved.</p> <p>16 MS. SHEPHERD: Second.</p> <p>17 CHAIR CLARK: Again, may we have a roll call?</p> <p>18 MS. DAVIDSON: Anthony Brown.</p> <p>19 MR. BROWN: Yes.</p> <p>20 MS. DAVIDSON: James Gallon.</p> <p>21 BOARD MEMBER GALLON: Yes.</p> <p>22 MS. DAVIDSON: Rena Burgess.</p> <p>23 MS. BURGESS: Yes.</p> <p>24 MS. DAVIDSON: William Wyly.</p> <p>25 MR. WYLY: Yes.</p>	<p>Page 5</p>	<p>1 Mr. Clarence Sirmons.</p> <p>2 CHAIR CLARK: Okay. Thank you.</p> <p>3 Hi, Mr. Sirmons. Can you give me just a</p> <p>4 moment to get to that section on the computer?</p> <p>5 MR. SIRMONS: Absolutely.</p> <p>6 CHAIR CLARK: Thank you. I'm just -- I'm</p> <p>7 scrolling down to get to the visuals.</p> <p>8 Okay. Thank you.</p> <p>9 MR. SIRMONS: All right. Good evening, Madam</p> <p>10 Chair. Again, for the record, I am Clarence</p> <p>11 Sirmons, Director of Development Services for the</p> <p>12 City of Riviera Beach.</p> <p>13 I am before you to present this item which</p> <p>14 was just read into the record related to the</p> <p>15 wetlands preservation ordinance for the City of</p> <p>16 Riviera Beach.</p> <p>17 So to provide an overview of what's contained</p> <p>18 in this item before you. This existing ordinance</p> <p>19 provides that the lands adjacent to the Atlantic</p> <p>20 Ocean and Lake Worth should be conserved by</p> <p>21 prohibiting any activity that would destroy or</p> <p>22 significantly disrupt the biological capacity of</p> <p>23 those areas. The ordinance provides the general</p> <p>24 location of the wetlands preservation areas in</p> <p>25 Appendix I and places the burden of determining the</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: Evelyn Harris Clark.</p> <p>6 CHAIR CLARK: Yes.</p> <p>7 MS. DAVIDSON: Unanimous vote.</p> <p>8 CHAIR CLARK: Thank you.</p> <p>9 Okay. We're going to go on to item number</p> <p>10 VIII on our agenda, and we're going to start with</p> <p>11 new business.</p> <p>12 MS. SAVAGE DUNHAM: Thank you, Madam Chair.</p> <p>13 For the record, Mary Savage Dunham.</p> <p>14 Our first item of new business is an</p> <p>15 ordinance of the City Council of the City of</p> <p>16 Riviera Beach, Palm Beach County, Florida, amending</p> <p>17 Chapter 23 (Coastal Construction), Article III</p> <p>18 (Wetlands Preservation), updating Appendix I,</p> <p>19 (Wetland Preservation Areas of Riviera Beach) and</p> <p>20 Appendix II, (Wetland Vegetation); providing for</p> <p>21 applicability, repeal of laws in conflict,</p> <p>22 severability, and codification; and providing for</p> <p>23 an effective date.</p> <p>24 And Madam Chair, this item will be presented</p> <p>25 by the Director of Development Services,</p>	<p>Page 6</p>	<p>1 specific boundaries upon the applicant. It is not</p> <p>2 the intent of this ordinance to set the specific</p> <p>3 dimensions of each designated wetlands preservation</p> <p>4 area. Currently Appendix I generally identifies</p> <p>5 protection areas near the Atlantic Ocean but not</p> <p>6 the areas adjacent to Lake Worth. The text of the</p> <p>7 Code of Ordinances does refer to Lake Worth Lagoon</p> <p>8 and it should be updated in the official map. The</p> <p>9 purpose of the item before you today is to simply</p> <p>10 update that existing appendix to one that is</p> <p>11 consistent with the text and the language that's in</p> <p>12 this existing ordinance that's already in effect</p> <p>13 and being enforced by city staff.</p> <p>14 Before you on the screen is the existing map,</p> <p>15 which is included in Appendix I of the ordinance.</p> <p>16 It identifies areas on the Atlantic side of North</p> <p>17 Ocean Drive.</p> <p>18 And before you on the screen now is the</p> <p>19 proposed amended Appendix I that shows an updated</p> <p>20 modern map. The primary difference between the</p> <p>21 existing map and this proposed exhibit is the area</p> <p>22 along the Lake Worth Lagoon on the west side of</p> <p>23 North Ocean Boulevard.</p> <p>24 Again, based on the intent of this existing</p> <p>25 ordinance, the language and the definitions</p>

<p>Page 9</p> <p>1 contained in it, staff has always enforced it based 2 on its intent to the areas of Singer Island on the 3 side of the Lake Worth Lagoon, as well as the side 4 of the Atlantic Ocean. However, when it become 5 apparent to us that there was some confusion based 6 on the map, we took this opportunity to update the 7 map to provide consistency with the text and how it 8 is enforced and intended based on the language that 9 was approved by City Council some years ago when 10 this ordinance was approved. I'm sorry. When the 11 existing ordinance was approved.</p> <p>12 The second change that this ordinance will 13 make is to also update Exhibit 2 -- I'm sorry, 14 Appendix II. Appendix II contains a list of 15 vegetation that are indicators of the presence of a 16 wetland. The existing Appendix II refers to a list 17 that was developed by the Department of 18 Environmental Regulations. That department since 19 the '90s no longer exists. It has morphed into the 20 Department of Environmental Protection. Our 21 proposed amendment for Appendix II adopts the 22 existing list for the Department -- the Florida 23 Department of Environmental Protection for the 24 types and species of vegetation that indicate the 25 presence of a wetland.</p>	<p>Page 11</p> <p>1 area because this ordinance as is already applies 2 to those lands. We're simply clarifying the 3 exhibit, to make that clear.</p> <p>4 And, again, this proposed amendment does not 5 change any of the text in the substantive 6 information and regulations in the existing 7 wetlands ordinance.</p> <p>8 City staff recommends that the Planning and 9 Zoning Board find that it is reasonable and 10 appropriate for the City to amend the Code of 11 Ordinances, Section 23-83 as described herein and 12 recommend approval of this ordinance as proposed.</p> <p>13 And that concludes the staff presentation.</p> <p>14 CHAIR CLARK: Thank you. At this point we're 15 going to go into public comment.</p> <p>16 MS. DAVIDSON: Madam Chair, please speak into 17 the microphone.</p> <p>18 CHAIR CLARK: Okay. Thank you. At this 19 point we're going to go into public comments.</p> <p>20 Now I do have public comment cards as well as 21 documentation on public comments. So, Ms. Savage, 22 I'm going to ask you on the hard copy here, just to 23 make it on record of the in favor, opposed, public 24 comments; and then we'll go directly into the 25 public comments that are before me.</p>
<p>Page 10</p> <p>1 Staff has received multiple correspondence 2 related to this agenda item via e-mail and phone 3 calls. We have summarized the will of the 4 residents who weighed in via those mechanisms. And 5 in support we had a total -- as of meeting we had a 6 total of 32, and one in opposition.</p> <p>7 It did become apparent to staff that there 8 was some misinformation about what this ordinance 9 is; so to clarify, this ordinance is not connected 10 to zoning. It does not change the zoning of any 11 properties in this area nor the future land use of 12 any properties in this area. It is simply an 13 update to an existing ordinance related to how 14 lands can be developed in and around wetlands. It 15 is not connected to any development proposals.</p> <p>16 This application is staff initiated. That 17 being it's in the best -- staff believes it's in 18 the best interests of the City and our enforcement 19 of existing rules to clarify this ordinance in this 20 manner. This item before you does not change the 21 enforcement of the existing ordinance. Again, all 22 areas shown on the proposed map are already 23 enforced with the provisions of the wetlands 24 ordinance. It does not change how we would process 25 any application submitted for any lands in that</p>	<p>Page 12</p> <p>1 MS. SAVAGE DUNHAM: Very well. And would you 2 like me to read the names, is that what you're 3 asking me to do?</p> <p>4 CHAIR CLARK: Yes. Why not.</p> <p>5 MS. SAVAGE DUNHAM: Very good. So we 6 received comments from the following people. I'll 7 just the read the name and then their opinion.</p> <p>8 Rene Delgado in favor. Carol Freedman in favor. 9 Carolyn Keeley in favor. George Denardo, in favor. 10 Merle Nidell in favor. Sally Morris in favor. 11 David Spots in favor. Sylvia Clement in favor. 12 Monica Stein in favor. Lynn Peseckis in favor. 13 Anna Verdne, opposed. Joseph and Lisa Martinez in 14 favor. Frank Stein in favor. Diane Alfano in 15 favor. Bernice Katz in favor. Diana Del Grosso in 16 favor. Gail Stein in favor. Maria and Guillermo 17 Palm (phonetic) in favor. Mellie Lewis in favor. 18 Jack Fairbrother and Gail Bremner in favor. Gay 19 Gershonee (phonetic) in favor. Peter Zabel in 20 favor. Gary Anderson in favor. Steven Nidell in 21 favor. Carol Boye and Arthur Lawall in favor. 22 Tony Eddy in favor. James Kane in favor. Lolly 23 Fink in favor. John Degregorio in favor. Marisol 24 Vallado and Donald Black in favor. Jackie Kurtz in 25 favor. Gary Schnellbach (phonetic) in favor. And</p>

<p>1 that concludes the list, Madam Chair. Page 13</p> <p>2 CHAIR CLARK: Thank you very much.</p> <p>3 Okay. Now we're going to go into physical</p> <p>4 public comments. And as your name is called,</p> <p>5 please say your name and your address here, in the</p> <p>6 City of Riviera Beach or not.</p> <p>7 Madam Clerk. Madam Clerk.</p> <p>8 MS. DAVIDSON: Yes, ma'am.</p> <p>9 CHAIR CLARK: We're going to have the</p> <p>10 comments at three minutes. You're going to keep a</p> <p>11 count?</p> <p>12 MS. DAVIDSON: The clock is on the screen,</p> <p>13 Madam Chair.</p> <p>14 CHAIR CLARK: Okay. Thank you. You're</p> <p>15 ready. Good deal.</p> <p>16 The first person up is Mr. Glen Spiritis.</p> <p>17 Welcome.</p> <p>18 MR. SPIRITIS: Welcome. Good evening, Madam</p> <p>19 Chairman, members of the Planning Board and Zoning</p> <p>20 Board, city staff, thank you for the well wishes,</p> <p>21 by the way, we appreciate that.</p> <p>22 I'm here speaking tonight on behalf of the</p> <p>23 Water Glades Condominium Associations. We have 256</p> <p>24 units that will be impacted by this ordinance.</p> <p>25 We're within 500 feet of the ordinance project</p>	<p>1 please vote yes. Page 15</p> <p>2 Thank you for the time today. And thank you</p> <p>3 for all the good work you've been doing.</p> <p>4 CHAIR CLARK: Thank you for your comments.</p> <p>5 Next we have Carmen Spector.</p> <p>6 MS. SPECTOR: Hello. Thank you for your time</p> <p>7 everybody. I'm going to be a resident from Pine</p> <p>8 Point Drive.</p> <p>9 My question is for everybody, I guess. I</p> <p>10 just don't understand how the protected area on the</p> <p>11 lagoon side is preserved for, you know, for</p> <p>12 environmental purposes yet there's been development</p> <p>13 on that side, and electricity put in the ground on</p> <p>14 that side, on the preserved area. I'm just</p> <p>15 questioning how that was able to happen. And I</p> <p>16 don't know if that's appropriate for this meeting</p> <p>17 at this time. But I just don't understand how that</p> <p>18 happened, and would like clarity on that. Yeah.</p> <p>19 Thank you.</p> <p>20 CHAIR CLARK: You're welcome. Thank you for</p> <p>21 your comments.</p> <p>22 Next we have Sam Spector.</p> <p>23 MR. SPECTOR: Good evening everybody --</p> <p>24 CHAIR CLARK: Welcome.</p> <p>25 MR. SPECTOR: -- and welcome. Thank you for</p>
<p>1 area. Page 14</p> <p>2 We supported the master plan and the</p> <p>3 amendment to the master plan calling for this area</p> <p>4 to be an environmental preservation zone. And we</p> <p>5 definitely support the update that this ordinance</p> <p>6 does to your map with respect to the vegetation.</p> <p>7 As you know, the vegetation is very important</p> <p>8 to the many species that live in this area. As a</p> <p>9 matter of fact, one independent report by a</p> <p>10 professor from FAU identified species here that</p> <p>11 don't exist anywhere else.</p> <p>12 Also, the manatees feed off of the grasses at</p> <p>13 the bottom of the lagoon. So we encourage you to</p> <p>14 vote yes and adopt this ordinance to help preserve</p> <p>15 the lagoon, Lake Worth Lagoon, and the entire</p> <p>16 environment around it.</p> <p>17 I am speaking for the 256 units at the Water</p> <p>18 Glades Condominium. And there are a number of</p> <p>19 people here from the Connemara and other</p> <p>20 condominiums. And I can tell you that we all</p> <p>21 support your vote yes in adopting this ordinance.</p> <p>22 It's very, very important to the City of Riviera</p> <p>23 Beach and to the environment as a whole, to the</p> <p>24 whole state of Florida, and probably the entire</p> <p>25 United States, and maybe even the whole world. So</p>	<p>1 the nice wishes. Page 16</p> <p>2 My concern is, are we having this meeting to</p> <p>3 really see -- to pacify the homeowners and the</p> <p>4 residents, if there's already a plan in place that</p> <p>5 you're going to adopt? Because sometimes I go to</p> <p>6 these meetings and they've already agreed to do</p> <p>7 development in a certain area, and it just makes it</p> <p>8 like everybody -- try to make everybody happy.</p> <p>9 If -- I hope that you adopt the ability not</p> <p>10 to build or develop on that property. It's very,</p> <p>11 very important.</p> <p>12 I've lived there -- I'm 57 years old. I've</p> <p>13 lived there since I'm 14 years old. I've seen it</p> <p>14 grow. I've seen it not grow. But it's always</p> <p>15 beautiful there.</p> <p>16 And like the gentleman said, there are</p> <p>17 certain species and fishes. There's a fresh water</p> <p>18 pond on the island that feeds through there; and we</p> <p>19 don't want to develop that or build it. We do not</p> <p>20 as home owners go there and destroy it. We</p> <p>21 preserve it. We keep it clean. We do everything.</p> <p>22 So I just want to make sure -- if we're</p> <p>23 having this meeting, it's great, but I also want to</p> <p>24 make sure that it's not a meeting just to pacify</p> <p>25 the homeowners. Okay. That's my question.</p>

<p>Page 17</p> <p>1 CHAIR CLARK: Okay. Thank you for your 2 comments. Next person up is Fane Lozman. 3 MR. LOZMAN: Good evening. Fane Lozman. 4 When you do the Pledge of Allegiance tonight 5 you said liberty and justice for all. That means 6 people have to be treated equally. 7 Everyone who comes here that lives in a condo 8 in the existing wetland preservation area, I'm 9 going to say they have unclean hands. They built 10 in the wetland preservation area and now they want 11 no one else to build. 12 So they're putting an overlay on properties 13 that me and my friends -- and we own 71 acres of 14 property over there. We own, I don't know, a few 15 thousand linear feet along the road. So we own 16 basically the whole west side of North Ocean Drive 17 and all of Pine Point Road to the north. 18 So the point -- what you need to think about 19 is, for those of you who live on the west side, 20 this group right here in Singer Island is writing a 21 check that for generations to come will have to be 22 paid for the -- by the west side residents. 23 Because these properties were sold in 1924, they 24 were dry land. Where our properties on the map was 25 dry land. When they widened North Ocean Drive and</p>	<p>Page 19</p> <p>1 that a criminal act created those lands to be 2 submerged. They weren't submerged when they were 3 sold in 1924. 4 Now, these people are going to come whining 5 here about 5 or 10 years from now and say our road 6 is flooded; it floods at King's Tide. Rising tides 7 is going to flood the road because when I bought my 8 property eight years ago it was much wider. 9 They're going to come here, they're going to beg 10 you, like, we have to fill, backfill and fill in 11 these properties to save the road from flooding. 12 The Department of Transportation supports our 13 efforts to develop our property. They say we have 14 to do something about it. 15 So the bottom line is all you're doing is 16 you're writing a check that your children and 17 grandchildren on the west side are going to have to 18 cash; because for the 50 people here, it's like we 19 got there first and no one else should build. 20 Okay. 21 I have a legal team that won a couple cases 22 in the Supreme Court. I have a legal team that can 23 win this case. You ought to just step aside, leave 24 the status quo. 25 These are tidal coastal areas. These aren't</p>
<p>Page 18</p> <p>1 raised it up they dredged a channel, and you can he 2 see it on the map, and they took that material to 3 build the road. But we had vested rights to 4 develop that property. It wasn't a nature 5 preserve. It had no water on it at all. So we 6 have the right to restore the property and we have 7 the right to develop the property. 8 Now if you want to take away the right with 9 all this regulatory overlay, you're going to have 10 to pay for it. You're inverse condemning this 11 property. Okay? 12 There's going to be a legal action filed here 13 in the next month that's going to shake up this 14 city to its core. It's going to be the biggest 15 regulatory taking case in the history of the State 16 of Florida. 17 You cannot come in and take away vested 18 development rights unless you want to eminent 19 domain the property. You're certainly welcome to 20 do this but you can't take away the rights that 21 were sold in 1924 that these property owners paid 22 taxes on because the people that built across the 23 street, they got there first and they don't want 24 anybody else to build. 25 But the biggest thing going is we can prove</p>	<p>Page 20</p> <p>1 wetlands like marshes or bogs in the Everglades. 2 You've been fed a bag of goods by this 3 development director tonight. 4 Thank you. 5 CHAIR CLARK: Thank you for your comments. 6 That concludes public comments. 7 Mr. Sirmons, may I ask you to come to the 8 podium, please. 9 I'll give you a moment. 10 For edification, can you restate the purpose 11 and goal of the meeting in terms of the language 12 that that is being presented, in terms of staff 13 recommendation, as well as the information on the 14 preserve agriculture, if you will. 15 MR. SIRMONS: Okay. Yes, to restate for the 16 record, the purpose of this ordinance is only to 17 update the exhibits or the appendices related to an 18 existing ordinance. The existing ordinance is 19 already enforced in all areas on the proposed 20 appendix. 21 It does not alter any property rights 22 existing in that area. It does not change how we 23 would process any applications for any landowners 24 that owns property in the areas indicated on these 25 maps.</p>

<p style="text-align: right;">Page 21</p> <p>1 It's important to note as well that the</p> <p>2 ordinance states that this appendix, that includes</p> <p>3 the map, only generally identifies where the</p> <p>4 wetland areas are. When development is proposed</p> <p>5 the burden is upon the property owner or the</p> <p>6 developer to provide the necessary information via</p> <p>7 surveys and vegetative information, whether there</p> <p>8 are any plant life there that indicates it is a</p> <p>9 wetland. So if development is proposed, the</p> <p>10 process that will take place does not change based</p> <p>11 on the amendment in front of you. It only</p> <p>12 clarifies the exhibit or Appendix I attached to it.</p> <p>13 So I did want to make sure it was clear that</p> <p>14 this does not alter anyone's property rights. It</p> <p>15 is a staff initiated text amendment to clarify the</p> <p>16 ordinance once it became apparent to us that there</p> <p>17 was some confusion.</p> <p>18 CHAIR CLARK: Okay. Thank you.</p> <p>19 And at this point we're going to go down the</p> <p>20 row, starting with Mr. Brown, to find out if our</p> <p>21 board members have any questions. So, Mr. Brown,</p> <p>22 we're going to start with you with board questions.</p> <p>23 MR. BROWN: Are there any more plans to do</p> <p>24 any more surveys in the area?</p> <p>25 CHAIR CLARK: And before you answer that,</p>	<p style="text-align: right;">Page 23</p> <p>1 ordinance come together to make it clear that it is</p> <p>2 the will of previous councils and the citizens of</p> <p>3 the City to protect this area. And again, this</p> <p>4 ordinance is just clarifying existing regulations</p> <p>5 that already apply.</p> <p>6 MR. BROWN: Thank you.</p> <p>7 MR. SIRMONS: You're welcome.</p> <p>8 CHAIR CLARK: Yes, Mr. Gallon, go ahead.</p> <p>9 BOARD MEMBER GALLON: No questions.</p> <p>10 CHAIR CLARK: Okay. All right. Board member</p> <p>11 Burgess.</p> <p>12 MS. BURGESS: This question is for you,</p> <p>13 Mr. Sirmons. You said that this ordinance is</p> <p>14 currently enforced. So who is the main enforcer</p> <p>15 within the City that would go out to make sure</p> <p>16 nothing is developed there without permits and so</p> <p>17 forth?</p> <p>18 MR. SIRMONS: So in the event that there is a</p> <p>19 permit or a site plan proposal for somewhere</p> <p>20 identified in this ordinance as a potential</p> <p>21 wetland, when staff reviews it they will request a</p> <p>22 survey that includes vegetation in the area. And</p> <p>23 upon reviewing that survey that has to be certified</p> <p>24 by a certified surveyor environmentalist, we verify</p> <p>25 or determine based on that survey if there are any</p>
<p style="text-align: right;">Page 22</p> <p>1 Mr. Sirmons, can we put the picture of the proposed</p> <p>2 wetlands up so we can see it?</p> <p>3 MR. SIRMONS: Yes. And the question was, are</p> <p>4 there currently any plans for additional surveys in</p> <p>5 the area?</p> <p>6 MR. BROWN: Yes.</p> <p>7 MR. SIRMONS: No. At this time the City has</p> <p>8 no plans for surveys to be done.</p> <p>9 The ordinance does make it very clear that</p> <p>10 the burden is upon the developer to provide surveys</p> <p>11 that depict any vegetation present in the area.</p> <p>12 And if that vegetation corresponds with any</p> <p>13 vegetation in Appendix II, it is deemed a wetland</p> <p>14 and this ordinance then applies in terms of</p> <p>15 restrictions on where and how you may develop.</p> <p>16 The City did conduct a review -- or</p> <p>17 commissioned a review by a third party</p> <p>18 environmental firm to verify that there are indeed</p> <p>19 protected resources in this area via vegetation, as</p> <p>20 well as protected species; and that third party</p> <p>21 review did confirm that there are various</p> <p>22 resource -- environmental resources that are worthy</p> <p>23 of being protected in this area. That, combined</p> <p>24 with the intentions of the City's comprehensive</p> <p>25 plan and our existing language in the wetlands</p>	<p style="text-align: right;">Page 24</p> <p>1 vegetation present in the area indicative of a</p> <p>2 wetlands. And if that is true, then the rest of</p> <p>3 this ordinance applies in terms of how and where</p> <p>4 you can develop near a wetlands. And so it is the</p> <p>5 staff of development services primarily that leads</p> <p>6 that review process and requests all relevant</p> <p>7 information to make that determination.</p> <p>8 MS. BURGESS: Okay. Besides the paperwork,</p> <p>9 is there any physical inspection of the area that</p> <p>10 goes on continuously because of the wetland</p> <p>11 designation.</p> <p>12 MR. SIRMONS: There is not environmental</p> <p>13 monitoring that takes place by the City, if that's</p> <p>14 what you're asking.</p> <p>15 Almost every time there is proposal for</p> <p>16 development, just about anywhere in the city, staff</p> <p>17 does go and lay eyes on that area to verify what</p> <p>18 we're being told and receive the paperwork in our</p> <p>19 office and what's actually there on the ground. So</p> <p>20 in instances where something has been proposed out</p> <p>21 here, staff absolutely goes out there to take a</p> <p>22 look to observe what's there.</p> <p>23 MS. BURGESS: Okay. Last question. Is there</p> <p>24 currently any signage out in this area denoting</p> <p>25 anything about the area so far as wetlands</p>

<p>1 proposed? Any signage? Page 25</p> <p>2 MR. SIRMONS: To my knowledge, no.</p> <p>3 The majority of the area is private property.</p> <p>4 There are some areas that the City owns; and I</p> <p>5 believe in the areas where the City owns, where</p> <p>6 Fire Station 86 is for example, there's some</p> <p>7 signage speaking to the vegetation and wildlife</p> <p>8 that can be found in wetlands because the area</p> <p>9 surrounding Fire Station 86 is one of the</p> <p>10 designated wetland areas on this map as well.</p> <p>11 It's important to note as well that the</p> <p>12 condominiums that do exist on the west side of</p> <p>13 North Ocean, they are built around those areas</p> <p>14 indicated as wetlands and they are preserved via</p> <p>15 the site plan of those properties on this map. So</p> <p>16 we are aware of where these areas are. And in some</p> <p>17 instances there are signage for viewers and</p> <p>18 passersby to understand that it is a wetland and</p> <p>19 there are some wildlife resources that can be</p> <p>20 viewed there.</p> <p>21 MS. BURGESS: Okay. Thank you.</p> <p>22 MR. SIRMONS: You're welcome.</p> <p>23 CHAIR CLARK: As far as the developer goes,</p> <p>24 and providing staff with a survey specifically</p> <p>25 around the vegetation, we as a city have already</p>	<p>1 guess maintenance, was it already done on that Page 27</p> <p>2 area, development on that area already? Would you</p> <p>3 elaborate on that a little bit, please?</p> <p>4 MR. SIRMONS: There are some instances where</p> <p>5 there have been structures erected in this area of</p> <p>6 the City and the City has responded appropriately</p> <p>7 in those situations. But a part of the need for</p> <p>8 the passage of this ordinance is to clarify that</p> <p>9 these areas are subject to the wetlands protection</p> <p>10 ordinance. There's a certain process that you must</p> <p>11 go through if you want to develop in those areas</p> <p>12 and that's why the City handles applications in</p> <p>13 that area the way it does. So...</p> <p>14 MR. WYLY: Thank you. And also legally, as I</p> <p>15 hear the information here, legally the City of</p> <p>16 Riviera Beach is protected by determining a wetland</p> <p>17 tonight, or what we did before, but tonight</p> <p>18 enforcing those rules and regulations so now the</p> <p>19 City is protected from -- what we're doing tonight</p> <p>20 is going to protect the City from any possible</p> <p>21 lawsuits?</p> <p>22 MR. SIRMONS: Well --</p> <p>23 MR. WYLY: Well, enforce the lawsuits.</p> <p>24 MR. SIRMONS: We certainly can't control if</p> <p>25 someone files a lawsuit, and staff does spend a</p>
<p>1 done our due diligence and you've provided the list Page 26</p> <p>2 of vegetation. So really when a developer provides</p> <p>3 their survey, it really has to coincide with the</p> <p>4 vegetation list, for example, and the due diligence</p> <p>5 that staff has already done, so there isn't any way</p> <p>6 that they could possibly miss protected vegetation</p> <p>7 or vegetation in their survey process?</p> <p>8 MR. SIRMONS: We require that the survey is</p> <p>9 stamped by a licensed professional; and to a</p> <p>10 certain extent, for many of the submittals that</p> <p>11 come to our office, we rely on the integrity of</p> <p>12 those licensed professionals because it's</p> <p>13 understood that if it's determined that they have</p> <p>14 sent something that was purposely wrong or</p> <p>15 deceiving to a public entity, that they could lose</p> <p>16 their license. So in some instances we are able to</p> <p>17 go and verify some things that we receive in our</p> <p>18 office, but we rely heavily on the licensing</p> <p>19 systems of the State of Florida that no</p> <p>20 professional would jeopardize their license by</p> <p>21 submitting something that's false to the City.</p> <p>22 CHAIR CLARK: Okay. Thank you very much.</p> <p>23 William Wyly.</p> <p>24 MR. WYLY: Sir, I wanted -- heard through --</p> <p>25 just the question that she spoke of about some, I</p>	<p>1 considerable amount of time responding to lawsuits Page 28</p> <p>2 and depositions and things of that nature. A part</p> <p>3 of the need for this amendment is to clarify what</p> <p>4 the regulations are to kind of reduce the amount of</p> <p>5 lawsuits. But it's -- it's possible, but we</p> <p>6 believe this amendment further insulates the City</p> <p>7 for any lawsuits and we do believe it is in the</p> <p>8 best interests of the City to pass this.</p> <p>9 MR. WYLY: And given that determination, and</p> <p>10 what you just elaborated on, then at that point</p> <p>11 will we be to the will of the people in that area</p> <p>12 who is mostly affected, to be able to make that</p> <p>13 determination also? To at least value the input,</p> <p>14 correct?</p> <p>15 MR. SIRMONS: Absolutely. And noted in the</p> <p>16 staff report is that the previous action that City</p> <p>17 Council took in this area was to update the zoning</p> <p>18 to special preservation. During that zoning change</p> <p>19 process the City received two hundred plus comments</p> <p>20 from citizens in the area fervently in support of</p> <p>21 protecting the small sliver of natural habitat that</p> <p>22 remains on Singer Island. So the public from --</p> <p>23 based on their actions, are overwhelmingly in</p> <p>24 support of any actions that preserve the vegetation</p> <p>25 and subsequent wildlife that exists and commutes to</p>

<p>1 this area. So we do believe that the will of the 2 people is for this ordinance to pass.</p> <p>3 MR. WYLY: When it first came to our board 4 sometime ago, I know we had a bunch of phone calls 5 either in favor or opposed. So I took the liberty 6 to go over to park my vehicle and talk to a few 7 people there, just to see what their idea was and 8 the people that was passing by. And people were 9 very strongly against any kind of changes to the 10 wetland. In fact, the father son duo would jump 11 out the little raft they were on and it was like, 12 no, we don't want any changes, we don't want this, 13 we don't want that, and keep it the way it is and 14 we want to keep everything preserved. And about 15 10, 15 other people I spoke to there said pretty 16 much the same thing. So I guess we have to take 17 that into account of, you know, what we're going to 18 decide tonight, but thank you for your information. 19 Thank you.</p> <p>20 MR. SIRMONS: Thank you.</p> <p>21 CHAIR CLARK: Board Member Shepherd.</p> <p>22 MS. SHEPHERD: Mr. Sirmons, just trying to 23 clear my mind a little bit. Mr. Sprague, is he 24 involved in this? Look like I kind of remember 25 something.</p>	<p>Page 29</p> <p>1 allowed in this area. And that has been in effect 2 since about 1990, give or take. So since then no 3 density, housing units or commercial development 4 have been allowed in this area.</p> <p>5 The City has taken additional steps to 6 preserve that area by updating the zoning within 7 the last two years to be consistent with the future 8 land use; and we are also taking this step right 9 now to update the exhibits related to the wetlands 10 ordinance. But the wetlands ordinance as well has 11 been in place since 1982, which restricts the 12 construction or demolition of wetlands for 13 development. So these protections have been in 14 place for a long time.</p> <p>15 I will say that in respect of the property 16 rights of private property owners, there is a 17 savings clause in the comprehensive plan, as well 18 as the zoning designation for this area, that 19 states that if anyone can prove they have 20 judicially determined vested development rights, 21 that owns land there, that they under very close 22 supervision of the City are allowed to exercise 23 those property rights. But that means they would 24 have to have already had those rights prior to this 25 ordinance going into effect in the '80s. So there</p>
<p>Page 30</p> <p>1 MR. SIRMONS: Who is the name you mentioned? 2 MS. SHEPHERD: Mr. Sprague. 3 MS. BUSBY: No, he's our marina consultant. 4 MS. SHEPHERD: Okay. Okay. I know I heard 5 the name. I was trying to clear my mind up.</p> <p>6 As the individual is talking about building 7 on the property that they have, just a question. I 8 know you're putting this in place. Will they ever, 9 ever be able to build on that piece of property? 10 Is this going to into effect -- I'm just asking. 11 This going into effect, it will stop any building 12 over on that piece of land? If that's what the 13 City is reaching for.</p> <p>14 MR. SIRMONS: And you're referring to the 15 land west of North Ocean Boulevard along the 16 lagoon?</p> <p>17 MS. SHEPHERD: Yes, sir. Yes, sir.</p> <p>18 MR. SIRMONS: What I can say is what is 19 definitive in our City ordinances currently. Our 20 comprehensive plan, since the late '80s, has 21 designated this area of the City as special 22 preservation. And when that was done, it 23 significantly restricted what type of development 24 that can take place in terms of any allowed density 25 or floor area ratio. There is currently none</p>	<p>Page 32</p> <p>1 is a savings clause for the property rights of any 2 owners who owned these properties previous to those 3 times; but otherwise the ordinance of the City are 4 very clear that those areas are targeted for 5 protection and environmental conservation.</p> <p>6 MS. SHEPHERD: Thank you.</p> <p>7 I know you just got here. And maybe you 8 really don't. I'm sure you know. I just wonder 9 why that the City sell that piece of property.</p> <p>10 MR. SIRMONS: The City sold a piece of 11 property?</p> <p>12 MS. SHEPHERD: I'm thinking that the 13 individual talking about building on that property, 14 that has in their possession this piece of 15 property, if it was going to hurt the wetlands, I'm 16 wondering, well, how did they get the property. 17 The City had to sell it to them.</p> <p>18 MR. SIRMONS: If I'm not mistaken, the state 19 owned these lands before they went into private 20 hands. To my knowledge they were never owned by 21 the City of Riviera Beach.</p> <p>22 MS. SHEPHERD: Okay. Okay. Now you're 23 clearing it up. Because I have been following this 24 for a very long time. And I couldn't quite get it 25 because things was rolling very, very fast, and</p>

<p style="text-align: right;">Page 33</p> <p>1 then of course everything changed. But I've been</p> <p>2 in favor of many, many years protecting that area.</p> <p>3 So it's really nice that now the City is tightening</p> <p>4 the loop that, you know, we understand that these</p> <p>5 are protected lands; and they should be protected,</p> <p>6 they're very beautiful. I understand the fish is</p> <p>7 beautiful. Everything is down in the ocean is</p> <p>8 wonderful. So I'm so happy that you all are</p> <p>9 tightening up this provision.</p> <p>10 MR. SIRMONS: And I would -- if I may, Madam</p> <p>11 Chair.</p> <p>12 I would just add to that that all of the</p> <p>13 items on tonight's agenda are staff initiated.</p> <p>14 MS. SHEPHERD: Understood.</p> <p>15 MR. SIRMONS: The ordinances of the City</p> <p>16 should be viewed as a living document; and from</p> <p>17 time to time they need to be revisited, updated,</p> <p>18 and staff's role is to ensure that they are</p> <p>19 consistent with the current will, modern</p> <p>20 developments, and various other things that affect</p> <p>21 whether ordinances are still appropriate. So staff</p> <p>22 is taking the initiative to address several areas</p> <p>23 of the code tonight that just needed an update.</p> <p>24 This is one of those. And we will continue to be</p> <p>25 diligent to make sure the development codes of the</p>	<p style="text-align: right;">Page 35</p> <p>1 state and they agreed to purchase submerged lands</p> <p>2 to preserve them? Was there any of those lots</p> <p>3 included in those type of deals?</p> <p>4 MR. SIRMONS: That question, I cannot answer.</p> <p>5 MR. FERNANDEZ: All right. Thank you for</p> <p>6 your service and your team bringing this to light.</p> <p>7 And remember, we have a public interest in</p> <p>8 protecting our wetlands. In the '70s, I don't know</p> <p>9 if everybody was out here, remember the smog</p> <p>10 everywhere? We instituted the Clean Water Act in</p> <p>11 the '70s, because there was a public interest.</p> <p>12 Okay? So we do have to weigh the private and the</p> <p>13 public. But when the public interest far outweighs</p> <p>14 that of the private, we really got to consider the</p> <p>15 public interest.</p> <p>16 Thank you very much.</p> <p>17 MR. SIRMONS: Thank you.</p> <p>18 CHAIR CLARK: Do we have any more questions</p> <p>19 from our board?</p> <p>20 Okay. Seeing none, I'm going to ask that we</p> <p>21 make a motion to adopt the recommendation that the</p> <p>22 staff has presented to us in letter G of their</p> <p>23 recommendation. May I have a motion, please?</p> <p>24 MR. FERNANDEZ: I motion to amend Code of</p> <p>25 Ordinance Chapter 23, Sections 23 through 83,</p>
<p style="text-align: right;">Page 34</p> <p>1 City of Riviera Beach facilitate the build</p> <p>2 environment that we all want to see here in Riviera</p> <p>3 Beach.</p> <p>4 CHAIR CLARK: Thank you.</p> <p>5 And our last board member, Mr. Fernandez.</p> <p>6 MR. FERNANDEZ: Mr. Sirmons, I'm glad you</p> <p>7 brought up the 1987 comprehensive plan. That</p> <p>8 severely restricted what you can build in the area</p> <p>9 that we're discussing tonight, am I correct?</p> <p>10 MR. SIRMONS: That's correct.</p> <p>11 MR. FERNANDEZ: So if you purchased a</p> <p>12 property after that date, knowing full well the</p> <p>13 restrictions on that property and the intent to</p> <p>14 preserve the area, would you consider that a buyer</p> <p>15 beware type of scenario?</p> <p>16 MR. SIRMONS: We do recommend that anyone</p> <p>17 before they purchase land in the City of Riviera</p> <p>18 Beach, that they do their due diligence beforehand</p> <p>19 to ensure anything that they would like to do on</p> <p>20 that property is allowed by current ordinances, so,</p> <p>21 yes.</p> <p>22 MR. FERNANDEZ: Another question for you.</p> <p>23 Some of those lands up there -- correct me if I'm</p> <p>24 wrong -- were they purchased by developers who were</p> <p>25 given development rights in other parts of the</p>	<p style="text-align: right;">Page 36</p> <p>1 updating Appendix I and II for a recommendation</p> <p>2 from our wonderful City staff team.</p> <p>3 MS. SHEPHERD: Second it.</p> <p>4 MR. WYLY: Second.</p> <p>5 CHAIR CLARK: Madam Clerk, you have the first</p> <p>6 and the second?</p> <p>7 MS. DAVIDSON: Can I please have the second</p> <p>8 clarified?</p> <p>9 MR. WYLY: Ms. Shepherd, second.</p> <p>10 MS. SHEPHERD: I second it, Simone.</p> <p>11 Miss Simone, I'm sorry.</p> <p>12 MS. DAVIDSON: Thank you.</p> <p>13 CHAIR CLARK: May we have a vote count,</p> <p>14 please?</p> <p>15 MS. DAVIDSON: Anthony Brown.</p> <p>16 MR. BROWN: Yes.</p> <p>17 MS. DAVIDSON: James Gallon.</p> <p>18 MR. GALLON: Yes.</p> <p>19 MS. DAVIDSON: Rena Burgess.</p> <p>20 MS. BURGESS: Yes.</p> <p>21 MS. DAVIDSON: William Wyly.</p> <p>22 MR. WYLY: Yes.</p> <p>23 MS. DAVIDSON: Margaret Shepherd.</p> <p>24 MS. SHEPHERD: Yes.</p> <p>25 MS. DAVIDSON: Frank Fernandez.</p>

<p>1 MR. FERNANDEZ: Yes.</p> <p>2 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>3 CHAIR CLARK: Yes.</p> <p>4 MS. DAVIDSON: Unanimous vote.</p> <p>5 CHAIR CLARK: Okay. At this moment we</p> <p>6 welcome our visitors if they'd like to stay for any</p> <p>7 other aspect of our agenda. If not, I'm just going</p> <p>8 to take a few moments just so everyone can depart,</p> <p>9 those who are going to leave, and those who can</p> <p>10 stay can come forward in the empty seats.</p> <p>11 Is you mic on, Ms. Savage?</p> <p>12 MS. SAVAGE DUNHAM: My mic is on. Shall we</p> <p>13 continue the meeting?</p> <p>14 CHAIR CLARK: We're going to go ahead and</p> <p>15 continue the meeting.</p> <p>16 MS. SAVAGE DUNHAM: Yes, ma'am. The next</p> <p>17 item under new business --</p> <p>18 CHAIR CLARK: Just a moment. I'm going to</p> <p>19 ask that those who would like to stay for the</p> <p>20 remainder of the meeting please come forward.</p> <p>21 Everyone else, if you're going to depart, we're</p> <p>22 going to ask that you have the conversations</p> <p>23 outside. We're going to continue on with our</p> <p>24 agenda.</p> <p>25 MS. SAVAGE DUNHAM: Thank you, Madam Chair.</p>	<p>Page 37</p> <p>1 expressed interest in clarifying the process in</p> <p>2 which an alternate member moves up to a regular</p> <p>3 member position on the board. And in reviewing the</p> <p>4 code to -- at the direction of the planning board,</p> <p>5 actually, we also looked at examples from some</p> <p>6 other communities in Florida, and since we were</p> <p>7 going to be modifying the section of the code we</p> <p>8 thought that we would take a broader look at it,</p> <p>9 and so that's where some of the other changes that</p> <p>10 are proposed are coming from.</p> <p>11 This draft amendment was workshopped with the</p> <p>12 Planning and Zoning Board extensively at the</p> <p>13 meetings of October 28th and November 4th. After</p> <p>14 the last workshop meeting the planning board</p> <p>15 directed staff to leave and make some additional</p> <p>16 amendments to the code, but then more importantly</p> <p>17 also dialogued with the City Council members and</p> <p>18 really take a gauge of their desires and thoughts</p> <p>19 and opinions on this, because ultimately they are</p> <p>20 the appointing board for this group. And so what</p> <p>21 you have in front of you is a revised text and it's</p> <p>22 revised based on planning board comments as well as</p> <p>23 some direction that we received from the City</p> <p>24 Council.</p> <p>25 So the first section is -- I'm just going to</p>
<p>Page 38</p> <p>1 The next item is item VII B. It's an ordinance of</p> <p>2 the City Council of the City of Riviera Beach, Palm</p> <p>3 Beach County, Florida, amending City Code of</p> <p>4 Ordinances Chapter 27, Planning, Article II,</p> <p>5 Administration, Section 27-31 entitled Created</p> <p>6 Members; Quorum; Term; Vacancies; Removal, in order</p> <p>7 to change the title of the section; provide</p> <p>8 guidance on procedures for appointment of regular</p> <p>9 and alternate members; establish the number of</p> <p>10 members and alternate members; and establish</p> <p>11 general qualifications for board membership; and</p> <p>12 amending Chapter 27, Planning, Article II,</p> <p>13 Administration, Section 27-33, General Duties, by</p> <p>14 amending the reference to the planning board and</p> <p>15 adding board member participation and training to</p> <p>16 the list of general duties of the board; providing</p> <p>17 for applicability, conflicts, severability and</p> <p>18 codification; and providing for an effective date.</p> <p>19 And the board will recall that we have</p> <p>20 discussed this previously. This is zoning</p> <p>21 amendment application 21-07. So what prompted this</p> <p>22 amendment to the Land Development Code, the main</p> <p>23 impetus was a lack of clarity about the process to</p> <p>24 appoint regular and alternate members to the</p> <p>25 Planning and Zoning Board. There was also an</p>	<p>Page 40</p> <p>1 run through really quickly, really the substantive</p> <p>2 changes. I know that the board is familiar with</p> <p>3 this but please bear with me.</p> <p>4 The first change is that we're revising the</p> <p>5 section title as shown.</p> <p>6 We're also revising the membership numbers,</p> <p>7 so we're proposing that there would be five members</p> <p>8 and five alternate members. Right now we have</p> <p>9 seven members and two alternates, so it's a little</p> <p>10 shift there. We're also proposing to clarify that</p> <p>11 each council district shall be represented by one</p> <p>12 regular member and one alternate member on the</p> <p>13 planning board. The alternate shall be voting</p> <p>14 members when they serve at a City Planning and</p> <p>15 Zoning Board meeting in the absence of a regular</p> <p>16 member. So what this really does is it reinforces</p> <p>17 the equal representation throughout the City.</p> <p>18 We're proposing to revise the language on</p> <p>19 appointments and, as we said before, kind of</p> <p>20 clarify the process. So appointments of the</p> <p>21 regular voting members and the ultimate members</p> <p>22 require an affirmative vote of three members of the</p> <p>23 City Council at a regularly scheduled meeting.</p> <p>24 Each term for City Planning and Zoning Board</p> <p>25 Members will last for a period of three years, with</p>

<p>Page 41</p> <p>1 the initial appointments having been staggered, 2 designated as groups A, B and C. Members may be 3 reappointed for subsequent terms. So we do not 4 have a term limit. And as this section says, you 5 don't all have your terms expire at the same time. 6 It's staggered. Which is beneficial, of course, 7 for the board.</p> <p>8 This item formalizes board procedure and 9 governance. This talks about that the members 10 shall elect the chairperson of the board and that 11 you can adopt reasonable rules of procedure to 12 govern the conduct of business and the holding of 13 hearings.</p> <p>14 The board shall keep a permanent record of 15 proceedings and shall file approved minutes of each 16 meeting with the city clerk within 30 days of the 17 date of the meeting. All meetings, records and 18 files of the board shall be open and available to 19 the public.</p> <p>20 Now we're saying this in your code, but it's 21 already this way. We're just stating the way that 22 we currently operate. This section of the code has 23 not been updated for quite a long time.</p> <p>24 This section provides guidance to the city 25 counsel in reviewing applications for membership to</p>	<p>Page 43</p> <p>1 vacancies the City Council may give preference to 2 currently serving alternate members for that 3 district.</p> <p>4 We clarify the attendance requirements. When 5 basically it states that any board member who fails 6 to attend three consecutive regular meetings 7 without cause and without prior notification to the 8 secretary of the board shall automatically forfeit 9 their appointment to serve on the board.</p> <p>10 The proposed language also includes a general 11 statement about cause for removal, and retains the 12 language that already was in there stating that the 13 City Council may remove a member for cause. The 14 proposed language also adds a requirement for a 15 majority vote of the city council for removal.</p> <p>16 Finally, the text change establishes 17 participation and training related to the general 18 duties of the Planning and Zoning Board. It adds 19 it to your list of duties and responsibilities as 20 planning board members. Again, this is something 21 that you already do regularly; we're just putting 22 it in writing.</p> <p>23 So staff recommends that the Planning and 24 Zoning Board approve the amendment to Chapter 27, 25 Sections 27-31 and 27-33 as proposed in application</p>
<p>Page 42</p> <p>1 the planning board. So we're trying to provide 2 some guidance but ultimately the decision is at the 3 discretion of the City Council, of course. So we 4 state, the City Council shall consider the 5 following qualifications when evaluating candidates 6 for appointment to the City Planning and Zoning 7 Board: Candidates must be, one, a resident of the 8 City or own property within the City; and two, 9 knowledgeable about the community or engaged in 10 civic involvement and/or, three, knowledgeable in 11 the field of comprehensive planning and zoning, 12 this chapter and other applicable regulations.</p> <p>13 Now I will note that previously this board 14 had discussed if residency in the City should be a 15 requirement for membership on the board. The text 16 as written right now does not make it a 17 requirement. It says you must be a resident or own 18 property within the city. So -- and I know the 19 board was split on that item. So I'm calling out 20 to you that if the board feels that residency in 21 the City of Riviera Beach should be a requirement 22 you would want to direct staff to edit item D 1. 23 Right now it doesn't require that.</p> <p>24 This text provides guidance to the City 25 Council for filling vacancies. We state in filling</p>	<p>Page 44</p> <p>1 ZA-21-07. And that concludes my presentation.</p> <p>2 CHAIR CLARK: Okay. Let me start and open up 3 and then we'll move down our board line.</p> <p>4 I am not in total agreement with portion A. 5 And that is -- the goal was to refine the existing 6 text related to the P and Z board, provide guidance 7 and a process for appointment of regular and 8 alternate memberships for the City Council. I 9 agree that the language is outdated and it's not 10 tightened. Therefore some of the discussions that 11 the Council have had has had them not coming to any 12 sort of consensus as to how this should be done. 13 Because the old language was kind of not really 14 tight.</p> <p>15 The objective was levelling the playing field 16 for alternates, those who after dedicating and 17 volunteering their significant amount of time as an 18 alternate, and then eventually would become a 19 voting board member when the next vacancy occurs. 20 The goal was to just -- not to have discouragement 21 or disappointment in being overlooked as an 22 alternate or it may not be attractive to get people 23 to volunteer and do their civic duty.</p> <p>24 And I went back into the minutes from that 25 previous meeting and it was very clear that we had</p>

<p>1 asked, or at least a few of us had asked, and me 2 specifically, my language was not to lose anyone 3 sitting currently on the P and Z board. 4 If the City Council chooses the five five 5 board structure, to make sure to delineate the 6 language in when the transition would take place 7 upon each member's term of expiration. I didn't 8 see that in any of the documentation. And that 9 was, again, in the minutes that we had talked 10 about. 11 And also, too, it was also to present the 12 City Council with an option; and that is to look at 13 our current seven two structure. And there shall 14 be a City Planning and Zoning Board which consists 15 of not less than seven members and two alternates 16 who shall be appointed by the City Council pretty 17 much in an at large basis because we really 18 currently function in an at large basis governing 19 body who are elected or appointed to represent a 20 whole municipal population, rather than a subset. 21 So that option is not -- I didn't see that written 22 in as well. 23 And those were my comments, because it's 24 either to get it right this evening; and I'm okay, 25 especially because it's the holidays, if staff</p>	<p>Page 45</p> <p>1 you will, that they were grandfathered in, so they 2 were allowed to when their town came up, that 3 immediate action did not take place, they were 4 grandfathered in. 5 So what I'm saying is, if this five five is 6 going to be presented, we here ought to have some 7 process of being grandfathered when our term 8 expired. And then when we have met that criteria 9 of serving, then the next time we come around, then 10 it adhered to this item A. That's what I'm saying. 11 And I don't see that language in here, so I don't 12 want anything presented to City Council and they 13 think that this immediately takes effect. That's 14 not what I want. Because I was very clear I wanted 15 us grandfathered and didn't want anybody on this 16 body left if it was that option. 17 And then the other option was the second one 18 that I just said, that's not even mentioned, and 19 that should be presented to the City Council. 20 MS. SAVAGE DUNHAM: So, two comments. To 21 your first plan about grandfathering, you could add 22 a sentence to section A that says, you know, 23 planning and zoning regular and alternate members 24 serving at the time of the adoption of this 25 ordinance shall be, you know, allowed to complete</p> <p>Page 47</p>
<p>1 takes it back and come back to us again. 2 So at this point I'm going to go ahead down 3 to -- 4 MS. SAVAGE DUNHAM: Well, Madam Chair, may I 5 respond? 6 CHAIR CLARK: Sure. 7 MS. SAVAGE DUNHAM: So your first question 8 about how would the transition happen if this code 9 were adopted, as members terms are up, the City 10 Council, just like they do now, would do 11 appointments. So I don't think that if this were 12 adopted -- right now you have seven members and two 13 alternates, you're actually short one person. So I 14 think the immediate action would be identifying 15 what district, you know, that last person should 16 be. But people that have terms, that you're in the 17 middle of the term, I don't think the intent is for 18 everyone to be simply wiped out. You would -- you 19 know, as people's terms came up there would be a 20 natural adjustment. 21 CHAIR CLARK: No, what I'm saying is using 22 the example of how the ordinance was adopted for 23 City Council and their term, that there were a 24 couple of City Council people at the term that that 25 item was going to be put on the voting block, if</p> <p>Page 46</p>	<p>1 their term. I mean I don't think that that's an 2 issue. 3 To your second point about why didn't we 4 propose options. When you bring forward a code 5 amendment, you bring forward a code amendment. 6 Right? There's public notice requirements, you 7 bring forward the language of the code. You don't 8 bring forward two separate code amendments. 9 That's, A, that's more work and it's not clear. 10 So the director did talk to every city 11 council member specifically on the points of should 12 it be five and five, should they be designated by 13 council districts, and he gauged the opinion of the 14 existing council. And this reflects that. 15 It's not proper, you know -- when you propose 16 a regulation, you propose a regulation. And we can 17 edit it or the city council can edit it. But I 18 don't stand before you and say we need to do this 19 regulation, here's two different versions. Right? 20 We work on one version and we amend it to the 21 board's, you know, satisfaction. And that's the 22 way to do the regulations. So we could add a 23 sentence to section A, if you'd like, regarding the 24 facts -- you know, just clarifying the fact that if 25 this were to be adopted it's not like immediately</p> <p>Page 48</p>

<p>1 people are gone. Page 49</p> <p>2 CHAIR CLARK: So at this point, too, we did</p> <p>3 not have a temperature read of council. So now we</p> <p>4 have a temperature read of council; and you have</p> <p>5 provided this item A as the temperature read of</p> <p>6 council, which we didn't have the first two times</p> <p>7 that we discussed it.</p> <p>8 But, Mr. Sirmons, before we go I'd like to</p> <p>9 have the board put in their feedback.</p> <p>10 MR. SIRMONS: Absolutely.</p> <p>11 CHAIR CLARK: And you guys just have your</p> <p>12 ears open, as well as ours.</p> <p>13 So I'm going to go ahead and start with Board</p> <p>14 Member Brown.</p> <p>15 MR. BROWN: The verbiage and the format seems</p> <p>16 fine. I had a problem with item A also. Which I</p> <p>17 still do. I still don't agree with it. But if</p> <p>18 that is what the council wants, (inaudible) that.</p> <p>19 MS. SAVAGE DUNHAM: With regard to the</p> <p>20 representation, you mean?</p> <p>21 MR. BROWN: The districts.</p> <p>22 MS. SAVAGE DUNHAM: The districts, correct,</p> <p>23 right, that was a debate.</p> <p>24 MR. BROWN: Yeah.</p> <p>25 MS. SAVAGE DUNHAM: Yes, sir. My</p>	<p>1 so staff is bringing this before you at the request Page 51</p> <p>2 of City Council. And so the document before you</p> <p>3 reflects what they have communicated to staff as in</p> <p>4 the direction of what they want to see for the</p> <p>5 process.</p> <p>6 Now, of course, there's a public hearing</p> <p>7 involved, of course, when this item is before them.</p> <p>8 There is still opportunities for them to make</p> <p>9 changes and adjustments and additional public</p> <p>10 input. But the item before you is reflective of</p> <p>11 those conversations at previous City Council</p> <p>12 meetings and staff communicating the progress on</p> <p>13 this item that they requested and what direction it</p> <p>14 was going so far, and they gave preliminary</p> <p>15 feedback, and this item reflects those multiple</p> <p>16 conversations.</p> <p>17 CHAIR CLARK: Mr. Gallon.</p> <p>18 MR. GALLON: Item D, number 1. I still feel</p> <p>19 that the appointee must be a resident of the city.</p> <p>20 As far as owning a property, I would say no because</p> <p>21 we have a lot of property owners that does not live</p> <p>22 in the city. So I think that should be removed or</p> <p>23 either restated. But I say that they must be a</p> <p>24 resident of the city.</p> <p>25 That's all I have.</p>
<p>1 understanding is that the City Council felt that Page 50</p> <p>2 the district representation was the desirable way</p> <p>3 to go, and so that's why this reflects that.</p> <p>4 CHAIR CLARK: Ms. Savage, when did they have</p> <p>5 that discussion?</p> <p>6 MS. SAVAGE DUNHAM: So I would defer to</p> <p>7 Mr. Sirmons.</p> <p>8 CHAIR CLARK: And then we'll go to Board</p> <p>9 Member Mr. Gallon.</p> <p>10 MR. SIRMONS: Good evening, again, Madam</p> <p>11 Chair.</p> <p>12 Again, for the record, Clarence Sirmons,</p> <p>13 Director of Development Services.</p> <p>14 Since the last time this item was before you,</p> <p>15 staff reached out to each individual council member</p> <p>16 to apprise them of discussions that were taking</p> <p>17 place regarding this item, to get a feel of what</p> <p>18 direction they wanted this to go in. Again, this</p> <p>19 initiated from council. This is before you because</p> <p>20 council deemed it necessary.</p> <p>21 The last two, maybe three times board</p> <p>22 appointments were made for the Planning and Zoning</p> <p>23 Board there was confusion amongst City Council</p> <p>24 members and staff was directed to formulate an</p> <p>25 ordinance to clarify what the process will be. And</p>	<p>1 CHAIR CLARK: Board Member Burgess. Page 52</p> <p>2 MS. BURGESS: I second that. I was just</p> <p>3 waiting. Yes, please strike "or own property".</p> <p>4 Pretty soon probably half this city is going to be</p> <p>5 owned by development. So, no, you can't hold a</p> <p>6 position on City Council, I believe, if you're not</p> <p>7 a resident. So why should you be able to sit on</p> <p>8 this board just because you own property here.</p> <p>9 That's not a vested interest in this community.</p> <p>10 So, yes, must be a resident of the city. Live here</p> <p>11 and reside.</p> <p>12 Those are my comments.</p> <p>13 CHAIR CLARK: Mr. Wyly.</p> <p>14 MR. WYLY: Yes. I pretty much stand firm on</p> <p>15 what we spoke of last time about it going from</p> <p>16 seven to five members and five alternates. That's</p> <p>17 something, with my experience, in managing two</p> <p>18 organizations, that I don't think that's a good</p> <p>19 idea to be able to do that. I think it's fine the</p> <p>20 way it is. And I don't think that that should</p> <p>21 change.</p> <p>22 I also agree with this -- for D, when it says</p> <p>23 though a resident -- to be a resident of the city.</p> <p>24 And I agree also with the own property. And I</p> <p>25 think that kind of is very subjective because it</p>

<p>1 just kind of depends because we do have people here 2 who have owned property for years and may not live 3 in the city but are born and raised in the city, 4 but that kind of opens up, it makes it very 5 subjective. So I agree with the residents should 6 be a resident of the city.</p> <p>7 But one thing I was thinking about also that 8 with the city shall consider the following 9 qualifications. And I think one of the issues that 10 we have here in the city is we have one here, 11 they're knowledgeable about the community and 12 engaged in civic involvement and knowledgeable in 13 the field of comprehensive planning and zoning. 14 But at any point are we going to start vetting 15 people for background checks, financial checks, a 16 resume' verification, criminal records? I think 17 something like that should also be vetted also with 18 coming into the city, because if we want to create 19 a better Riviera Beach we have to make sure that we 20 have the right people inside our city with the 21 right intentions. So I think that's something that 22 we should at least have a conversation about 23 because, again, we want people who are going to 24 represent the city in the right way. 25 And back to A again, about the voting</p>	<p>Page 53</p>	<p>1 And I think that's a good question for their public 2 hearing is, you know, are they going to make that, 3 you know, decision if it came down to it.</p> <p>4 MR. WYLY: Because at the end of the day, I 5 feel that the city council should not have that 6 kind of representation to the city; because when 7 the people here vote, we don't vote for a specific 8 district, we vote for everyone. And we vote for 9 everyone to come in for District one, two, three, 10 four and five, and we don't separate that vote.</p> <p>11 And at the same time I think the people that 12 we are putting on this board, that we want to throw 13 on this board, would not represent a certain area 14 but represent the city in its entirety. Because 15 that's the whole thing of Reimagine Riviera Beach, 16 we're trying to bring everyone together and be able 17 to do the right things in the city. So at the same 18 time, we want to bring in people, the best -- I 19 think myself and Mr. Brown talked about it and 20 Mr. Gallon talked about it earlier -- not talked 21 about it earlier, but at the last meeting, about we 22 think that the best candidate should be the one who 23 should get the position, rather than the person who 24 just lives in our district. Because how is the 25 city going to get any better or is going to come up</p>	<p>Page 55</p>
<p>1 members. So what happens in a situation to where 2 we adopt this plan and we have seven voting members 3 now and now we go to five voting members? Given 4 that the majority of us are actually recruited or 5 asked to apply by people outside of our district, 6 so now what to do now when we make these changes? 7 Who does what? Are we going to have people who are 8 going to lose their voting rights and now going to 9 be pushed to alternate? How is that decided? Or 10 is that decided by the district person in council? 11 Or what is the plan for doing that? And how are we 12 going to proceed from there, if we're not going to 13 be grandfathered in?</p> <p>14 MS. SAVAGE DUNHAM: That's a good question. 15 The city council ultimately is in charge of the 16 planning board, so with regard -- if there was 17 questions about voting members versus alternates, I 18 would defer to them. That certainly would be above 19 my pay grade. I would -- you know, I serve them. 20 So from my perspective, you have nine people now. 21 This is proposing a ten member group. So from 22 where I am, you have one more seat to fill and the 23 alternates don't lose their vote. They can 24 certainly participate. They may not be voting at a 25 meeting. But it would be up to the city council.</p>	<p>Page 54</p>	<p>1 with great ideas if we're taking the best 2 candidates and we're not putting them in because 3 they live in the same area as another candidate. 4 Or maybe two or three candidates may live in that 5 area and all of a sudden we don't have these people 6 with knowledge and experience to be able to make 7 our city what it should be. So that was one of my 8 main concerns with that is, I don't think that the 9 city council should have a district representation.</p> <p>10 Because we all live -- I think, how to say 11 this correctly. Singer Island has a different 12 base, I understand, because I wouldn't know 13 anything about Singer Island besides when I drive 14 over, but I wouldn't know anything about the 15 layout. But I do know my area and I do have family 16 in every part over in the -- on the west side. So 17 that would be a little different concept. So I 18 understand that Singer Island would have to have 19 some type of representation to be able to 20 understand what's going on and understand what the 21 people are and everything. I get that part. 22 That's what makes the city a little special.</p> <p>23 But at the same time I think that we should 24 still have the best candidates from every -- in the 25 city, period, on the Planning and Zoning Board, no</p>	<p>Page 56</p>

<p>Page 57</p> <p>1 matter where they are, no matter where district 2 they live in. That's my opinion.</p> <p>3 MS. SAVAGE DUNHAM: So that's a good point. 4 And I will just say for the board, ultimately if 5 there's items in here that this board is divided 6 on, you know, you don't agree on certain items, if 7 the item advances to City Council I think staff's 8 report would be calling out, for example, item A, 9 you know, the Planning -- and I don't know what the 10 Planning Board's position would be, but on 11 something that you didn't have consensus on, 12 staff's report to the City Council would have to 13 call it out. The Planning Board was divided on 14 this item and here's why.</p> <p>15 Ultimately it will be up to the City Council 16 to decide because this article is about how they 17 act so -- but it's our job to call out to them your 18 thoughts. And when they're unanimous, that's what 19 we do; and if they aren't unanimous, that's what 20 we'll do. We take no -- you know, we don't vote.</p> <p>21 MR. WYLY: One more question. Two more. 22 City Council. We spoke earlier, and I looked 23 in here and I saw the word shall, and it says spoke 24 of City Council -- I still say in my thoughts that 25 the alternate who had been in for years should</p>	<p>Page 59</p> <p>1 go into that position; and then the alternate, they 2 should be able to choose the person, the alternate 3 that's replacing that position. They should be 4 able to choose the alternate for the new person 5 coming in. But the person who was the alternate at 6 that time, if we go to this form, then I think that 7 that person should automatically with the years 8 that they've put into the community, they should 9 automatically be put into voting rights.</p> <p>10 MS. SAVAGE DUNHAM: Technically the City 11 Council would have to vote to appoint them. But we 12 can change the language to say that in filling 13 vacancies. Because what you're talking about is a 14 regular member leaves, there's a vacancy, if there 15 is a sitting alternate, that sitting alternate 16 should be the person that's advanced. But that 17 does require a vote of the City Council.</p> <p>18 MR. WYLY: Right.</p> <p>19 MS. SAVAGE DUNHAM: Because it's an 20 appointment to the Planning and Zoning Board. So 21 the way to express that would be to say the City 22 Council shall give preference to currently serving 23 alternate members for that district.</p> <p>24 MR. WYLY: I just wanted to be fair to the 25 person who was sitting on council -- I mean sitting</p>
<p>Page 58</p> <p>1 automatically be put into it, not the decision of 2 the City Council. Now, again, if this is 3 implemented, I still think that if they have to 4 choose the alternate, that's fine. But the 5 alternate that's in place already should 6 automatically, that shouldn't have to go to board 7 for that. They should automatically be moved into 8 that voting position. Rather than someone being 9 leapfrogged in that situation because district -- 10 excuse me -- the person in that district wants to 11 know the person, and that person who had been 12 giving faithful service to our city now is going to 13 feel very unenthusiastic about representing the 14 city if they're going to keep getting taken 15 advantage of.</p> <p>16 MS. SAVAGE DUNHAM: So for item E then, is it 17 your wish that in item E, where it says in filling 18 vacancies the City Council -- it currently says 19 may. And are you saying that you want it to go 20 back to saying shall? The City Council shall --</p> <p>21 MR. WYLY: No, I think it should 22 automatically, whatever verbiage we have to use at 23 that point, it shouldn't be left up to the City 24 Council to be able to make that decision. That 25 person who was the alternate should automatically</p>	<p>Page 60</p> <p>1 on Planning and Zoning Board and learning, 2 absorbing experience and becoming better, and then 3 I want them to have the right opportunity to be 4 able to serve for the Planning and Zoning Board.</p> <p>5 Also, when we said about the Council giving 6 cause for removal, what specifically would be 7 deemed cause? And then would it be a certain 8 situation where something happened, would there be 9 a -- because I think someone spoke on it at the 10 last meeting. If something happened would there be 11 a review board, would somebody be able to discuss 12 this and to be able to find out what would be the 13 severity of something that happened, and would that 14 person be removed then at that point, and what 15 would deem cause?</p> <p>16 MS. SAVAGE DUNHAM: So that's a great 17 question. So the first part is that the code 18 currently already has language that says the City 19 Council may remove any member for cause. That's 20 already in there. That's existing language. That 21 is not new.</p> <p>22 What staff has proposed is G, any -- and 23 this -- you saw it last time -- any act or omission 24 by a board member which constitutes a breach of the 25 board member's duty to perform the functions of the</p>

<p>Page 61</p> <p>1 office, any disruption of the business of the</p> <p>2 board, a failure to comply with the rulings of the</p> <p>3 chairman or presiding officer of the board, the</p> <p>4 infliction of verbal or physical abuse on the other</p> <p>5 members of the board, city officials or persons</p> <p>6 appearing before the board, of failure to carry out</p> <p>7 the directives of the City Council, or the</p> <p>8 commission of misdemeanors, misfeasance or other</p> <p>9 unlawful acts whether or not related to the office</p> <p>10 shall be deemed cause for removal. So that's a</p> <p>11 pretty broad statement there. We just tried to</p> <p>12 clarify it.</p> <p>13 Now, one of my colleagues had inserted</p> <p>14 language in a previous draft that was longer than</p> <p>15 the actual existing code, that kind of laid out</p> <p>16 this whole process for judge and jury; and</p> <p>17 ultimately we deleted that from the final version</p> <p>18 for a couple of reasons. One, the intent of this</p> <p>19 article as directed by the City Council is to</p> <p>20 clarify appointment process for the Planning Board.</p> <p>21 You know, that was our charge to begin with. And</p> <p>22 it seemed unwieldy to have this whole kind of judge</p> <p>23 and jury procedure about removing a Planning Board</p> <p>24 member that was larger than the actual article that</p> <p>25 we were directed to do.</p>	<p>Page 63</p> <p>1 CHAIR CLARK: Board Member Shepherd.</p> <p>2 MS. SHEPHERD: Mr. Sirmons, could you come to</p> <p>3 the mic for one minute.</p> <p>4 I always have to refresh my memory. But I</p> <p>5 think you, during the last appointments, how you</p> <p>6 kind of stuck to your guns about the provisions</p> <p>7 here. But -- and I'm very mindful of where I'm at.</p> <p>8 I've been doing this for a long time. And because</p> <p>9 when I came back from West Palm Beach to Riviera</p> <p>10 Beach, I think I sat out maybe a year, maybe two,</p> <p>11 and I was appointed by a council person. And a</p> <p>12 couple of the board members who were here, they</p> <p>13 were here maybe two or three years when I was gone,</p> <p>14 but they automatically removed them and put myself</p> <p>15 and another person. And I just come to the</p> <p>16 conclusion, and maybe you can clarify it, because I</p> <p>17 think a new council is coming a board, I just have</p> <p>18 this feeling, or maybe a member, I'm not sure, how</p> <p>19 do you stop that process? How are you going to</p> <p>20 stop the process if a new set of people come in,</p> <p>21 let's just a new set will come, and they decide</p> <p>22 they want their person that they trust on the</p> <p>23 board, how are you going to -- you did it well, the</p> <p>24 other members, but I've seen it done a couple</p> <p>25 times.</p>
<p>Page 62</p> <p>1 And ultimately, in discussing it internally,</p> <p>2 the City Council has the right to appoint people to</p> <p>3 the Planning Board and remove people from the</p> <p>4 Planning Board. I am a relative newcomer but I'm</p> <p>5 not aware of the City Council, you know,</p> <p>6 arbitrarily removing people from service. I know</p> <p>7 that they're grateful for the time that you put in</p> <p>8 and the good work that you do. So we ultimately</p> <p>9 took out that big arbitration kind of process</p> <p>10 because it just seemed like it would create -- I</p> <p>11 don't want to say a public spectacle, but if</p> <p>12 there's some kind of disagreement and it's</p> <p>13 centering around misfeasance, or something</p> <p>14 unlawful, the board has the right to remove</p> <p>15 someone.</p> <p>16 So we did take that process out, that long</p> <p>17 section saying we'll do hearings and this and that.</p> <p>18 So basically if the City Council wants to appoint</p> <p>19 someone, they vote to appoint someone. If they</p> <p>20 want to invoke section G and there's some kind of,</p> <p>21 you know, critical failure in ethics or action,</p> <p>22 they could invoke section G and remove someone.</p> <p>23 But it's ultimately their purview. So that's why</p> <p>24 we took that part of it out.</p> <p>25 MR. WYLY: Thank you.</p>	<p>Page 64</p> <p>1 MR. SIRMONS: And the question, to make sure</p> <p>2 I understand it, is how would we prevent newly</p> <p>3 elected council members from appointing persons</p> <p>4 other than who is serving now?</p> <p>5 MS. SHEPHERD: Yes, when the people's time is</p> <p>6 up, if they move them away, and they put their</p> <p>7 people in there. And it's been done a couple of</p> <p>8 times. And I know I was one of the ones that they</p> <p>9 moved away, put me in; and I know the individual.</p> <p>10 And I'm just remindful of who I am, they are</p> <p>11 council, I feel like they have a right to do</p> <p>12 whatever they want. Do we question them this time</p> <p>13 around?</p> <p>14 It's just something to think about.</p> <p>15 MR. SIRMONS: Yes, I believe I understand the</p> <p>16 question.</p> <p>17 We have through this amendment put some</p> <p>18 guidance in here on things that are important to</p> <p>19 consider when City Council is making appointments</p> <p>20 to this board. It does not, however, remove the</p> <p>21 fact that members of the Planning and Zoning Board</p> <p>22 are political appointees. And when politics</p> <p>23 change, seated council members change, it is a</p> <p>24 possibility that members of this board could change</p> <p>25 as well.</p>

<p>Page 65</p> <p>1 And serving at the direction of City Council,</p> <p>2 the purpose of this amendment isn't to create an</p> <p>3 ordinance that puts a bunch of shackles on the</p> <p>4 elected officials on who they can and cannot</p> <p>5 appoint during their political appointment process.</p> <p>6 It's to provide clarity to the process, some</p> <p>7 fairness to the process, because some council</p> <p>8 members currently are able to elect three seats and</p> <p>9 another council is not allowed to elect anyone to</p> <p>10 any of these seats.</p> <p>11 So the intent that we were directed to</p> <p>12 satisfy is to create some clarity in the process,</p> <p>13 some fairness amongst the council persons, and</p> <p>14 we've taken some liabilities to add some additional</p> <p>15 things that we believe will improve the process,</p> <p>16 such as giving them some guidelines on the types of</p> <p>17 things they need to consider when appointing a</p> <p>18 person. But at the end of the day, these are</p> <p>19 political appointees and we don't believe an</p> <p>20 ordinance -- I mean even from our conversations,</p> <p>21 staff's conversations, we don't believe there's</p> <p>22 support for an ordinance that provides a lot of</p> <p>23 shackles and bound City Council on what they can</p> <p>24 and cannot do with the political appointment</p> <p>25 process, because that was not the intention.</p>	<p>Page 67</p> <p>1 to put their person in there -- oh, I've lost my</p> <p>2 train of thought now. I'm trying to figure out how</p> <p>3 you do it.</p> <p>4 MR. SIRMONS: No, I believe I follow your</p> <p>5 question in ensuring that all of the representation</p> <p>6 doesn't come from a single district of the city,</p> <p>7 and that it's equitable in terms of representation</p> <p>8 on this board; is that where you were going?</p> <p>9 MS. SHEPHERD: I think what I'm saying is</p> <p>10 that if a new council come on, and they have their</p> <p>11 people, and you already have -- you have the board</p> <p>12 already in place, and you have one, two, three in</p> <p>13 one district, and they want to put -- just like I</p> <p>14 think what happened with Dr. Botel, because you</p> <p>15 don't have representation from district five.</p> <p>16 And then someone made a comment that the</p> <p>17 mayor should have privilege of (inaudible). I'm</p> <p>18 just trying to get a clear picture of what was said</p> <p>19 the night I was here. I think I heard someone say</p> <p>20 that the mayor should have a voice. Because right</p> <p>21 now district five does not. And they're for the</p> <p>22 whole city.</p> <p>23 MR. WYLY: That's correct.</p> <p>24 MS. SHEPHERD: And I don't think we quite</p> <p>25 figured it out. I just -- maybe you figured it</p>
<p>Page 66</p> <p>1 MS. SHEPHERD: Can you go back to what you</p> <p>2 said? You're not going to put shackles on council?</p> <p>3 MR. SIRMONS: Correct. If we bring forth an</p> <p>4 ordinance that creates a lot of restraints, such as</p> <p>5 the removal process, saying this is when you cannot</p> <p>6 and cannot remove someone, or when there's a</p> <p>7 vacancy this is who you can appoint, or you're not</p> <p>8 allowed to do this. That wasn't the spirit of the</p> <p>9 request that was made from council. So staff has</p> <p>10 prepared an ordinance that meets the spirit of what</p> <p>11 they've requested, taking in account all of the</p> <p>12 feedback from this board, and from them, and we are</p> <p>13 bringing forth what we believe meets with balance</p> <p>14 the interest of both parties. But, again, at the</p> <p>15 end of the day it is the council's right to appoint</p> <p>16 persons to this body.</p> <p>17 MS. SHEPHERD: Another thing that I think</p> <p>18 where we really get confused, we have the</p> <p>19 districts. And at one time I think it was like</p> <p>20 four people from district one. I think now.</p> <p>21 Before you got here. Never had two people from the</p> <p>22 island.</p> <p>23 How -- I mean, how do you get around that?</p> <p>24 Because you have council people -- I'm saying</p> <p>25 when -- if someone come in different and they want</p>	<p>Page 68</p> <p>1 out. I haven't.</p> <p>2 I'm confused on how we're going to transact</p> <p>3 when -- like me, I'm up, I'm up. You know, does my</p> <p>4 council person want to keep me? She can remove me.</p> <p>5 MR. SIRMONS: The way we believe that that is</p> <p>6 naturally addressed is that the current system is</p> <p>7 based on districts, and each elected official</p> <p>8 represents the constituents of that district. So</p> <p>9 when they appoint someone, they presumably</p> <p>10 understand that they're in office to represent that</p> <p>11 group. And when they appoint someone to this</p> <p>12 board, that it would be someone that they can trust</p> <p>13 would reflect the interest of their constituents.</p> <p>14 And that's why the rotation of who gets to appoint</p> <p>15 the vacancies on this board, they rotate through</p> <p>16 the different elected officials. Except for</p> <p>17 district five and, again, that's something we're</p> <p>18 trying to correct through this amendment. But in</p> <p>19 trusting that that constituent -- that council</p> <p>20 person understands their constituency, that they</p> <p>21 would appoint someone that would represent the</p> <p>22 interests of that constituency.</p> <p>23 Now of course we can't control, so to speak,</p> <p>24 who they recommend; but the fact that each council</p> <p>25 person is responsible for making a recommendation</p>

<p>1 for appointment, we believe addresses the need for 2 there to be representation from all the different 3 districts, so we don't have all persons from one 4 district representing the entire Planning and 5 Zoning Board, or all persons from district four or 6 district two on this board, but that it be spread 7 out based on those elected officials who are 8 represented -- or elected by the different 9 districts, make the recommendations. If that gets 10 to your question.</p> <p>11 MS. SHEPHERD: Okay. Because what I'm 12 alluding to is my council person did not appoint 13 me. I came with another council person. And then 14 I did not know -- I really did not know I was in 15 this district until someone from Public Works told 16 me where I was at. And I'm like, no, I don't think 17 so, I'm in -- no, Ms. Shepherd, you're here. And 18 then when my council person was reading it, she's 19 going from my history from one, three, now two. So 20 she's confused now. And I began to explain just 21 what happened. I didn't know where I was at when 22 they appointed me. They left, so you know, she...</p> <p>23 MR. SIRMONS: And to respond to that. That's 24 precisely why we need an ordinance that does what 25 this does, because council had the same questions,</p>	<p>Page 69</p>	<p>1 they're fair to anyone that their district has put 2 in that place, and give them the opportunity to 3 move up.</p> <p>4 MS. SHEPHERD: Well, thank you for clarifying 5 some of it. It's been kind of like a mystery, 6 being in a cloud, and not really understanding the 7 thought process, I think, when a new council come 8 in, and being stuck with us when they really want 9 to have someone else. And I think that's why they 10 kind of go over and pick whom they want to pick.</p> <p>11 But I hope this ordinance go through so we 12 would never, ever be stuck in the position again 13 like we have been in the last few years.</p> <p>14 So thank you, and thank you for your staff 15 for working on this. Thank you so much.</p> <p>16 MR. SIRMONS: Thank you. Yes, staff has 17 worked very hard to try to incorporate all the 18 points of view into this ordinance.</p> <p>19 MS. SHEPHERD: Thank you.</p> <p>20 MR. FERNANDEZ: Mr. Sirmons, just real quick. 21 On this -- I agree it should be a resident. So I 22 believe the majority of the board agrees that it 23 should be a resident and not a property owner, so 24 that probably would be an easy one to amend as we 25 speak.</p>	<p>Page 71</p>
<p>1 such as why -- I can't remember appointing a person 2 to the board, when is my turn? Or what seats are 3 to who? And the development services staff does 4 keep a roster of these items, but that only goes 5 back so far. It's not in the ordinance. So as far 6 as we can tell, this is the -- how things have been 7 done traditionally for, you know, maybe the last 8 five to ten years. But there's nothing in our 9 ordinance that clarifies exactly how this process 10 shall take place.</p> <p>11 And so the process that has been handed down, 12 we know there's some deficiencies there. It's not 13 clear, you know, which council members appoint 14 which seats, unless they come and see our staff 15 papers that are in a file drawer somewhere. So we 16 want that to be reflected in the ordinance, what 17 council member is responsible for what seats; make 18 it clear what their appointal (sic) process is; and 19 also making it clear that we believe it is a fair 20 system that each council person directs the 21 voting -- elects the voting member; and they also 22 get the opportunity to recommend their alternate 23 position. So in fairness, when that alternate has 24 an opportunity to move up, the person in that 25 district can make that decision and make sure</p>	<p>Page 70</p>	<p>1 MR. SIRMONS: I know Ms. Savage has been 2 taking notes as everyone has spoken, so I believe 3 we can make a text amendment -- I'm sorry, a text 4 adjustment from the floor to ensure that what's 5 voted on tonight reflects what is clearly the 6 majority's will on that item.</p> <p>7 MR. FERNANDEZ: Now, going -- just going back 8 to A, I understand and I believe that in each 9 district council person should be able to select 10 their voting member and their alternate. But 11 according to the way this is written, it doesn't 12 say that that district person can recommend their 13 choice to the City Council. All it says is each 14 council's district shall be represented by one 15 regular member and one alternate member.</p> <p>16 So we want to make sure that the council 17 person has a right to select their individual and 18 propose their individual to the City Council for 19 their final vote.</p> <p>20 MS. SAVAGE DUNHAM: So after PZB, would you 21 add in, as recommended by the seated council member 22 for that district?</p> <p>23 MR. FERNANDEZ: Right. City Council for that 24 district makes a recommendation to the council.</p> <p>25 In other words, like Mr. Sirmons alluded to</p>	<p>Page 72</p>

<p>1 and we've already -- I mentioned this in prior 2 meetings. The citizens of that district voted for 3 that individual. So that council person should 4 have the right to select who they want to serve as 5 a voting member and as an alternate. And I 6 understand my wonderful board members who have been 7 on here a lot or years than I have, and lived 8 through a couple of eras where things were up in 9 the air. But the bottom line is that we discussed, 10 this is political. It's the same thing happens on 11 the county level, the state level, the federal 12 level; when you got a new government coming in, 13 whether it's republican or democrat, they bring 14 their own people in. And they don't like to be 15 shackled. And we shouldn't be writing any 16 ordinances which shackle our City Council.</p> <p>17 So, again, they're going to have the ultimate 18 vote on this. I thought by the time we got this 19 back they would have said no, we want a resident, 20 we want this, we want this, we want this. That way 21 we don't have to discuss it yet again. Because 22 they're the ones that are going to be voting on it.</p> <p>23 So I was hoping when I saw it that I would be 24 like, oh, great, here we go back to -- it looks 25 like we're back to square one.</p>	<p>Page 73</p> <p>1 that we have here. Because if we have ten and all 2 ten are going to be speaking at a meeting, after me 3 there will be four more that are going to be 4 speaking, we'll be here until after midnight, one 5 a.m., maybe three a.m. if we're lucky. So we got 6 to -- I mean, five more alternates? I mean, man, 7 we should -- I don't know why -- we should just 8 keep it at seven. And the way we have it now, we 9 speak -- imagine. I finish, and then after me, oh, 10 you got five more. Hold on. We'll be here until 11 like two a.m.</p> <p>12 So, again, I appreciate everything you've 13 done. I think we've all basically said the same 14 thing in different ways. But, you know, we serve 15 at the entire city. It's correct, we serve the 16 city. We don't have special interests.</p> <p>17 However, we should allow that council person 18 to select, that way every district is represented. 19 Otherwise, in major cities, if you don't have 20 representation in planning and zoning, when that 21 waste management firm comes up and they're looking 22 for a place to plop their waste management 23 location, and you don't have a representative -- 24 that won't happen here because we don't want to -- 25 but that has happened. And you know where those</p>
<p>1 So, you know what, they're going to be voting 2 on it, they're going to be making the ultimate 3 decision, so leave it up to that council person to 4 select who they want, to recommend it to the City 5 Council. Let's leave the -- some of the 6 requirements in here.</p> <p>7 I was the one that addressed the due process 8 and for cause because you just can't say, 9 Ms. Shepherd out, you're out. Why? I don't know, 10 I didn't like the way your Slurpee was the other 11 day. You know, I'm just making up these silliness. 12 But you should have a right for due process, and 13 that should be written somewhere in the city 14 charter, that if you fire anybody they have a right 15 to due process whether they're union or nonunion. 16 Because it's my name, my reputation, if you're 17 going to accuse me of something, I want to know. I 18 want to be able to say, why am I being released.</p> <p>19 Now it won't happen here, we got a great 20 board here. But remember, whatever we do here, 21 we're setting it for the future. We're setting the 22 precedent for the future. But we got to be really 23 conscientious of what we do and how we do it.</p> <p>24 Because, like I said, we love it. I'm not in 25 favor of going back to five. I like the set up</p>	<p>Page 74</p> <p>1 places are going to end up.</p> <p>2 So every district should be represented. But 3 the numbers here just don't -- but, again, I would 4 have just thrown this back to City Council, have 5 them decide; and they come back to us, this is what 6 we want, after discussion. And then we look over 7 it, we give a suggestion or two, and then we send 8 it back. But now it's like we're going back and 9 forth, back and forth.</p> <p>10 MS. SAVAGE DUNHAM: So this won't -- the way 11 a text amendment works is that this board reviews 12 it and then it goes to the City Council and they 13 vote. It's a public hearing. It's a duly noticed 14 public hearing.</p> <p>15 The director did speak to every City Council 16 member. We did not have it as a hearing item on 17 their agenda because ultimately it's going to be a 18 public hearing item on their agenda. So we gauged 19 the sentiment of the board individually with direct 20 personal conversations. This reflects that.</p> <p>21 So the way the process is, is this board 22 amends it, changes it, gives recommendations. It 23 goes to the City Council. If they want to keep it 24 at seven and two, they'll strike language and keep 25 it at seven and two. If they want it at five and</p>
	<p>Page 75</p>
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<p>1 five, they'll keep it at five and five. But 2 ultimately when it goes to City Council they will 3 vote and then that will be what the language is. 4 It's not that they amend it, then it comes back to 5 you to bless it to go become to them. 6 CHAIR CLARK: Ms. Savage, we're clear on 7 that. 8 I think my position is that we understand 9 that City Council is going to vote, decide how City 10 Council is going to. 11 My position is, I just did not want to be 12 complicit in not going through this, and be a bump 13 on a log, without them understanding I have an idea 14 of at least how I felt. And maybe other board 15 members would like to say that I don't want to be 16 complicit in my own demise, I want to be able to 17 say what I have to say, understanding that they're 18 going to vote how they're going to vote. 19 Also, too, for me, again, I'm divided on A. 20 I'm also divided on D-1. And I've already shared 21 why I was divided on A. And on D, where it says 22 own property within the city, we have and have had 23 City Council people who are members, City Council 24 members, and they don't live in our city but they 25 own property. And they are here to vote it in and</p>	<p>Page 77</p> <p>1 and in the staff report I can reflect the fact that 2 the board was divided on that item. Or I would 3 probably say the board didn't have consensus on, 4 you know, a certain section of it, and let the 5 council be the final arbiter. So I'd defer to you, 6 if you would want it to have both in it, which you 7 just said that you did, we can not strike it. It's 8 the pleasure of this board. 9 MS. BURGESS: Madam Chair. 10 CHAIR CLARK: Yes. 11 MS. BURGESS: I don't want to prolong the 12 issue, but as I was sitting here and we were 13 discussing the resident versus owning property, I 14 did go the internet and try to find out what the 15 qualifications and requirements are for Riviera 16 Beach City Council. And I did find one document, 17 which it's not dated so I don't know how current it 18 is, but it does state how to become a Riviera Beach 19 candidate. And under qualifications it says, one, 20 must be a U.S. citizen. Two, must reside in the 21 City of Riviera Beach and be a registered voter. 22 And three, must have resided in the applicable 23 district one year prior to the qualifying date. 24 And then it gives the applicable Article II, 25 Section I (B) for the city charter.</p> <p>Page 79</p>
<p>1 they make decisions. 2 And my saying "or own property" is to 3 coincide with the same language that is in our 4 ordinance now as it relates to City Council people. 5 As a matter of fact, it even goes towards the 6 mayor. We've had that type of elected official 7 that did not live in the city but governed our 8 city. 9 So, if we're going to be fair, you make it 10 the same way that it is for elected officials, 11 whether they're council members or whether they're 12 the mayor, that they really should be living in our 13 city if they're going to govern our city. But it's 14 not like that. So that's why I disagree and I'm 15 divided on number 1. If it was that they all lived 16 in our city, I wouldn't have a problem with it. 17 But that's not our landscape today. 18 So I think it should, one, coincide with the 19 same ordinance that's on the books that reflects 20 how it is with these elected officials now. So I'm 21 divided on that, and that's why. 22 MS. SAVAGE DUNHAM: That's a good point. And 23 as I said to the board before, certainly they're 24 going to review this and change it as they will. I 25 can advance it with both of that language in there,</p> <p>Page 78</p>	<p>1 So -- and then the other items are just 2 forms, qualifying requirements, that have to be 3 submitted. So I don't, I don't see where, you 4 know, it states in here to be a candidate that you 5 don't have to be a resident. But I would say the 6 same, like Mr. Wyly brought up different things as 7 far as background checks. I mean, I don't -- I'm 8 not in agreeance with making more qualifications 9 for this board, that a candidate, an elected 10 official is not held to as well. You can't have 11 higher standards for a P and Z board than what you 12 have for your elected official. And it's not a 13 requirement. They don't have to do a criminal 14 background check, a credit check. 15 So, just if we keep those things in mind. 16 But if you could either verify that if a Riviera 17 Beach council person is required to be a city 18 resident, because what I'm looking at states that 19 they have to be, they have to reside in the City of 20 Riviera Beach and be a registered voter. 21 MS. BUSBY: Madam Chair. So vice chair is 22 correct. That is a provision of Section I, and 23 it's Section B, which says only electors of the 24 city who have resided continuously in the city for 25 one year preceding the date of filing for office</p> <p>Page 80</p>

<p>1 shall be eligible to hold office of mayor or 2 council person, except that the candidates for 3 districts one, two, three and four must reside 4 within the respective district for the required one 5 year period. So you're absolutely correct, that is 6 a requirement.</p> <p>7 MS. SHEPHERD: Okay. Thank you.</p> <p>8 MS. BUSBY: You're welcome.</p> <p>9 CHAIR CLARK: So at this point are we taking 10 a vote or do you just gather feedback and just take 11 it back to council?</p> <p>12 MS. SAVAGE DUNHAM: Well, the item would move 13 forward to the City Council after the Planning 14 Board. Ideally, we would have a recommendation for 15 you either in favor -- ideally in favor. But it 16 would go on to the City Council ultimately. Even 17 if you were deadlocked. I would like to report to 18 them the will of the board and -- well, Mr. Sirmons 19 will.</p> <p>20 CHAIR CLARK: That's what I'm asking, the 21 will of the board. Do you want some sort of vote 22 or do you have enough to take back? What is it 23 that you want in terms of the will of the board?</p> <p>24 MS. SAVAGE DUNHAM: If somebody made a motion 25 and seconded, it would be good to have action on</p>	<p>Page 81</p> <p>1 correct.</p> <p>2 As you spoke of earlier, Mr. Fernandez spoke 3 of earlier, is it going to work as if council will 4 select someone and then they will go towards a vote 5 with City Council at that time, with the entire 6 City Council to vote on that person? Because what 7 if that person wants to bring in someone and the 8 other City Council members don't think that person 9 should be on the Planning and Zoning Board? What 10 happens then?</p> <p>11 MS. SAVAGE DUNHAM: Ultimately it's -- you 12 know, that's something for the City Council to work 13 out. You know, ultimately, if you're on a board 14 and you're advancing someone, you talk amongst each 15 other, people explain why there's a -- actually an 16 application form for service, and they do some 17 vetting so, you know, that's between them. I can't 18 arbitrate that.</p> <p>19 MR. WYLY: Okay. And one other thing, I know 20 through a process that some of us came in on -- and 21 it's just a suggestion -- that we needed to vote 22 (inaudible) for example, we had three or four 23 Planning and Zoning Board positions available. And 24 then let's say that we had about, you know, ten 25 people apply for it. Right? And then those</p>
<p>1 the item. Is the board --</p> <p>2 MR. FERNANDEZ: But what are we voting on? 3 We made some changes to the word -- to the paper, 4 so it's -- what are we going to be voting on? The 5 changes you're adopting today, which we don't know 6 because I can't read your writing?</p> <p>7 MS. SAVAGE DUNHAM: So do you want -- so the 8 board is saying that you want us to advance it to 9 the City Council and document where the board did 10 not have agreement?</p> <p>11 CHAIR CLARK: Versus voting.</p> <p>12 MS. SAVAGE DUNHAM: We can write a detailed 13 staff report.</p> <p>14 CHAIR CLARK: I'm in agreeance with that, 15 because we still have a few people that still have 16 some quandary of -- you know. So I'm okay with 17 that. So I think that's your charge.</p> <p>18 MS. SAVAGE DUNHAM: Okay. I'll wait until 19 the minutes come and then I'll write the staff 20 report from the minutes. For -- just for equity 21 purposes.</p> <p>22 MR. FERNANDEZ: Okay. That's fair.</p> <p>23 MR. WYLY: I got one more -- one more -- 24 well, one more question. Like I say again, I hate 25 to prolong it but I want to make sure we get this</p>	<p>Page 82</p> <p>1 applications would be, you know, resume's would be 2 looked at and decided upon. And then the voting 3 process that we use for us coming in was -- and I 4 think it was something they just adopted for that 5 meeting, was that they pick one person who they 6 like, and they got five points for that. The 7 second person got four. Third person got three. 8 So an and so forth. And then at that point they 9 totalled them all up and the person who had the 10 highest amount of points was automatically put on 11 the board; then the second person, the third 12 person, so on and so forth. And then that way we 13 get an unbiased qualified candidate into our 14 system, rather than a friend or a buddy that may 15 not be as beneficial to the city.</p> <p>16 MS. SHEPHERD: When did that happen?</p> <p>17 MR. WYLY: It happened with me.</p> <p>18 MS. SHEPHERD: They had a -- explain it 19 again.</p> <p>20 MR. WYLY: Yes, myself.</p> <p>21 MS. SHEPHERD: They had --</p> <p>22 MR. WYLY: They had a voting process to 23 where --</p> <p>24 MS. SHEPHERD: How many people are we talking 25 about?</p>
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<p>Page 85</p> <p>1 MR. WYLY: It was -- I think it was three --</p> <p>2 four open positions, because we hired two -- we</p> <p>3 hired two permanents and two alternates that night.</p> <p>4 And myself and Mr. Hunt, God bless him, were</p> <p>5 brought in under that process to where they voted,</p> <p>6 they had our resume's, they had our information,</p> <p>7 and they voted on us by giving us numbers; and then</p> <p>8 the highest two numbers were voted in that night,</p> <p>9 and then they made a decision on the next two for</p> <p>10 alternates.</p> <p>11 MS. SAVAGE DUNHAM: And that's a good point.</p> <p>12 I think with the language here, if the council</p> <p>13 chooses to go to district representation, then</p> <p>14 ultimately that's what will be driving it. And if</p> <p>15 there's a vacancy in district two, then that</p> <p>16 council person will be making recommendations. I</p> <p>17 mean applications for service will come in, but</p> <p>18 when there's a vacancy I would think that each</p> <p>19 council person would probably give some deference</p> <p>20 to their colleagues, because when their term --</p> <p>21 their time to appoint someone is up, they want</p> <p>22 their colleagues to work with them.</p> <p>23 So it wouldn't be a majority vote kind of,</p> <p>24 you know, district blind process that you went</p> <p>25 through. But, again, right now we have a process</p>	<p>Page 87</p> <p>1 appoint you.</p> <p>2 MS. SAVAGE DUNHAM: So, you know, I hear you,</p> <p>3 but -- so based on -- Madam Chair, is the direction</p> <p>4 of the board that staff receive the minutes and</p> <p>5 write a detailed staff report about where there was</p> <p>6 points made and then advance the language?</p> <p>7 CHAIR CLARK: Sure. And I, again, on that</p> <p>8 item 1 of D -- and I've heard what our attorney has</p> <p>9 said -- I'm just saying that it's written like that</p> <p>10 but in actuality that's not even how it happens.</p> <p>11 MS. BURGESS: That's a violation.</p> <p>12 CHAIR CLARK: Well, you know -- it's like</p> <p>13 that. I remember it being a huge discussion a long</p> <p>14 time ago.</p> <p>15 MR. WYLY: Even when we look at G, that's not</p> <p>16 being up here at all so...</p> <p>17 CHAIR CLARK: Okay. So I think you have your</p> <p>18 charge.</p> <p>19 And let's go on to our last item or unless I</p> <p>20 take a vote from our board and find out if we want</p> <p>21 to table it to next meeting.</p> <p>22 MR. GALLON: Let's move on.</p> <p>23 CHAIR CLARK: Move on?</p> <p>24 MS. SAVAGE DUNHAM: I'll be quick. I</p> <p>25 promise.</p>
<p>Page 86</p> <p>1 where not all districts are represented equally and</p> <p>2 we've been directed to try to rectify that moving</p> <p>3 forward. And so we're following the direction of</p> <p>4 the council.</p> <p>5 MR. WYLY: I think the one thing that I</p> <p>6 wanted to do was make City Council's job a little</p> <p>7 easier, and to me this seems to be putting in City</p> <p>8 Council in the day-to-day operations. And which</p> <p>9 they shouldn't be because that's the reason why the</p> <p>10 Planning and Zoning Board is here, to make the job</p> <p>11 easier for them. If they have to get to the point</p> <p>12 to where they're making decisions on human</p> <p>13 resources and hiring police officers and</p> <p>14 everything, what's to stop at this point to where</p> <p>15 you are bringing in this type people? Like</p> <p>16 Mr. Fernandez said, you're just bringing your</p> <p>17 people into your -- into the organization, rather</p> <p>18 than go through the proper process or have an</p> <p>19 unbiased process.</p> <p>20 MS. SAVAGE DUNHAM: I hear your perspective.</p> <p>21 I mean ultimately it's a political process. I mean</p> <p>22 I hear what you're saying, but it's a political</p> <p>23 process and the City Council already has the</p> <p>24 authority to appoint so --</p> <p>25 MS. SHEPHERD: It is. I like you so I'll</p>	<p>Page 88</p> <p>1 MR. LOZMAN: Point of order, Madam Chair.</p> <p>2 The City Council did not give rules of</p> <p>3 decorum for public comment to include a 7:30 time</p> <p>4 certain; and your agenda is not in accordance with</p> <p>5 public comment. You should have (inaudible).</p> <p>6 CHAIR CLARK: Generally the way that we've</p> <p>7 always been running the meetings since I've been</p> <p>8 here is that we did not wait until the last moment</p> <p>9 with public comments and the business has been</p> <p>10 taken care of and it became a disadvantage to the</p> <p>11 guests that were here, that they never had an</p> <p>12 opportunity to speak. So -- just one moment. So</p> <p>13 we try to give public comments right after staff or</p> <p>14 the applicant give their presentation, and people</p> <p>15 give their public comments where it's applicable at</p> <p>16 that time. But I don't want to be remiss that you</p> <p>17 have a public comment in, and we can go ahead and</p> <p>18 take that.</p> <p>19 MR. LOZMAN: It's on a non-agenda public</p> <p>20 comment. It's not public comment on an item</p> <p>21 (inaudible).</p> <p>22 MS. BURGESS: He needs to be on microphone.</p> <p>23 MS. SAVAGE DUNHAM: He wants to speak under</p> <p>24 public comment section X(A).</p> <p>25 CHAIR CLARK: Sure. Okay. And if we missed</p>

<p>Page 89</p> <p>1 that -- usually I am advised. But we missed that.</p> <p>2 I apologize.</p> <p>3 MS. SAVAGE DUNHAM: We did not miss that.</p> <p>4 We're not there yet.</p> <p>5 CHAIR CLARK: We're not there yet? Oh.</p> <p>6 Okay. All right. Good. Okay.</p> <p>7 MS. SAVAGE DUNHAM: That's under general</p> <p>8 discussion.</p> <p>9 CHAIR CLARK: Okay. So we're not there yet.</p> <p>10 Okay.</p> <p>11 MS. SAVAGE DUNHAM: I will move quickly</p> <p>12 through this material. I know the board has</p> <p>13 reviewed it, so I will move quickly through it.</p> <p>14 And -- if you're ready.</p> <p>15 CHAIR CLARK: Yeah, we're ready.</p> <p>16 MS. SAVAGE DUNHAM: Very good.</p> <p>17 Mr. Walter, could I have the other one up,</p> <p>18 please.</p> <p>19 So the next item before us is an ordinance of</p> <p>20 the City Council of the City of --</p> <p>21 MS. SHEPHERD: Huh-uh.</p> <p>22 MR. LOZMAN: Point of order. You can't go on</p> <p>23 to the next agenda item until you have general</p> <p>24 public comment.</p> <p>25 MS. SHEPHERD: Madam Chair, please let him</p>	<p>Page 91</p> <p>1 Regulations, Section 31-483, Minimum Site Area, in</p> <p>2 order to allow land outside the Inlet Harbor Center</p> <p>3 Planned Unit Development area to be included in the</p> <p>4 minimum site area for an IHC-PUD; and amending</p> <p>5 Chapter 31, Zoning, Article 5, District</p> <p>6 Regulations, Section 31-497, Property Development</p> <p>7 Standards for the Inlet Harbor Center Planned Unit</p> <p>8 Development (IHC-PUD), to establish a maximum</p> <p>9 height of 20 stories or 200 feet for new IHC-PUD</p> <p>10 projects; and amending Chapter 31, Zoning, Article</p> <p>11 V, District Regulations, Section 31-534, downtown</p> <p>12 districts generally, to allow new Inlet Harbor</p> <p>13 Center planned unit developments within the CRA and</p> <p>14 correcting two typographical errors; providing for</p> <p>15 applicable, conflicts, severability and</p> <p>16 codification; and providing for an effective date.</p> <p>17 So this is zoning amendment 21-08. What</p> <p>18 prompted the zoning amendment? The zoning division</p> <p>19 of the Development Services Department prepared</p> <p>20 this proposed amendment to the Code of Ordinances</p> <p>21 in order to provide a thoughtful mechanism for</p> <p>22 higher density development within the CRA and on</p> <p>23 adjacent properties if they are developed as part</p> <p>24 of a planned unit development.</p> <p>25 The need for the code revision has been</p>
<p>Page 90</p> <p>1 speak so we can move on.</p> <p>2 CHAIR CLARK: Just one more -- (overlapping</p> <p>3 voices).</p> <p>4 CHAIR CLARK: Well, I'm going to ask. Just</p> <p>5 one moment, please.</p> <p>6 MS. SHEPHERD: Just let him do it.</p> <p>7 CHAIR CLARK: Okay. So we have item B we</p> <p>8 just covered. We're on item C. Then we go to</p> <p>9 workshop items, and then we go into general</p> <p>10 discussion, and then we go into public comments.</p> <p>11 That's the way the agenda is outlined right now.</p> <p>12 And you know what, we're going to move on</p> <p>13 with item C. Ms. Savage, go ahead, move on, and</p> <p>14 we're going to follow the agenda.</p> <p>15 MR. LOZMAN: And you're violating</p> <p>16 the (inaudible).</p> <p>17 CHAIR CLARK: We're going to follow the</p> <p>18 agenda.</p> <p>19 Go ahead. Proceed, Ms. Savage.</p> <p>20 MS. SAVAGE DUNHAM: Thank you, ma'am. I'll</p> <p>21 be quick.</p> <p>22 So item C is an ordinance of the City</p> <p>23 Council, of the City of Riviera Beach, Palm Beach</p> <p>24 County, Florida, amending City Code of Ordinances</p> <p>25 Chapter 31, Zoning, Article V, District</p>	<p>Page 92</p> <p>1 highlighted by increased development pressure</p> <p>2 within the city. The CRA supports this proposal</p> <p>3 and a copy of the memorandum from the CRA is</p> <p>4 included in your backup material for your</p> <p>5 reference.</p> <p>6 Very briefly, this proposal is to revise</p> <p>7 three sections of the land development code as</p> <p>8 follows: Chapter 31, Section 31-483, maximum site</p> <p>9 area. The intent of this revision is to allow land</p> <p>10 outside of the Inlet Harbor Center redevelopment</p> <p>11 area to be included in the minimum site area for an</p> <p>12 IHC-PUD.</p> <p>13 Now, before I go any further, the Inlet</p> <p>14 Harbor Center redevelopment area, it's now called</p> <p>15 the CRA. And so that language is old.</p> <p>16 One of the other changes that is not called</p> <p>17 out in your PowerPoint, but that we would make if</p> <p>18 this advances, is to actually do a search and</p> <p>19 replace and replace the IHC redevelopment area with</p> <p>20 the CRA. So that we look at that as a housekeeping</p> <p>21 item.</p> <p>22 But, again, the CRA is where the city in your</p> <p>23 guidance documents has said this is where we want</p> <p>24 some higher density walkable pedestrian scale</p> <p>25 development. And this is to allow somebody, if</p>

<p>1 you're within the CRA, say you own five properties 2 in the CRA, and your property maybe two of them are 3 outside the CRA and three of them are in. Right 4 now if you wanted to come in and do a planned unit 5 development the property that's outside the CRA, 6 you couldn't actually develop in accordance with, 7 you know, your master development, in other words. 8 It's like a wall is at the CRA boundary. And 9 staff's discussion internally and with CRA is to 10 say, if somebody is bringing forward a thoughtful 11 development, we should not preclude them from 12 proper design simply because some of the property 13 may fall out of the CRA.</p> <p>14 So right now our code says if you're in the 15 CRA, you could develop it. If you're outside the 16 CRA different, you know, zoning rules apply. So we 17 think this is a reasonable accommodation.</p> <p>18 The next proposed revision is for Chapter 31, 19 Section 31-497, property development standards for 20 the IHC planned unit development. So the intent is 21 to establish a maximum height of 200 feet or 20 22 stories for new IHC-PUDs.</p> <p>23 And again, backing up, Marina Grande was 24 developed as an IHC-PUD. I believe they're 25 25 stories. After the Marina Grande -- and this is</p>	<p>Page 93</p>	<p>1 development but we don't want it everywhere in the 2 city, we want it in the downtown area in the CRA 3 district.</p> <p>4 How do we allow that to happen in a kind of 5 measured way so that the city gets the growth that 6 you desire but it's in the form and shape that you 7 want? So from staff's professional experience, 8 that would be a planned unit development. That's a 9 cohesive development, typically mixed use. And 10 within the CRA that project would go before this 11 board, then the CRA, and then the City Council.</p> <p>12 And it's a discretionary permit. So if the 13 City Council doesn't like the proposal, they don't 14 have to approve it. It's a different beast than a 15 permitted use. So that is why -- and then getting 16 back to the height provision, Marina Grande is, I 17 believe, 25 stories. Because currently the zoning 18 code does not allow PUDs within the CRA at all, 19 right now we're saying, listen, we're cracking that 20 door open a little to achieve what the city wants 21 and get some more economic development. But we 22 don't want to throw the door wide open. Right? 23 And so staff's position in proposing this is to 24 say, look, let's crack the door open, let's be 25 conservative; there's other mechanisms where higher</p>	<p>Page 95</p>
<p>1 well before my time, so Ms. Shepherd can certainly 2 correct me -- but after the Marina Grande, PUDs, 3 the regulations were changed to say, in 1983, no 4 new PUDs in the CRA.</p> <p>5 And my understanding is when that downtown 6 code came in, that restriction was put in place 7 because at the time there was a desire to control 8 kind of some unchecked development, right, that was 9 prior to the recession; and the people that were in 10 power at the time thoughtfully put in that 11 provision to say no new PUDs within the downtown 12 district.</p> <p>13 Well, now, fast forward to 2021, our leaders 14 are regulating documents, even our comprehensive 15 plan, the CRA development plan, all say that we 16 would like to have some higher density development 17 with, you know, walkable pedestrian scale economic 18 development within the CRA, near the water. And 19 so -- and there is certainly interest in that. 20 Right? You have Nautilus right across the 21 boundary. We have proposals that this board has 22 been hearing about, you know, within the CRA. And 23 so staff has been thinking about the will of the 24 council and people that are saying, you know, gee, 25 we should have some of that higher density</p>	<p>Page 94</p>	<p>1 density could likely be achieved; but let's try to 2 take a first step. Because once you grant property 3 rights, if you adopted a code that says we 4 authorize 300-foot building or 30-story buildings 5 within the CRA, once you grant those property 6 rights you can't reel them back in. Right? You 7 can't do that. That's not how it works. So we 8 really need to be thoughtful about the form, 9 density and scale of development that the city 10 wants.</p> <p>11 Another change is to Chapter 31, Section 12 31-534, downtown districts generally. The intent 13 is to allow new IHC-PUDs within the CRA and 14 correcting two typographical errors. This section 15 of the code currently has language that says no new 16 PUDs within the CRA, at all. And so that directly 17 stands in opposition to what we're hearing from our 18 leaders, that there's a desire to have additional 19 development concentrated within the CRA district. 20 In fact, that's everything we've been working 21 towards within our codes. So we're suggesting that 22 we strike the language prohibiting new PUDs in the 23 CRA, but then we proceed cautiously and 24 conservatively allowing some development rights and 25 then, you know, proceed from there with what our</p>	<p>Page 96</p>

<p>Page 97</p> <p>1 leaderships desire.</p> <p>2 Again, you can never really reel it back, so</p> <p>3 your best approach is to go in a measured manner</p> <p>4 and then adjust.</p> <p>5 So in addition to those changes, we also are</p> <p>6 looking at -- PUDs require recreational amenities,</p> <p>7 and so the IHC redevelopment area, we'd like to</p> <p>8 make some minor revisions to the required</p> <p>9 recreational amenity package. Right now the</p> <p>10 IHC-PUD says the recreational amenity, every</p> <p>11 project has to have one tennis court. We think</p> <p>12 that the recreational amenity package should be</p> <p>13 broader and identify, you know, yes, you need to</p> <p>14 provide recreational amenities but does it have to</p> <p>15 be a tennis court? Is it a recreational amenity</p> <p>16 including but not limited to, you know, a pool or a</p> <p>17 fitness center, you know, that type of thing, a</p> <p>18 spa. So that is another minor change that we would</p> <p>19 like to include in this proposal.</p> <p>20 So the ordinance would also provide for</p> <p>21 applicability, conflicts, severability and</p> <p>22 codification, and for an effective date.</p> <p>23 So, again, just to restate, the revision of</p> <p>24 these sections of the Code of Ordinances is to</p> <p>25 provide a mechanism for higher density mixed use</p>	<p>Page 99</p> <p>1 We think a targeted approach provides the greatest</p> <p>2 level of control to the city.</p> <p>3 So, because this is a PUD, it is a</p> <p>4 discretionary permit, not a permitted use, the City</p> <p>5 Council can reject a proposal that they feel is not</p> <p>6 right for the city.</p> <p>7 So staff recommends that the Planning and</p> <p>8 Zoning Board approve the amendments to Chapter 31</p> <p>9 Sections 31-483, 31-497, 31-500, which is the</p> <p>10 recreational amenities that I referenced, as well</p> <p>11 as 31-534, as proposed in ZA-21-08.</p> <p>12 I will also say that there's no current</p> <p>13 pending applications relative to this proposal. We</p> <p>14 are just trying to meet the needs of the city as</p> <p>15 expressed to staff.</p> <p>16 CHAIR CLARK: Sure. At this point I'm going</p> <p>17 to go ahead and ask a question, starting with</p> <p>18 Mr. Brown.</p> <p>19 MR. BROWN: Ms. Savage, I see a couple more</p> <p>20 typographical errors here. In section 31 and 34</p> <p>21 (c)(2), first sentence --</p> <p>22 MS. SAVAGE DUNHAM: Section 31 what?</p> <p>23 MR. BROWN: 534.</p> <p>24 MS. SAVAGE DUNHAM: 534.</p> <p>25 MR. BROWN: (C)(2).</p>
<p>Page 98</p> <p>1 within the CRA and staff believes it makes sense.</p> <p>2 Currently no new PUDs are allowed in the CRA. This</p> <p>3 restriction was put in place at a time when slowing</p> <p>4 unchecked development was important. Now there is</p> <p>5 an interest in allowing thoughtful mixed use</p> <p>6 development within the CRA to increase the density</p> <p>7 and generate an economic benefit. This type of PUD</p> <p>8 would do just that.</p> <p>9 An IHC-PUD requires at least three revenue</p> <p>10 generating commercial operations in addition to the</p> <p>11 residential use. This is a way to support a higher</p> <p>12 density of development, otherwise that we currently</p> <p>13 allow by the code. This also would not permit high</p> <p>14 density mixed use development in every single, you</p> <p>15 know, section of the CRA. This is a way to do a</p> <p>16 targeted, you know, apply for your project and, you</p> <p>17 know, defend to the Planning Board and the City</p> <p>18 Council why it makes sense where it is. That's a</p> <p>19 different permitting strategy than to say we're</p> <p>20 going to pick, you know, the downtown core district</p> <p>21 and we're going to allow 20-story buildings</p> <p>22 everywhere in that district. Right?</p> <p>23 There's two different -- it's a targeted</p> <p>24 approach to permitting and allowing economic</p> <p>25 development versus a broad brush approach to it.</p>	<p>Page 100</p> <p>1 MS. SAVAGE DUNHAM: (C)(2). Okay.</p> <p>2 MR. BROWN: Where it says, "primary streets</p> <p>3 are to develop overtime." I guess you meant to use</p> <p>4 two words there instead of one.</p> <p>5 MS. SAVAGE DUNHAM: Hold on. Let me pull</p> <p>6 that up. Primary and secondary streets?</p> <p>7 MR. BROWN: Yes. To develop over time.</p> <p>8 MS. SAVAGE DUNHAM: Oh. Oh. You want a</p> <p>9 space in there?</p> <p>10 MR. BROWN: Yes, ma'am.</p> <p>11 MS. SAVAGE DUNHAM: You are -- could you</p> <p>12 proofread everything for me?</p> <p>13 MR. BROWN: It means two different things</p> <p>14 though. It means two different things. It changes</p> <p>15 the meaning completely.</p> <p>16 Section number (3), Marina Way. Lake Worth</p> <p>17 Lagoon. I don't know if you want that -- that's</p> <p>18 optional.</p> <p>19 And (e)(1)(a), second line. You have two</p> <p>20 "froms" there.</p> <p>21 MS. BUSBY: I'm sorry. Can you repeat that?</p> <p>22 MS. SAVAGE DUNHAM: (1)(e).</p> <p>23 MR. BROWN: Section 31-534, (e)(1)(a), second</p> <p>24 line, "ordinance from from".</p> <p>25 MS. BUSBY: I get it, yes.</p>

<p style="text-align: right;">Page 101</p> <p>1 MS. SAVAGE DUNHAM: I still didn't get it.</p> <p>2 MS. BUSBY: There's a double from.</p> <p>3 MR. BROWN: You have two "froms".</p> <p>4 MR. WYLY: On the second sentence there's two</p> <p>5 "froms" there.</p> <p>6 MS. SAVAGE DUNHAM: Oh, okay.</p> <p>7 MS. BUSBY: So, Madam Chair, may I speak?</p> <p>8 MS. SAVAGE DUNHAM: That's already in there</p> <p>9 as a correction. That's one of the typographical</p> <p>10 errors that I referenced in the presentation. But</p> <p>11 thank you very much.</p> <p>12 MR. BROWN: And also, what about (3)(a)(1)?</p> <p>13 Need a space in there somewhere. One hundred, a</p> <p>14 space, of an acre. One one hundredth -- it's all</p> <p>15 together -- of an acre.</p> <p>16 MS. SAVAGE DUNHAM: I still didn't get that.</p> <p>17 MS. DAVIDSON: I have it.</p> <p>18 MR. BROWN: (3)(a)(1).</p> <p>19 MS. SAVAGE DUNHAM: (3)(e)(1), yes.</p> <p>20 MR. BROWN: (3)(a) -- (a)(1).</p> <p>21 MR. WYLY: He's saying there should be a</p> <p>22 space between one one-hundredth of an acre.</p> <p>23 MS. SAVAGE DUNHAM: Oh, okay. Thank you.</p> <p>24 I'm sorry.</p> <p>25 MS. BUSBY: Madam Chair, I just want to point</p>	<p style="text-align: right;">Page 103</p> <p>1 districts over there that allow residential or</p> <p>2 potentially mixed use residential are 20 stories.</p> <p>3 And so we felt that by choosing a similar height as</p> <p>4 the other developments adjacent to that district,</p> <p>5 we felt that that was reasonable --</p> <p>6 CHAIR CLARK: A good compromise.</p> <p>7 MS. SAVAGE DUNHAM: We weren't overly</p> <p>8 restricting. But, you know, if you think about it</p> <p>9 another way, if we approve it this way at 20, and</p> <p>10 there's still a desire say by our city leaders to</p> <p>11 provide a mechanism for someone to get to 25</p> <p>12 stories, we can modify the MEHOP program and if</p> <p>13 somebody wants to have additional density they</p> <p>14 could contribute to our affordable housing fund to</p> <p>15 get that extra density. We do have other</p> <p>16 mechanisms to apply additional relief to the code.</p> <p>17 CHAIR CLARK: Okay. That's fine.</p> <p>18 One last question. Going to the example of</p> <p>19 someone who owns property, three inside the CRA,</p> <p>20 two outside of the CRA, you bridge that together to</p> <p>21 make the project happen, what if the neighboring</p> <p>22 person says, hey, well, I want to be in the CRA,</p> <p>23 you let this piece of property in here, and it's</p> <p>24 just one, you know, piece of property, but I'm</p> <p>25 bumping up against it, I want to join in that</p>
<p style="text-align: right;">Page 102</p> <p>1 out that it's not staff per se. It was an error</p> <p>2 from 2013 that had rolled over.</p> <p>3 So thank you so much, Board Member Brown. I</p> <p>4 wish you were here in 2013.</p> <p>5 CHAIR CLARK: Is that it, Mr. Brown?</p> <p>6 MR. BROWN: Yes, thank you.</p> <p>7 CHAIR CLARK: Mr. Gallon.</p> <p>8 MR. GALLON: No questions.</p> <p>9 CHAIR CLARK: Ms. Burgess.</p> <p>10 MS. BURGESS: No questions at this time.</p> <p>11 CHAIR CLARK: Okay. Just a couple -- two</p> <p>12 questions. The 200, 20 stories, how did that come</p> <p>13 about, it's that particular height?</p> <p>14 MS. SAVAGE DUNHAM: The staff's reasoning for</p> <p>15 that is that previously the IHC-PUD, Marina Grande</p> <p>16 was allowed higher -- greater height than the city</p> <p>17 chose to say --</p> <p>18 CHAIR CLARK: Is that in the CRA? The Marina</p> <p>19 Grande?</p> <p>20 MS. SAVAGE DUNHAM: Yeah.</p> <p>21 CHAIR CLARK: Okay.</p> <p>22 MS. SAVAGE DUNHAM: And then the city chose</p> <p>23 to say, you can't do them at all, now we're</p> <p>24 granting new rights. And so, again, staff thought</p> <p>25 about, you know, RM-20, RMH-20. The other zoning</p>	<p style="text-align: right;">Page 104</p> <p>1 aspect too because of the benefits.</p> <p>2 MS. SAVAGE DUNHAM: So we're not letting</p> <p>3 people into the CRA. A PUD requires a minimum of</p> <p>4 two acres. It's typically a mixed use development.</p> <p>5 I keep saying the Marina Grande. That's just an</p> <p>6 example that we all see. So we're not changing the</p> <p>7 CRA boundary.</p> <p>8 What we're saying is, if you're proposing a</p> <p>9 development and you have an assemblage of</p> <p>10 properties, if some of your properties are outside</p> <p>11 the CRA, the City Council could allow that to be</p> <p>12 developed as part of your project.</p> <p>13 But I do want to call out the language that</p> <p>14 we put in, because you're making a very good point,</p> <p>15 it is an added benefit. So I just want to read</p> <p>16 into the record, property located outside the Inlet</p> <p>17 Harbor Center redevelopment area that is adjacent</p> <p>18 to or contiguous to a proposed IHC-PUD and in the</p> <p>19 same ownership may be included in the calculation</p> <p>20 of the minimum site area of the project and</p> <p>21 developed as part of the project if it is</p> <p>22 demonstrated that the inclusion of that property</p> <p>23 provides an increased economic benefit, enhances</p> <p>24 the overall project design, contributes to</p> <p>25 pedestrian connectivity and enables the provision</p>

<p>Page 105</p> <p>1 of civic open space. So it's not just a give away.</p> <p>2 It's saying if you demonstrate to us that having</p> <p>3 this land area included as part of your development</p> <p>4 provides these additional benefits -- and that's</p> <p>5 something that they would have to prove to you and</p> <p>6 then the CRA and then the City Council -- we will</p> <p>7 allow you to develop that as one wholistic project.</p> <p>8 We're not adding it into the CRA. We're saying if</p> <p>9 you prove to us that there's a benefit to the city</p> <p>10 for allowing that to all be developed together.</p> <p>11 CHAIR CLARK: Okay. Thank you.</p> <p>12 Mr. Wyly.</p> <p>13 MR. WYLY: No questions.</p> <p>14 CHAIR CLARK: Ms. Shepherd.</p> <p>15 MS. SHEPHERD: None.</p> <p>16 CHAIR CLARK: Mr. Fernandez.</p> <p>17 MR. FERNANDEZ: Just one line item for</p> <p>18 clarification. You started mentioning the 20-story</p> <p>19 for the Inlet Harbor, but then you mentioned in the</p> <p>20 CRA, for instance, you won't allow a 20-story</p> <p>21 building on that property that -- on Blue Heron and</p> <p>22 One, correct, where they're tearing down?</p> <p>23 MS. SAVAGE DUNHAM: The code currently</p> <p>24 doesn't allow it there.</p> <p>25 MR. FERNANDEZ: That's what I'm -- okay.</p>	<p>Page 107</p> <p>1 MS. SAVAGE DUNHAM: No, ma'am.</p> <p>2 CHAIR CLARK: Okay. All right. Then let's</p> <p>3 go under public comments. We have one from</p> <p>4 Mr. Fane Lozman.</p> <p>5 MS. SAVAGE DUNHAM: I believe you have two.</p> <p>6 CHAIR CLARK: I have only one card.</p> <p>7 MS. DAVIDSON: You have two, Madam Chair.</p> <p>8 CHAIR CLARK: Welcome.</p> <p>9 MR. LOZMAN: Madam Chair, Fane Lozman.</p> <p>10 I want to explain in a little bit more detail</p> <p>11 what I'm talking about. The City Council adopted</p> <p>12 rules of decorum for public comment at public</p> <p>13 meetings. And the reason that they did that are</p> <p>14 the comments were running a lot of times until 10</p> <p>15 or 11 o'clock at night and people could not hang</p> <p>16 around to make their comments, elderly people that</p> <p>17 wanted to talk, so they adopted 7:30 time certain;</p> <p>18 unless you were in the middle of an item, and then</p> <p>19 as soon as that item went, you went to public</p> <p>20 comments.</p> <p>21 They also adopted rules of decorum, how those</p> <p>22 public comments have to take place as far as, you</p> <p>23 know, topics and stuff like that; and they post</p> <p>24 that rules of decorum at the front of the meeting.</p> <p>25 So I'm going to talk to whoever reported you</p>
<p>Page 106</p> <p>1 That's all the clarification I needed. Thank you.</p> <p>2 CHAIR CLARK: Okay. All right. Since we</p> <p>3 have no other further questions, may I have a</p> <p>4 motion that you accept the staff recommendations as</p> <p>5 recommended?</p> <p>6 MR. WYLY: So moved.</p> <p>7 MR. BROWN: Second.</p> <p>8 CHAIR CLARK: May we have a vote, please.</p> <p>9 MS. DAVIDSON: Anthony Brown.</p> <p>10 MR. BROWN: Yes.</p> <p>11 MS. DAVIDSON: James Gallon.</p> <p>12 MR. GALLON: Yes.</p> <p>13 MS. DAVIDSON: Rena Burgess.</p> <p>14 MS. BURGESS: Yes.</p> <p>15 MS. DAVIDSON: William Wyly.</p> <p>16 MR. WYLY: Yes.</p> <p>17 MS. DAVIDSON: Margaret Shepherd.</p> <p>18 MS. SHEPHERD: Yes.</p> <p>19 MS. DAVIDSON: Frank Fernandez.</p> <p>20 MR. FERNANDEZ: Yes.</p> <p>21 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>22 CHAIR CLARK: Yes.</p> <p>23 MS. DAVIDSON: Unanimous vote.</p> <p>24 CHAIR CLARK: Okay. Any workshop items,</p> <p>25 Ms. Shepherd? I mean -- sorry. Ms. Savage.</p>	<p>Page 108</p> <p>1 and ask if they will explain to you to please</p> <p>2 conduct these meetings not only to Roberts Rules of</p> <p>3 Order but also to the rules that have been adopted</p> <p>4 by the City Council. So I don't want to come back</p> <p>5 here again and see an agenda that's not prepared in</p> <p>6 accordance with the rules that the City Council</p> <p>7 adopted for non-agenda public comment. I'm also</p> <p>8 not going to wait here past 7:30 unless there is an</p> <p>9 item pending. So what happened tonight was wrong</p> <p>10 and I don't want it to happen again.</p> <p>11 Now, I have a couple comments I wanted to</p> <p>12 make. My property -- I used to live on my property</p> <p>13 up until a year ago. Last fall. I had a homestead</p> <p>14 exemption on my property on Singer Island. They</p> <p>15 then down zoned the property, the special</p> <p>16 preservation. So contrary to what Mr. Fernandez</p> <p>17 has said, the property did have value because it</p> <p>18 could be used for floating residential structures.</p> <p>19 Number one.</p> <p>20 Number two, it's already been litigated -- it</p> <p>21 doesn't matter when somebody bought those</p> <p>22 properties on Singer Island. You may think it</p> <p>23 does, but it doesn't. We didn't spend millions of</p> <p>24 dollars and not do due diligence to understand what</p> <p>25 is going on. It's only been litigated that there</p>

<p>1 is a vested right that goes back to 1924 to develop 2 those properties. Okay. So this idea like, oh, 3 well, you bought it and you should have known -- A, 4 the zoning was always residential until last fall 5 but it's already been litigated as to that. 6 The savings clause is nonsense. You know, 7 there's a whole legal -- and with that tremendous 8 legal fire power, look at that, and that's just a 9 joke. 10 And one of the things that should disgust you 11 as a board is you should expect honesty in what is 12 represented to you here today. There is a right in 13 the State of Florida, really throughout the 14 country, to protect one's property from trespass 15 and vandalism. We got a permit for a fence on Pine 16 Point Road. It was issued by the chief building 17 official, a black woman, Ladi March Goldwire. 18 Councilperson Botel got Ms. Goldwire fired because 19 she refused to rescind the fence permit. They 20 fired her. 21 Her replacement went ahead, allowed the fence 22 to be built and inspected, and then Councilperson 23 Botel said we will remove you as our chief building 24 official unless you put it back into review. We 25 have not been allowed to build a fence on our</p>	<p>Page 109</p> <p>1 or not, that's individual. 2 The fence that is in front of the property on 3 Pine Point was not taken down. It had fallen town 4 because of a storm. It has now hindered -- created 5 a sewer of -- in a protected area. There's metal 6 in the water, metal on the ground. It's incredible 7 what's going on there. 8 There was a lady walking down the street with 9 some kids, they all ran to the water and played. 10 One little kid fell and almost got hurt, or did get 11 hurt, and they came to me and said who do I talk to 12 about this. And I said you have to contact the 13 property owner. I don't own that property. But I 14 maintain it. I make it look beautiful, because it 15 needs to be protected. 16 So anybody can say that it was taken down. 17 It was done by the storm. Okay? And now you have 18 poles sticking up. You have metal in the water. 19 I have called the city to say, can somebody 20 come clean it up. It's a protected environment and 21 it's being polluted. There's a problem, 22 disconnection. Whoever is at fault is not the 23 issue. The issue is there is a problem, it needs 24 to get cleaned up. Somebody needs to be 25 responsible for it. I'm one guy. It's very heavy</p> <p>Page 111</p>
<p>1 property. They've allowed it to be torn down. 2 So when they say wetland preservation, they 3 say, well, you can't have a fence under the wetland 4 preservation ordinance, that has nothing to do with 5 it. It's a red herring they threw your way. I 6 think it's important that you recognize you've been 7 duped here -- 8 MS. DAVIDSON: Time. 9 MR. LOZMAN: -- with some of the 10 representations by Mr. Sirmons. 11 CHAIR CLARK: Thank you for your comment. 12 Thank you. 13 Mr. Sam Spector. 14 MR. SPECTOR: Thank you for hearing me again, 15 board, members. 16 First of all, I would like to just say to 17 you, I'm a property owner, commercial and 18 residential business person. I have bought many 19 properties; some of them have panned out correctly, 20 some have not. Some have cost me money, some have 21 made me money. This is what America is all about. 22 To say the Pledge of Allegiance to the United 23 States of America and have freedom, we all have 24 that. We have the freedom to purchase our 25 properties, make our decisions, whether they work</p> <p>Page 110</p>	<p>1 metal that's in that water. It's dangerous. 2 look for it yourself; you'll see it. Okay? 3 There's sharp items, metal sticking up. Nobody has 4 done anything except for mother nature. 5 And the property is beautiful. And it's been 6 that way -- as I told you, I've lived there since I 7 was 14 years old, and it hasn't changed. So 8 erosion, there's no erosion, not in my 35, 40 years 9 of living there. Okay? 10 I respect everybody's right to own property, 11 to develop, whatever they have to do, but not in a 12 protected area. I protect -- I firmly and I feel 13 everybody on Singer Island has spoken, to stand up, 14 and you have spoken, to protect the environment of 15 these areas. This is not about money. This is 16 really about life. Living good clean healthy life. 17 And I appreciate that. 18 So if there is a way that can somebody can 19 come look at what's in the water, you won't believe 20 your eyes. It's like somebody just dumped all the 21 stuff there. 22 Who do I talk to? I don't know. 23 Talk to this man? Absolutely not. 24 MS. DAVIDSON: Thank you for your time, sir. 25 MS. SHEPHERD: Where is the property at, sir?</p> <p>Page 112</p>

<p>Page 113</p> <p>1 On Pine Point?</p> <p>2 MR. SPECTOR: Yes. It's in the middle of the</p> <p>3 (inaudible). You'll see a beautiful area</p> <p>4 (inaudible).</p> <p>5 MS. SAVAGE DUNHAM: This is inappropriate.</p> <p>6 MS. DAVIDSON: Madam Chair --</p> <p>7 MS. SHEPHERD: Go back to the mic so I can</p> <p>8 hear you, sir.</p> <p>9 CHAIR CLARK: No.</p> <p>10 MS. SHEPHERD: I'm not -- excuse me. Tell me</p> <p>11 where it's at, sir.</p> <p>12 MR. SPECTOR: It's in the middle of Pine</p> <p>13 Point, in the middle of the road. And you'll see</p> <p>14 it's in a cleared area that my mother is 95 years</p> <p>15 old and she has maintained and kept that --</p> <p>16 CHAIR CLARK: I'm going to have to --</p> <p>17 (overlapping voices). Sir. Sir.</p> <p>18 MR. SPECTOR: Picked up the garbage and</p> <p>19 everything.</p> <p>20 CHAIR CLARK: Sir. I'm going to have to</p> <p>21 thank you for your comments because if I give you</p> <p>22 more time I have to give the gentleman behind you</p> <p>23 more time.</p> <p>24 MS. SHEPHERD: Excuse me, Madam Chair. I</p> <p>25 asked -- point of order.</p>	<p>Page 115</p> <p>1 Board comments. And we're going to start with</p> <p>2 Mr. Brown.</p> <p>3 None?</p> <p>4 Mr. Gallon.</p> <p>5 MR. GALLON: None.</p> <p>6 CHAIR CLARK: Ms. Burgess.</p> <p>7 MS. BURGESS: Madam Chair, we have a</p> <p>8 situation going on right here where it just talks</p> <p>9 about rules of decorum --</p> <p>10 CHAIR CLARK: Folks, folks, folks, we're</p> <p>11 going to take time out. (Overlapping voices).</p> <p>12 We're in the middle of a meeting.</p> <p>13 MS. BURGESS: -- approaching the dais during</p> <p>14 a meeting.</p> <p>15 CHAIR CLARK: All right. Thank you so very</p> <p>16 much.</p> <p>17 MR. LOZMAN: (Inaudible).</p> <p>18 CHAIR CLARK: Ms. Burgess.</p> <p>19 (Overlapping voices.)</p> <p>20 MS. BURGESS: I do have -- Madam Chair.</p> <p>21 CHAIR CLARK: It's being taken care of. You</p> <p>22 know, it's decorum that we got to have amongst</p> <p>23 ourselves to follow our agenda. And we're doing</p> <p>24 really good. So I want to defer to Ms. Burgess to</p> <p>25 keep this meeting on track. Please, Ms. Burgess.</p>
<p>Page 114</p> <p>1 I asked him a question so I can go over and</p> <p>2 look at where he's talking about. He has a right</p> <p>3 to say whatever he's saying for a board member that</p> <p>4 asks a question. You have no right --</p> <p>5 CHAIR CLARK: We're not having this. Thank</p> <p>6 you so very much.</p> <p>7 MS. SHEPHERD: Point of order.</p> <p>8 CHAIR CLARK: And we're going to go on to the</p> <p>9 next item.</p> <p>10 MS. SHEPHERD: Point of order.</p> <p>11 Mr. Sirmons. Point of order. I need an</p> <p>12 answer.</p> <p>13 CHAIR CLARK: We've given -- you've given an</p> <p>14 answer and we can take this --</p> <p>15 MS. SHEPHERD: He did not give an answer.</p> <p>16 (Overlapping voices).</p> <p>17 CHAIR CLARK: Thank you very much. Please.</p> <p>18 Thank you.</p> <p>19 MS. SHEPHERD: You're an idiot.</p> <p>20 CHAIR CLARK: Okay. All right. We're going</p> <p>21 to go on to correspondence.</p> <p>22 MS. SAVAGE DUNHAM: I have no correspondence,</p> <p>23 Madam Chair.</p> <p>24 CHAIR CLARK: Okay. Thank you so very much.</p> <p>25 And we're going to have Planning and Zoning</p>	<p>Page 116</p> <p>1 MS. BURGESS: Thank you. I was looking</p> <p>2 over --</p> <p>3 CHAIR CLARK: Oh. I'm sorry. Ms. Burgess,</p> <p>4 one moment.</p> <p>5 Please make note that Ms. Shepherd vacated</p> <p>6 her position here.</p> <p>7 And, Ms. Burgess, please go ahead.</p> <p>8 MS. BURGESS: Okay. I was looking over</p> <p>9 rulings of decorum as far as City of Riviera Beach</p> <p>10 council meetings, and I wanted to have our board</p> <p>11 attorney chime in, because the last updates as far</p> <p>12 as rules of decorum I see was in 2011. And I just</p> <p>13 wanted to kind of go through real quick since some</p> <p>14 stuff just happened. One, no talking during</p> <p>15 meetings. Two, impertinent remarks prohibited.</p> <p>16 Turning on cell phones. Obscene or insulting</p> <p>17 language prohibited. And that includes members of</p> <p>18 our audience as well as our board members.</p> <p>19 Let's see. Do not approach the dais. The</p> <p>20 official way you're supposed to handle if you have</p> <p>21 a public comment is to use a card. And then our</p> <p>22 sergeant-at-arms.</p> <p>23 But if our board attorney can go ahead and</p> <p>24 let me know if what I'm looking at is the most</p> <p>25 current, because I see nothing in here about a time</p>

<p>1 certain and members of the public having to speak 2 by 7:30.</p> <p>3 MS. BUSBY: Okay, Chair. So there was a 4 subsequent resolution, and that's resolution number 5 ninety-one sixteen. And that particular resolution 6 I can circulate to the entirety of the board. That 7 is what the resident, Mr. Lozman, was referencing. 8 That resolution changed the start time of the 9 regular City Council meetings from 5:30 to 6:00 10 p.m. and provided a time certain for public comment 11 at 7:30 p.m.</p> <p>12 This board, however, has made its own rules 13 of decorum and has set its own agenda and 14 specifically this resolution you do not have to 15 follow, it is exclusive --</p> <p>16 CHAIR CLARK: I'm very clear on that. That's 17 why I went ahead and proceeded as I did to follow 18 the agenda. And also in response to a board member 19 also not being appropriate, changing the agenda, 20 that was out of order as well. So that's why I 21 stuck and I cannot to stick with what's outlined 22 here. And if there are going to be any changes to 23 the agenda, such as that we have public comments by 24 the public on an item who submit cards right after 25 staff speaks, we've already delineated that.</p>	<p>Page 117</p> <p>1 apology accepted. 2 Mr. Fernandez. 3 MR. FERNANDEZ: The only thing I'm stressing 4 is decorum. We have an excellent team. We cannot 5 demonstrate certain behavior in front of the 6 public. 7 CHAIR CLARK: And I certainly agree with 8 that. And just as much as we talked about what's 9 being presented in front of the City Council, let 10 me say on record when we have behavior by board 11 members who contradict what we're trying to do 12 here, we're going to have a discussion about that, 13 because it's happened too many times. And right 14 now it's not going to ever happen again on my 15 watch, not to me and not to anybody respectfully on 16 this board. 17 So with that being said, we don't have any 18 more business. I want to wish everybody a very 19 happy holiday season. I want to wish everybody a 20 Happy New Year. I'm wishing you and your family 21 love, peace and happiness; and most importantly, 22 just be a prayerful for those people who are going 23 without this holiday season. 24 And just to close out everything, I want to 25 say a tremendous thank you to each and every one of</p> <p>Page 119</p>
<p>1 So, I thank you. I thank Ms. Burgess. I'm 2 very clear. I knew I was not out of order, and we 3 went ahead and proceeded. So --</p> <p>4 MS. DAVIDSON: Thank you, Madam Chair. I 5 just wanted to have that -- those -- that feedback 6 read into the record for the public.</p> <p>7 CHAIR CLARK: Thank you. I appreciate that. 8 And I also appreciate each of our board 9 members as we work together to keep us together as 10 a team. 11 So that was the last item. 12 I didn't have anything right now. I'm going 13 to Mr. Wyly, planning and zoning comments. 14 MR. WYLY: Oh, well, my comment would be just 15 what we just spoke of. Again, I apologize to the 16 board for having the resident come up here but I 17 wanted to make sure that his needs were taken care 18 of and I wanted to be able to go over and be able 19 to take a look at it to see what his complaint was 20 and see if it's a legitimate complaint. So my 21 apologies to having him come up here to get his 22 information. It won't happen again. 23 CHAIR CLARK: And I understand. We're 24 learning in the process, and sometimes it takes one 25 person to throw a wrench into everything. But</p> <p>Page 118</p>	<p>1 our board members, because we volunteer our time; 2 and we volunteered in this instance until nine 3 minutes -- 9:06, so we stayed here a little bit 4 longer to take care of business. I appreciate you 5 on that. I appreciate staff. And I appreciate 6 everybody that works here. You too, guys. I 7 appreciate everybody that stays and help us take 8 care of city business. 9 With that, may I ask for a motion to adjourn? 10 MR. WYLY: So moved. 11 MS. BURGESS: So moved. 12 MR. WYLY: Second. 13 (Proceedings ended at 9:06 p.m.)</p> <p>Page 120</p>

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3 THE STATE OF FLORIDA,)
4 COUNTY OF PALM BEACH.)

6 I, Claudia Price Witters, RPR, Registered
7 Professional Reporter, do hereby certify that I was
8 authorized to and did transcribe the foregoing
9 proceedings from a digital recording, and that the
10 foregoing is a true and correct transcription of said
11 recording to the best of my ability.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand this 21st day of December 2021.

Claudio Wilfong

Claudia Price Witters, RPR



CITY OF RIVIERA BEACH STAFF REPORT

AMENDMENT TO THE CODE OF ORDINANCES CHAPTER 26 MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 26 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN" BY ADDING THE IHC-PUD AND PROVIDING A MECHANISM FOR A HEIGHT BONUS; BY UPDATING DEFINITIONS AND CLARIFYING THE PURPOSE OF THE HOUSING TRUST FUND; BY PROVIDING A MECHANISM FOR THE POST CONSTRUCTION CONVERSION OF RESORT HOTEL UNITS TO YEAR ROUND RESIDENTIAL UNITS; BY INCREASING THE PER UNIT IN LIEU OF CONTRIBUTION RATE; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR 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 26, "Minority Employment and Affordable Housing Opportunity Plan" in order to provide a mechanism for the post construction conversion of resort hotel units to year round residential units, to add the Inlet Harbor Center planned unit developments (IHC-PUDs) to the section and further to provide a mechanism for those projects to attain up to five additional stories of height, to update the definitions section, to provide additional language clarifying the purpose of the housing trust fund, and the increase the in lieu contribution for ownership and rental units.
- C. Location:** The Ordinance is applicable city wide.
- 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 for general updates and to address emergent needs. This is an existing section of the code and what is being proposed is not a full revision, rather it is targeted edits to meet specific needs, as follows. The definitions are being updated to reflect current practices and naming conventions. The existing in lieu of contribution numbers are being updated to reflect current market conditions in line with the Palm Beach County work.



program requirements and the housing trust fund language is being clarified. The section is being revised to include IHC-PUDs in Table II, Table III and Table IV to provide a mechanism for a density bonus (increased building height) to those projects. And finally, a mechanism for post construction conversion of resort hotel suites to year round residential units is being added.

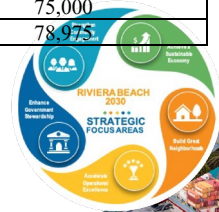
The updates to the naming conventions and definitions were drafted with the assistance of the CRA's Director of Neighbourhood Services, Ms. Jenkins, who is one of our in-house experts on affordable housing.

The in lieu of contribution amounts are proposed to be increased in line with the in lieu of contribution amounts that Palm Beach County has in their Workforce Housing Program. The City has not adjusted the minimum in lieu contribution amount since 2006 and given the changes in the market and economy since that time as well as the need for affordable, attainable workforce housing our recommendation is to do so now. Table One details local in lieu of fees. Included in the backup material is a report on Palm Beach Gardens Workforce Housing Program. The Appendix of that report has information on other examples of workforce housing as well as the text from the land development regulations in Jupiter detailing their Workforce Housing Program. Also included in the backup material are examples of code from Delray Beach and Boynton Beach, as well as a 2019 report from Palm Beach County on the need for their Workforce Housing Program and general information on Inclusionary Zoning Programs. Ultimately there are many different ways to set and calculate in-lieu of construction contribution fees. Our existing code has the per unit contribution set at a percentage of the sale price value per unit and then specifies a minimum per unit contribution (currently \$30,000). The bulk of the new construction projects that will be using MEAHOP to secure a density bonus will be providing a per unit contribution in excess of the minimum amount. Nonetheless we suggest that it is reasonable to increase our minimum in lieu of contribution requirements to correspond with Palm Beach County. Table Two shows the progression of In-Lieu-Contribution amounts in Palm Beach County over the past three years. The in lieu contributions are deposited in the housing trust fund (see Section 26-7). As part of this code revision language has been added to state the purpose of the housing trust fund clearly. This is important because monies contributed in lieu of construction of affordable/attainable/workforce housing should be utilized in support of affordable/attainable/workforce housing in the city. This proposed edit states that.

Table One: Minimum In lieu of contribution amounts: Workforce Housing		
City/County	Townhome/Ownership	Rental Unit
Jupiter	\$200,000/unit	\$150,000
Palm Beach County 2021	105,300	\$78,975
Miami Dade 2015	-	-
Delray Beach	160,000	-
Boynton Beach	82,986	\$36,760
PROPOSED RIVIERA BEACH	105,000	78,000

Table Two: In lieu of contribution amounts: Palm Beach County			
City/County	SF detached	Townhome/Ownership	Rental Unit
2018	81,500	81,500	50,000
2020	120,000	100,000	75,000
2021 *	126,360	105,300	78,975

*PBC 2022 adjustment not set yet;



The remaining revisions to this section correspond to existing and future development. The first of this is a revision to include IHC-PUDs in Table II, Table III and Table IV to provide a mechanism for a density bonus (increased building height) to mixed use projects developed as a PUD. The existing code provides bonuses for PUD developments with the exception of the IHC-PUDs. You may recall that code was recently advanced to allow the development of higher density mixed use developments in the CRA as IHC-PUDs but that code revision limited those projects to 20 stories or 240 feet in height. We know that there is interest in the development community and the administration to be able to consider projects up to 25 stories in height. For this reason this code has been revised to enable applicants to apply for a height (density) bonus of an additional five stories in height by participating in MEAHOP and constructing affordable units or contributing to the housing trust fund.

And finally, a mechanism for post construction conversion of resort hotel suites to year round residential units is being added up to a residential density of 28 units/acre. The initial reason for this supplemental bonus mechanism is that we have projects that were approved under the Resort Hotel (RH) zoning code that have a mix of year round units as well as resort hotel suites. One project, the Ritz-Carlton, is now looking to convert the remaining resort hotel suites to year round housing units in order to resolve some of the difficulties their owners have been facing (detailed in the letter included in the backup material). Understanding that we have other projects permitted with the same zoning code staff is proposing a revision to this section that provides a mechanism for post construction conversion of resort hotel rooms to year round residences up to a maximum residential density of 28 units/acre. These conversions would be subject to the minimum in lieu contribution of 105,000 per unit. Once converted the owners would then be able to qualify for a homestead exemption and would also be able to secure financing more readily. These conversions would also only be allowed when the required parking per unit was available on site.

F. Staff Analysis: The revision of these Sections of the Code of Ordinances makes sense. This is a revision to update definitions and naming conventions, provide clarifying language about the housing trust fund, update the required contribution amount for in lieu of construction contributions to the housing trust fund, include the IHC-PUD district and provide for density bonuses for projects developed under that zoning code, and provide a mechanism for post construction conversion of resort hotel units to year round housing units. This is a revision to the existing code intending to modernize and improve what we have in place and it is not a wholesale rewrite. This revision complements the recent revisions that were advanced in ZA-21-08 updating Sections 31-483, 497 and 534 related to the Downtown Districts and the PUD requirements.

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 Chapter 26 Minority Employment and Affordable Housing Opportunity Plan and recommend approval of this Ordinance as proposed.



Chapter 26 MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN¹

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable, attainable, workforce, and market rate housing are -housing units means a unit which are sold or rented to low to moderate income families where housing expenses are affordable for households at the following income levels based on Area Median Income (AMI) listed below. Housing payments generally do not exceed 35% of a household's gross monthly income. shall not exceed the following:

- (1) Rental expenses shall not exceed 35 percent of the gross monthly income, adjusted for family size (range potential equals \$785.00 to \$1,200.00 per month rental). Affordable Housing – housing that is affordable for households at or below 80% of the AMI. Area Median Income (AMI) is defined by the US Department of Housing and Urban Development (HUD) as income limits per household size and that meets maximum housing payments established by HUD, Florida Housing Finance Corporation or City of Riviera Beach Ordinance.
- (2) Homeownership expense means the price paid for the unit, which shall not exceed 2½ times of the purchaser's annual income. Attainable Housing – housing that is affordable for households between 81% and 120% of the AMI. Area Median Income (AMI) is defined by the US Department of Housing and Urban Development (HUD) as income limits per household size and that meets maximum housing payments established by HUD, Florida Housing Finance Corporation or City of Riviera Beach Ordinance.
- (3) Workforce Housing - housing that is affordable for households between 121% and 140% of the AMI. Area median income eligibility for workforce housing programs and incentives will be based on a percentage of the median income as published by the U.S. Department of Housing and Urban Development, Fannie Mae, State of Florida, without regard to household size.
- (4) Market Rate Housing – housing that is affordable for households above 140% of the AMI. Area median income eligibility for market rate housing programs and incentives, if any, will be based on a percentage of the median income as published by the U.S. Department of Housing and Urban Development, Fannie Mae, State of Florida, without regard to household size.

An affordable, attainable, workforce unit may be either a single-family or multiple-family dwelling unit.

¹Editor's note(s)—Ord. No. 3010, § 1, adopted July 9, 2006, amended ch. 26 in its entirety to read as herein set out. Former ch. 26, §§ 26-1—26-11, pertained to similar subject matter and derived from Ord. No. 2214, § 1, adopted Sep. 21, 1983; Ord. No. 2285, § 1, adopted July 17, 1985.

Cross reference(s)—Human relations, ch. 9; licenses and business regulations, ch. 10; buildings and building regulations, ch. 22; planning, ch. 27; zoning, ch. 31.

General contractor means a person having the primary responsibility of causing to be erected a building or buildings on a job site or of bringing to a job site such services as sewers, water, and drainage attendant to the erection of the buildings on the job site.

General labor means persons engaged in building activity on a job site of a nonspecific nature and, without limiting the generality of the foregoing, includes persons engaged in security, night or day watchmen, flagmen, traffic control, time-keepers, clean-up and handymen.

Job site means the land where it is proposed by the party requesting the bonus to carry on construction or servicing activities.

Minority employers means those businesses employing six or more persons, including the owner or owners and/or managerial staff from minority groups on a job site.

Minority group means persons of the Black or Hispanic race or from any racial group which has an unemployment rate in excess of the state unemployment rate for white caucasians.

Moderate-income family means those families whose gross incomes are between 81% and 120% of AML, adjusted for family size. ~~\$32,200.00 to \$51,500.00 a year, based on family of four.~~

Party requesting the bonus means the owner of the job site, his heirs, executors, administrators, successors and assigns.

Subtrades means those businesses, whether or not incorporated, engaged in providing supplies or services related to the construction industry by contract to a general contractor or owner of a job site.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-2. Purpose of plan.

The provisions of this chapter are enacted to effectuate the following purposes:

- (1) Decrease unemployment by encouraging the hiring of minorities in the construction industry, including minority businesses, skilled and nonskilled labor and professionals.
- (2) Provide a means of increasing the supply of affordable, attainable, and workforce housing in this city.
- (3) Encourage revitalization of the downtown, particularly mixed use development.
- (4) Accomplish the objectives of this section through the use of a voluntary program utilizing zoning-related incentives, in various zoning districts throughout the city.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-3. Rationale.

- (a) Solutions to unemployment and lack of affordable, attainable, and workforce housing are two serious challenges facing the city and, under current fiscal constraints, the government cannot rely solely upon public programs, but must work with the private sector.
- (b) The provisions of this chapter recognize that the private sector has the expertise and resources to aid the city in these areas and that the city may call upon that aid in exchange for compensation.
- (c) The program is designed so that bonuses will reflect the appropriate economic incentive for the particular use or district, making it financially advantageous for the developer to use the bonus and provide employment or housing in return.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-4. Housing needs, potentials and goals.

- (a) *Need.* The need for an increased supply of affordable, attainable, and workforce housing in the city is substantiated by review of the housing market and existing supply. For example: The average value of a house in the county (in 2021~~06~~) is approaching \$500,000~~was \$375,000.00~~. This is outside the affordable range for city mainland residents, indicating the need for means to ensure city residents will be able to become homeowners.
- (b) *Potentials for vacant land.* A substantial amount of vacant land is available for housing, both on a large scale and for smaller infill development. The area with the greatest potential for receiving affordable housing units is the south-central planning sector, which is west of President Barack Obama Highway ~~Old Dixie Highway~~ and south of Blue Heron Boulevard. Numerous scattered single-family and small multifamily sites are located throughout the city.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-5. Bonuses offered.

- (a) *Generally.* One of the keys to the success of a voluntary program is the bonuses offered to the developer. These bonuses must be attractive enough so that even when something is demanded in return, the developer still desires to participate and utilize the bonus.
- (b) *Bonuses offered, by zoning district.* Table II lists the bonuses to be offered, by zoning district. Bonuses chosen relate to what has been determined as a financial incentive for a particular zoning district. These determinations were made based on staff experience in working with developers and site plans, and discussion with industrial and commercial developers. For example, excessive parking requirements relating to industrial uses are frequently cited by developers, so a reduction has been offered as an incentive.

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Table II
Bonuses Offered

Districts	Bonus	
RM-20, RH and RMH-20	1.	Density: 3 du/ac (hotel bonus per specific zoning regulation)
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
<u>RH</u>	<u>Resort Hotel Conversion Bonus per Section 26-5(e)</u>	<u>Density: Additional 8 du/ac or as needed up to residential density of 28 units/acre total</u>
CG	1.	Height: additional 5 stories
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
IL and IG	1.	Parking reduction: no limit, based on demonstrated use
	2.	Waive one side setback

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(Supp. No. 53)

	3.	Additional lot coverage: 10 percent
	4.	CN uses as accessory use
C-PUD	1.	Density: 10 du/ac
	2.	Height: additional 15 stories
	3.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
R-PUD	1.	Height: additional story (one story)
I-PUD	1.	Height: additional 50 feet
	2.	Parking reduction: no limit, based on usage or alternative plan
IHC-PUD	<u>1.</u>	<u>Height: five floors or additional 60 feet</u>

- (c) *Base requirements and bonuses.* Table III establishes the relationship of the bonus to the base regulations, indicating the ultimate requirements if a bonus is used. The base is kept at a reasonable standard, so that a developer not using an incentive can still produce a viable project, based on current building trends. However, developers with more ambitious projects will be able to build, while contributing towards the goals of this chapter.

Table III

Base Requirements and Bonuses

Zoning District			Base Requirement			Bonus			Maximum Permitted With Bonus
RM-20, RH and RMH-20	1.	Density: 17 du/ac (hotel per zoning)		1.	3 du/ac		1.	20 du/ac	
	2.	Parking: 2 spaces/unit (2 bedroom)		2.	Parking reduction:		2.	Parking reduction:	
					a.	20 percent of total req.; and/or		a.	20 percent of total req.; and/or
					b.	25 percent of total spaces may be compact		b.	25 percent of total spaces may be compact

<u>RH</u>	<u>Resort Hotel Conversion Bonus</u>	<u>Density: as approved or, 20 du/ac (from MEAHOP bonus density)</u>		<u>1.</u>	<u>8 du/ac, or as needed to reach 28 du/ac.</u>		<u>1.</u>	<u>28 du/ac</u>	
CG	1.	Height: 5 stories or 65 feet		1.	Additional 5 stories		1.	10 stories	
	2.	Parking:		2.	Parking reduction:		2.	Parking reduction:	
		a.	1/300 sq. ft. office		a.	20 percent of total req.; and/or		a.	20 percent of total req.; and/or
		b.	1/200 sq. ft. retail		b.	25 percent of total spaces may be compact		b.	25 percent of total spaces may be compact
IG and IL	1.	Parking:		1.	Parking reduction:		1.	Reduction in spaces or size (no limit) based on demonstrated use or alternative plan	
		a.	1/300 manufacture		a.	Number of spaces			
		b.	1/1,000 wholesale		b.	Percent compact			
	2.	Side setbacks: 15 feet		2.	Waive side setbacks one side only		2.	Elimination of one side setback requirement	
	3.	Lot coverage: 45 percent		3.	Additional 10 percent coverage		3.	55 percent lot coverage	
	4.	Commercial uses prohibited		4.	CN uses to be allowed		4.	CN uses as accessory use	
C-PUD	1.	Density: 15 du/ac		1.	10 du/ac		1.	25 du/ac (50 hotel/motel)	
	2.	Height: 10 stories		2.	15 stories		2.	25 stories	
	3.	Parking: based on use requirements		3.	Parking reduction:		3.	Parking reduction:	
					a.	20 percent of total required ; and/or		a.	20 percent of total required; and/or
					b.	25 percent of total spaces		b.	25 percent of total spaces

						may be compact			may be compact
R-PUD	1.	Height: 3 stories		1 story maximum of 2% of site area		4 stories			
I-PUD	1.	Height: 50 feet	1.	50 feet	1.	100 feet			
	2.	Parking: based on use/sq. ft.	2.	Parking reduction (no limit):	2.	Reduction in spaces or size (no limit) based on demonstrated use or alternative plan			
				a.	Number of spaces				
				b.	Percent of compact				
IHC-PUD	1.	Height: 20 floors or 240 feet	1.	60 feet	1.	25 floors or 300 feet			

- (d) *Intent of bonuses.* The intent of the bonuses is not to relax zoning restrictions indiscriminately, but to allow for additional leeway upwards within the acceptable bounds of a zoning standard. For example, a developer cannot simply reduce parking by 20 percent. It must be demonstrated that the requirement is unrealistic for a particular use (i.e., based on number of employees) or that an alternative plan, such as park and ride, is available.
- (e) *Resort Hotel Conversion Bonus.* Additional density bonus is permitted within the RH district only for resort hotel and mixed-use resort hotel/residential developments that convert existing resort hotel suites to market rate (ownership) residential units by modifying an existing permit. The additional bonus is subject to the following requirements:
- The density bonus shall only be applicable to those resort hotels and mixed-use resort hotel/residential projects that are within the RH zoning district that were approved prior to 2021.
 - Resort hotels with no year-round residential units can convert up to 17 units/acre providing there are two parking spaces per unit and the parking requirement for any remaining resort hotels suites is met by modifying their permit. Conversion of existing resort hotel suites to residential units for a density of 18-28 units/acre can be achieved utilizing this section 26.5 (e) however the only option of housing contribution applicable for this post construction conversion shall be payment in lieu in an amount established in Table IV.
 - This bonus only applies to residential density above what is permitted by Table III of this Section for projects within the RH district. The additional bonus above the 3 du/ac is only applicable to the conversion of Resort Hotel suites to market rate residential units.
 - A development that utilizes this conversion bonus must be able to meet the parking requirement of 2 spaces per unit for all residential units on the site and also meet the parking requirement for any remaining resort hotel suites.

e) The total bonus available while utilizing this Conversion Bonus shall be established in Table III. The maximum residential unit/acre density is 28.

f) The only option of housing contribution applicable for this conversion bonus shall be payment in lieu in an amount as established in Table IV. This payment shall only be applicable to those resort hotel suites converted to year-round residential units by modifying an existing approved project not to exceed a residential unit density of 28 units/acre.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-6. Minority employment component.

- (a) The purpose of this section is to encourage the developer to hire minorities in various capacities of project development, from planning to final construction. This will enable the workforce of the city, which is predominately minority, to directly benefit from the economic boom South Florida is experiencing.
- (b) A zoning bonus, or bonuses, as set forth in this chapter shall be permitted where the person requesting the bonus enters into a written agreement with the city providing for the following:
 - (1) The party requesting the bonus shall employ on the job site at least 20 percent of its part-time and full-time general labor on a job site from minority groups;
 - (2) The party requesting the bonus enters into contracts for work or supplies to a job site with at least ten subtrades or suppliers who are minority employers; and
 - (3) Where the party requesting the bonus demonstrates through an approved minority participation plan, the hiring of five minority professionals.
- (c) While under the minority employment option, all three components of subsection (b) of this section must be met to qualify for a bonus.
- (d) A developer desiring more than one bonus to the employment option need only satisfy the requirement once to utilize multiple bonuses.
- (e) Prior to project site plan approval, the party applying for the bonus shall submit a minority participation plan for council approval, as per administrative procedures.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-7. Housing contribution component.

- (a) *Options.* A developer choosing the housing option will have two methods to choose from to satisfy this requirement:
 - (1) Construction of affordable units; or
 - (2) In lieu cash contribution to the housing trust fund.
- (b) *Extent of contribution.*
 - (1) The amount of the housing contribution by a developer directly relates to the extent and number of bonuses used, as shown in Table IV in section 26-8; i.e., as the number of bonus units requested increases, so does the corresponding housing contribution that must be made.

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- (2) It is the intent of the program to encourage construction of units by developers; contribution ratios have been set accordingly.
 - (3) It is anticipated that the additional financial gain with incentives should not exceed the costs of participating in the program.
- (c) *Construction of affordable units; option 1.*
- (1) Under this option, the developer is responsible for actually constructing the units, including purchasing the land. The units may be single-family or multiple-family.
 - (2) Units must meet the definition of affordable housing and be sold or rented to low/moderate-income families.
 - (3) Rental units may be rented by the developer or managed by the housing nonprofit authority or sold to a private party to rent as affordable units.
 - (4) Affordable units shall be governed by legal covenant which guarantees availability to low/moderate-income residents for at least twenty-five years.
 - (5) The principle behind the construction contribution is that, while the developer must bear the cost of buying the land and constructing the unit, his costs are recovered when it is sold. The difference between his cost and the affordable price is his profit.
 - (6) Under the construction option, while time and effort is involved, the developer will make a profit or break even. His contribution is the production of affordable housing adding to the supply.
 - (7) No certificate of occupancy shall be issued for a project utilizing bonuses, until the affordable, attainable, workforce units are complete and have received a certificate of occupancy.
- (d) *In lieu contribution to housing trust fund, option 2.*
- (1) Under this option, the developer chooses to contribute directly to the housing trust fund in accordance with Table IV in section 26-8.
 - (2) Timing of the contribution shall be one-half to be deposited in fund prior to permit and the remainder is to be deposited prior to certificate of occupancy.
 - (3) The purpose of the housing trust fund is to provide funds for the City to use to build, preserve, rehabilitate or otherwise create affordable/attainable/workforce housing, and to support the provision of affordable/attainable/workforce housing opportunities to income eligible residents. Land acquisition for the construction of affordable/attainable/workforce units shall be deemed an eligible expense of housing trust fund monies. Expenditures from the housing trust fund must be for these purposes.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-8. Calculating bonus contributions.

(a) *Introduction.*

- (1) This section sets forth the means of translating the bonus used into the amount of contribution which is required in return, as shown in Table IV. As Table IV indicates, available bonuses include:
 - a. Additional density.
 - b. Reduction in number of parking spaces.
 - c. Reduction in size of spaces.

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- d. Additional height.
 - e. Setback waiver.
 - f. Lot coverage.
 - g. Additional uses permitted.
- (2) To simplify contribution calculations, the benefits of the above, varied bonuses are translated into two bonus measures: units or building square footage. The amount of housing contribution is then assessed by unit or square footage gain. (There is one exception, which is detailed in subsection (d) of this section.)
- (3) Only the bonus increments are assessed a contribution.
- (b) *Bonus measure: units.*
- (1) *Where available.* Additional units may be created by density bonus in the RM-20, RH, and RMH-20 districts. Additional units may be created by density, height or parking in the C-PUD (see subsection (e) of this section.) Additional units may be created by height in the IHC-PUD district.
- (2) *How assessed.* Contribution is assessed on the additional units possible through use of the bonus. The amount of contribution per unit will vary according to the project location, as per Table IV.
- (c) *Bonus measure: square footage.*
- (1) *Generally.* Bonuses of height, lot coverage, setback waiver, CN uses and parking reductions are translated into additional square footage gained for a structure, by the use of these bonuses, as detailed in this subsection.
- (2) *Height.*
- a. Where available. In CG, C-PUD, I-PUD, R-PUD, IHC-PUD districts.
 - b. How assessed. The available stories allowed by the bonus are translated into the additional square footage gained.
 - c. Bonus square footage is then assessed according to Table IV.
- (3) *Lot coverage.*
- a. Where available. IG and IL districts.
 - b. How assessed. That building square footage which exceeds the amount permitted under the base lot coverage requirements is assessed.
 - c. Example. A base 45 percent lot coverage on a certain lot allows a 15,000 square foot building. Using the bonus of increased lot coverage, a 20,000 square foot building is constructed, the additional 5,000 square feet are then used to assess contribution.
- (4) *Setback waiver.*
- a. Where available. IG and IL districts.
 - b. One side setback may be waived, allowing for zero lot line construction (not streetside).
 - c. How assessed. That portion of the building which encroaches into the setback is assessed in terms of the square footage which is in the base setback.
- (5) *CN uses in industrial districts.*
- a. Where available. IG and IL districts.

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- b. How assessed.
 - 1. Neighborhood commercial use (except as residential) permitted as subordinate use in an industrial building.
 - 2. Industrial use must comprise 75 percent or more of the building.
 - 3. Assessed by amount of square footage devoted to CN use.
- (6) *Parking reduction in number of spaces.*
- a. Available in:
 - 1. RM-20, RMH-20, CG, C-PUD: reduction up to 20 percent.
 - 2. IG, IL, I-PUD: no limit on reduction.
 - b. How assessed.
 - 1. Assumption is made that a reduction in the number of spaces creates additional buildable area and thus results in a larger structure.
 - 2. The square footage of the building gained by the reduction in spaces is then assessed.
 - c. Example.
 - 1. A developer desires to build a 10,000 square foot building which would require 50 parking spaces.
 - 2. The developer can only supply 40 spaces (20 percent less than requirement).
 - 3. Under base requirements, 40 spaces would allow 8,000 square feet.
 - 4. The developer is able to construct 2,000 additional square feet based on bonus.
 - 5. This 2,000 bonus square feet of building is assessed as per Table IV.
 - d. To utilize parking spaces reduction, a developer shall demonstrate the following:
 - 1. Parking requirements are excessive and require substantially more spaces than are needed, as demonstrated by actual usage, etc.; or
 - 2. Alternative means of transportation are to be provided, such as park and ride, shuttle buses, etc.
 - e. Failure to accommodate parking demand on site or by alternative methods may result in revocation of the permit to occupy the building.
- (7) *Parking; allowance for compact spaces.*
- a. Where available. RM-20, RMH-20, CG, IL, IG, I-PUD and C-PUD districts.
 - b. Compact parking stall shall measure eight feet by 16 feet.
 - c. How assessed. As use of this bonus, by decreasing parking area and increasing buildable area, results in a larger structure, additional building square footage created shall be assessed accordingly.
- (d) *Parking reduction.* If reduction in number or size of spaces is unrelated to an increase in size, an assessment shall be made based on either:
- (1) Number of spaces reduced, at \$250.00 for each space eliminated; or
 - (2) Number of compact provided at \$150.00 for compact space.
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(e) *C-PUD; special case.*

- (1) Bonuses in the C-PUD are translated into units or square footage gains, as in the above district.
- (2) However, due to the more complex nature of a C-PUD involving multiple uses, the means of assessment are summarized below:
 - a. If use of the bonus regarding height, density or parking reduction results in additional residential units, the unit measurement is used; i.e., for each bonus condo unit created, one affordable unit or 7,500 square feet are required.
 - b. For bonuses relating to nonresidential uses, the gain is translated into square feet in CG and the contribution is assessed per square foot at the rate in Table IV.
 - c. Special case: height. In cases where the building contains mixed uses, the bonus square footage shall be assessed at the least restrictive ratio.
 - d. Use of the parking bonus for residential uses shall not be assessed a contribution if a contribution has been received in the density category.

(f) *Bonus/contribution ratio.*

Table IV
Bonus/Contribution Ratio

		Minority Employment Or Contribution		Housing Contribution (Per Bonus Increment)			
Bonus				Construction Or Cash in Lieu			
RM-20, RH and RMH-20 districts:				<u>Construction</u>			<u>Cash in Lieu</u>
1.	Density: 3 du/ac	1.	Per section 26-6	1.	1 AU*/bonus condo/ <u>townhouse/ownership</u> unit	1.	Ocean: 3.5% of sale price/value- minimum <u>\$105,000</u> <u>per unit</u>
					1 AU*/bonus motel/hotel/ <u>rental</u> unit		Mainland: 3.5% of sale price/value- minimum <u>\$78,000</u> <u>per</u> <u>unit</u>
2.	Parking reduction: 20 percent required spaces	2.	Per section 26-6	2.	Same as 1 above based on additional units due to parking reduction		
<u>RH Resort Hotel Conversion Bonus</u>							

<u>1.</u>	<u>Resort Hotel Conversion Bonus: Additional 8 du/acre</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1 AU*/bonus unit</u>		<u>\$105,000 per unit (owner);</u>
<u>CGC district:</u>							
1.	Height: 5 stories	1.	Per section 26-6	1.	1 AU*/bonus 1,000 sq. ft.	1.	\$10,000/1,000 sq. ft. (\$10/sq. ft.)
2.	Parking reduction: 20 percent required space	2.	Per section 26-6	2.	1 AU*/1,000 sq. ft.	2.	\$10,000/1,000 sq. ft.
<u>IL and IG districts:</u>							
1.	Parking reduction	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft. (\$5/sq. ft.)
2.	Side setback waiver	2.	Not applicable	2.	Not applicable	2.	\$2/sq. ft. (area within required 15 foot setback)
3.	Lot coverage	3.	Per section 26-6	3.	0.5 AU*/1,000 bonus sq. ft.	3.	\$5,000/1,000 sq. ft.
4.	CN uses as accessory	4.	Per section 26-6	4.	1 AU*/1,000 sq. ft.	4.	\$10,000/1,000 sq. ft. bonus
<u>C-PUD district:</u>							
1.	Density: 10 du/ac	1.	Per section 26-6	1.	1 AU*/bonus condo unit 1 AU*/bonus motel unit	1.	3.5% of sale price/value - <u>minimum \$105,000 per ownership unit;</u> <u>minimum \$78,000 per rental unit</u>
2.	Height: 15 stories	2.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to increased height		
				B.	Nonresidential:		
					1 AU*/1,000 sq. ft.		\$10,000/1,000 sq. ft.

3.	Parking reduction: 20 percent of required spaces	3.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to parking reduction		
				B.	Nonresidential: see 2-B above		
R-PUD district:							
1.	Height: 1 story	1.	Per section 26-6	1.	1 AU*/1,000 sq. ft. Maximum 2% of total site area		\$3,000/1,000 sq. ft. (\$3/sq. ft.)
I-PUD district:							
1.	Height: Additional 50 feet (office and commercial)	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft.
2.	Parking reduction	2.	Per section 26-6	2.	0.5 AU*/1,000 sq. ft.	2.	\$5,000/1,000 sq. ft.
Parking reduction (No relationship to square feet):							
1.	Reduction in number of spaces	1.	Not applicable	1.	Not applicable	1.	\$250/space
2.	Reduction in size; 25 percent compact	2.	Not applicable	2.	Not applicable	2.	\$150/space
IHC-PUD							
<u>1.</u>	<u>Height: up to 5 stories or 60 feet</u>	<u>1.</u>	<u>N/A</u>	<u>1.</u>	<u>1 AU*/bonus ownership unit</u> <u>1 AU*/bonus rental unit</u>	<u>1.</u>	<u>3.5% of sale price/value - minimum \$105,000 per ownership unit; minimum \$78,000 per rental unit</u>

*AU = affordable unit

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-9. Related policies and administration.

- (a) In recognition of the value of C-PUD and I-PUD projects to downtown revitalization and/or the general economy of the city, the city council shall have the authority to waive, in part, portions of the contribution amounts based upon the following:
 - (1) Demonstration that the project will result in the creation of a significant number of permanent jobs for city residents.
 - (2) Demonstration that the magnitude of the project is such that satisfying the total contribution (based on cumulative assessments) would render the project infeasible.
 - (3) Long-range economic benefits to the city and downtown are substantial and should be considered in lieu of stated contributions in this chapter.
- (b) A developer of an I-PUD choosing to construct affordable units may place those units within the I-PUD, and further may construct additional housing units within the I-PUD, not to exceed 25 percent of the area.
- (c) Administrative guidelines shall be established and adopted by city council.
 - (1) All bonus requests shall be approved by city council in accordance with the plan and guidelines.
 - (2) Guidelines shall include, but are not limited to:
 - a. Review procedures to be followed.
 - b. Staff personnel responsibilities.
 - c. Monitoring and enforcement.
 - d. Means to ensure mix of affordable homes across income range, and by housing type.
 - e. Guidelines as necessary to implement the goals of this chapter.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-10. Role of single-family and medium density multiple-family districts.

- (a) It is anticipated that the affordable units produced by the developer or through the housing trust fund would be located in the RM-15 multiple family, RD-15 duplex or RS-8 single-family districts. Under the plan, bonuses are not given in these single-family or multiple-family districts. Examination of existing zoning standards for the districts indicates:
 - (1) Existing standards are set at a minimum level already, which allow the development of affordable housing:
 - a. For example, 800 square feet minimum for a house could not be categorized as an excessive requirement.
 - b. Minimum lot size for single-family is lower than in the county.
 - (2) Review of those communities which were able to offer cost-reducing incentives revealed that the codes contained requirements for enclosed garages and minimum number of bedrooms. The city Code does not contain these types of excessive standards.
- (b) The types of bonuses given in the high density residential and commercial districts would not contribute to creating quality low density residential housing. Allowing increased densities in the RM-15 district would generally result in overcrowded sites, without adequate play area for children and privacy for occupants.

-
- (c) The districts are best served by being the recipients of the units added through the housing contribution process, in keeping with existing standards.
 - (d) Those who choose to build affordable, attainable, workforce housing in the districts will be able to take advantage of the programs offered through the housing trust fund to help with the costs of construction, rental, home ownership, etc.

(Ord. No. 3010, § 1, 7-9-06)

Sec. 26-11. Appendices.

The appendices to the minority employment and affordable housing opportunity plan adopted regarding certain recommendations and methods are on file in the city clerk's office.

(Ord. No. 3010, § 1, 7-9-06)

For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax: (561) 845-4038	Date:	Case Number:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 st Hearing:	2 nd Hearing:
	Publication Dates (if required)	

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)

Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s):	City of Riviera Beach		
	Mailing Address:	600 W Blue Heron Blvd		
	Property Address:			
	Name of Applicant (if other than owner):	Development Services Dept		
	Home: ()	Work: ()	Fax: ()	
	E-mail Address:			

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation:	Current Zoning Classification:
	Square footage of site:	Property Control Number (PCN):
	Type and gross area of any existing non residential uses on site:	
	Gross area of any proposed structure:	
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [] No	
	If yes, please describe:	
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [] No	
	If yes, indicate date, nature and applicant's name:	
	Briefly describe use of adjoining property: North:	
	South:	
East:		
West:		

REZONE	Requested Zoning Classification:	N/A - Code Revision - Ch. 26
	Is the requested zoning classification contiguous with existing?	
	Is a Special Exception necessary for your intended use? [] Yes [] No	
	Is a Variance necessary for your intended use? [] Yes [] No	


FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South: N/A
	East:	West:
	Size of Property Requesting Land Use Change:	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: N/A
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site: N/A
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN	Describe proposed development:
	Demonstrate that proposed use is appropriate to site:
	Demonstrate how drainage and paving requirement will be met:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
	Off-site:

OTHER	<u>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</u>
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 Signature	2/11/22 Date



Palm Beach County

Workforce Housing Program Orientation

Review of Revised Code
Adopted: August 22, 2019
Effective: September 29, 2019

Planning, Zoning & Building Department



Agenda:

- Overview of the Program
- Highlight Major Changes
- Review Each Component
- Address Questions



Overview of WHP

- Inclusionary program: mandatory obligation for 10+ units in U/S Tier
- Optional density bonus in exchange for additional WH units
- Limited (minimize obligation) or Full Incentive (maximize density)
- Disposition: on-site, off-site, in lieu payment, restrict existing unit, donate land, or use exchange (off-site) builder
- Units priced for households with 60 to 140% of AMI
 - Low, Mod 1, Mod 2, and Middle Income
- For-sale units restricted 15 yrs, recurring; rentals restricted 30 yrs



How New Code is Organized

Area	Topics
Parameters:	Applicability, Income/Pricing, Affordability Periods, Design Requirements
Incentive Options: Limited or Full	Required Percentages, Incentives Available
Disposition Options:	On-site, Off-Site, Exchange, Restrict MR Units, Donate Land, In Lieu Fee
Delivery: For-Sale or Rental	Covenant, Marketing Requirements, Qualification Process, Resales, Release



Summary of 2019 Revisions

- Create incentives for SF, for-sale, on site WHP
- Streamline process for density bonuses up to 50%; institute more meaningful review for density bonuses greater than 50%
- Increase in lieu fee, and create new exchange builder option



Key Changes:

Topic	Change:
Design Features:	<ul style="list-style-type: none">• Model required;• Minimum bedrooms and appliances in for-sale units
Limited Incentive:	<ul style="list-style-type: none">• Max 50% Density Bonus Available, no pre-ap needed• TDRs no longer halved
Full Incentive:	<ul style="list-style-type: none">• Up to 100% Density Bonus Available for all FLUs<ul style="list-style-type: none">○ No pre-ap for up to 50% Density Bonus○ For > 50%: Point System & Compatibility Review• No "Middle" for-sale units: obligation reduced 12.5%• Discount for WHP on-site for-sale units:<ul style="list-style-type: none">○ 20% for single-family; 10% for townhomes



Topic	Change:
Additional Factor:	<ul style="list-style-type: none">• 1.5x obligation for for-sale developments providing WHP as off-site rentals
Disposition Methods:	<ul style="list-style-type: none">• New Exchange Builder option• Declaration of method at approval• Final @ 25% BP; thresholds pushed back• In Lieu Fees increased• Municipal notification required
Sale and Rental of WHP Units:	<ul style="list-style-type: none">• Rental price brackets narrowed• Marketing requirements & Release of Obligation not applicable to Exchange and Purchase of Market Rate Units



Review of Code Provisions

*The following slides review key sections of the code, highlighting in **green text** changes relative to the prior code*



Design Features:

- All WHP:
 - WHP Model at WHP Site, elsewhere in PBC, or MR Model with differences delineated
 - Compatible exteriors
- For-Sale WHP:
 - Minimums: 2 Bedrooms, 25% at least 3 bedrooms, minimum 100 ft²
 - Minimum appliances



Incentive Options

The WHP offers two incentive options:

- Limited: minimizes obligation
- Full: maximizes density



Limited Incentive

Available Incentive: 50% Density Bonus

WHP Required:

- 2.5% standard density
- 8% maximum density
- 17% density bonus
- 34% TDRs (full TDRs available)
- 1.5x above obligation if for-sale development provides WHP as off-site rentals

Unit Price Categories: Low & Mod 1



Full Incentive

Available Incentives:

- Up to 100% Density Bonus
 - Up to 50%: no pre-ap required
 - > 50%: requires enhanced review
 - point system to reflect WHP approach
 - compatibility review (to determine suitability of density bonus on site)

Other Incentives

- TPS mitigation, Expedited Review, Flexible PDRs



Point System

The following slides depict the Point System to be applied as part of the enhanced review used in determining density bonuses greater than 50%. The Point System would be applied to a project's proposed approach to workforce housing, to initially determine the density bonus 'earned' by the project. The density bonus would then be subject to a compatibility review, considering the suitability of the project site where the density bonus will be applied. The result of this two-step process is the basis for staff's recommendation to the Board of County Commissioners, who approves all density bonuses greater than 50%.



WHP Objectives and Available Points									
Disposition Method Selected by Developer:	Delivers units	Onsite	WHP Unit Type			WHP Rent/Sale		WHP in CT	
	(0 to 6)	(0 or 10)	MF (1)	TH (3)	SF (10)	Rent (1)	Sale (10)	>34% (0)	<34 (6)
Build Units On-site	6	10							
Build Units Off-site	5	0							
Exchange (w/builder)	2	0	<i>These</i>	<i>points</i>	<i>set</i>	<i>by</i>	<i>project</i>	<i>facts</i>	
Exchange (no builder)	1	0							
Purchase MR Units	5	0							
Donate Land	2	0	0	0	0	0	0		



WHP Concentration

- 329 Census Tracts in PBC
- Concentration of WHP Households:
 - Average 34.14%
 - Median 33.86
 - Countywide 34.65%
- Tracts with Concentration > 34% 160

Point System awards point for locating WH in areas with WH concentrations under 34%



Palm Beach County

Density Bonuses Earned Based on Points

Points Earned:	Density Bonus	Available Paths
1 to 8	60%	15
9 to 16	70%	27
17 to 24	80%	17
25 to 32	90%	9
33 to 42	100%	5

Possible Density Bonuses per Disposition Methods

<u>Method Selected:</u>	<u>Density Bonus</u>
Build on Site	80 to 100%
Build Off Site	60 to 90%
Exchange (w/ builder)	60 to 90%
Exchange (no builder)	60 to 80%
Purchase MR Units	60 to 90%
Donate Land	60 to 70%



Full Incentive: Density Bonus >50%

- Point System Applied (need details!), and Compatibility Review conducted
- Sufficiency Letter Provided for Zoning Process
- Staff Recommendation to BCC:
 - To include point system and compatibility review
- BCC Approval of Density Bonuses >50%



Full Incentive

Rental WHP Units:

- Required Percentages:
 - 5% standard density
 - 16% maximum density
 - 34% density bonus
 - 34% TDRs
 - 1.5x obligation if for-sale development provides WHP as off-site rentals
- Unit Price Categories for Rentals:
 - Low, Mod 1, Mod 2, Middle



Full Incentive

For-Sale WHP:

- Required Percentages:
 - 4.375% standard density
 - 14% maximum density
 - 29.75% density bonus
 - 34% TDRs
 - Discount for WHP provided as on-site for-sale units:
 - 20% for single-family; 10% for townhomes
- Unit Categories for For-Sale WHP:
 - Low, Mod 1, Mod 2



Incentive Options and Density Bonuses Summary:

Incentive Option	Density Bonus	
	Up to 50%	> 50%
Limited	Letter upon Request	not available
Full	Letter upon Request	Enhanced Review (Pre-ap appointment)



Disposition Options

The following slides outline the methods available for disposition of a project's workforce housing obligation



WHP Disposition Process

- Declaration of method at public hearing
- Change in method until 25% of BP
- Expedited process (EAC) to amend declaration
- Recalculation of density bonus and obligation



Method: On-Site

Thresholds:

- 50% of WHP COs by 50% of market rate BPs
- 100% of WHP COs by 85% of market rate BPs



All Off-Site Methods

Requirements:

- Westgate CRA or Municipal notification
- Westgate CRA limitation: 'Low' units not to exceed 10%



Method: Off-Site, Same Builder

Thresholds:

- Site control/approvals by final DRO
- 50% of WHP COs by 50% of market rate BPs
- 100% of WHP COs by 85% of market rate BPs



Method: Exchange Builder

Path 1: Builder Engaged

At final DRO: BCC approval of other income restrictions, if applicable

At 1st BP for Subject Development:

- Paid exchange fee (80% of in lieu)
- Project details and financials (PZB and HES)
- Site control (CAO & County Administration)
- Recorded Restrictive covenant for WHP site
- Guarantee for 80% of in-lieu fee, for 39 months



Method: Exchange Builder

Path 1: Builder Engaged

At 36 months of guarantee:

- All WHP COs, OR
- 3 month extension of guarantee (to 42 mo.)

Additional extension: w/ BCC approval & add'l guarantee

No action: PBC collects guarantee



Method: Exchange Builder

Path 2: No Builder Engaged

At 1st BP for Subject Development:

- Guarantee for 100% of in-lieu fee, for 39 months

At 25% of SD BP:

- Switch to “Exchange-Builder Engaged” OR
- Pay full in lieu fee OR
- No action: PBC collects guarantee



Method: Restrict Market Rate Unit

- Must be approved by HES
- Options:
 - Deed to PBC
OR
 - Keep as restricted rental
OR
 - Sell as restricted for-sale unit



Method: Restrict Market Rate Unit

Thresholds:

- Site control/approvals by final DRO
- 50% of WHP restricted by 50% of market rate BPs
- 100% of WHP restricted by 85% of market rate COs



Method: Donate Buildable Land

- Value equal to In Lieu Fee
- Approved by PREM
- 100% deeded to PBC by 50% of BPs



Method: In Lieu Fee

- Amounts:
 - \$120,000 Single Family
 - \$100,000 Townhome
 - \$75,000 Multi-family
- Threshold: 100% paid by 50% of BPs



Palm Beach County

For Sale / Rental Requirements

The following slides outline the requirements for WH units to be provided as rentals, and for WH units to be provided as for-sale units.



For Sale WHP Units

- Master Covenant @ 1st BP
 - Deed restriction, affordability period, income/price levels
- Buyer Orientation/Certification through DHES
- Marketing: For On-site/Off-site Same Developer Only
 - Market WHP as if MR, min 180 days/75% MR COs
 - Notify PBC, list of interested parties
 - WHP information at sales office & website, attend events
 - Provide monthly documentation of above
- Release of Obligation: good faith effort, full in lieu
- Annual Report: developer, then homeowner



Palm Beach County

2019 For-Sale Prices

Income Category	Income Range	WHP Price
Low (60% to 80%)	\$45,240 – 60,320	\$158,340
Mod 1 (>80% to 100%)	\$60,320 - \$75,400	\$203,580
Mod 2 (>100% to 120%)	\$75,400 – 90,480	\$248,820



Subsequent Sales

- At current price for designated income category
- Sold to income-qualified household
- Affordability period begins again, if sold within the 15-year period



Rental WHP Units

- Master Covenant @ 1st BP
 - Deed restriction, affordability period, income/price categories
- Marketing/Leasing/Verification by Mgmt/Owner
- Project Information to PBC
- Notice of first WHP unit occupancy & all lease addenda to PBC
- Annual Reporting Requirement



2019 Rental Prices

Income Category			1 BR	2 BR	3 BR	4 BR
Low	>\$45,240 – 52,780	60%-70%	\$941 - 1,098	\$1,129 - 1,318	\$1,304 - 1,522	\$1,455 - 1,698
	>\$52,780 - 60,320	>70%-80%	\$1,098 - 1,255	\$1,318 - 1,506	\$1,522 - 1,739	\$1,698 - 1,940
Mod 1	>\$60,320 – 67,860	>80%-90%	\$1,255 - 1,412	\$1,506 - 1,695	\$1,739 - 1,957	\$1,940 - 2,183
	>\$67,860 - 75,400	> 90%-100%	\$1,412 - 1,569	\$1,695 - 1,883	\$1,957 - 2,174	\$2,183 - 2,425
Mod 2	>\$75,400 – 82,940	>100%-110%	\$1,569 - 1,726	\$1,883 - 2,071	\$2,174 - 2,391	\$2,425 - 2,668
	>\$82,940 - 90,480	>110%-120%	\$1,726 - 1,882	\$2,071 - 2,259	\$2,391 - 2,608	\$2,668 - 2,910
Middle	>\$90,480 – 98,020	>120%-130%	\$1,882 - 2,039	\$2,259 - 2,447	\$2,608 - 2,826	\$2,910 - 3,153
	>\$98,020 - 105,560	>130%-140%	\$2,039 - 2,196	\$2,447 - 2,635	\$2,826 - 3,043	\$3,153 - 3,395

- *A project's WHP obligation to provide a unit in one of the 4 income categories can be fulfilled with a household qualifying in either the lower or upper half of the category, provided that the corresponding rent is charged.*
- *Rents do not reflect utility credit*



Future Considerations:

- *Different Clocks*
- *Banking of WHP units*
- *Other needed changes*



Palm Beach County

Questions?

Sec. 4.7.4. Density Bonus Program for the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area.

Developers of property in the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area, that meet the minimum standards will earn bonus units for building workforce housing for very low, low and moderate income families.

- a. The size of the bonus varies based on several factors including:
 - i. Affordability (i.e., homes affordable to very low, low, or moderate income families)
 - ii. Home Size (i.e., workforce housing units with four or more bedrooms are awarded larger bonuses)
 - iii. Ownership versus Rental (i.e., larger bonuses are awarded for workforce housing units offered for sale to low and very-low income families and larger bonuses are awarded for ownership versus rental units.)
- b. To be eligible for bonus units, developers must meet one or more of the following criteria:
 - i. A designated number of the total units are restricted to very low income households, and/or
 - ii. A designated number of the total units are restricted to low income households, and/or
 - iii. A designated number of the units are restricted to moderate income households
- c. Subject to the review and approval by the City Commission as provided in Section 4.7.2 workforce housing units may be located off-site provided the off-site location chosen is within the City of Delray Beach. [Amd. Ord. 15-15 7/7/2015]
- d. The bonus allowances are set forth in Table 1 below. [Amd. Ord. 15-15 7/7/2015] [Amd. Ord. 39-06 7/25/06]

TABLE 1 DENSITY BONUS ALLOCATIONS IN THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE INFILL WORKFORCE HOUSING AREA AND THE CARVER ESTATES OVERLAY DISTRICT

OPTION	SALE/RENT	NUMBER OF BONUS UNITS PER WORKFORCE UNIT PROVIDED
VERY LOW	60%	4
LOW	80%—61%	3
MODERATE	120%—81%	2
LARGE HOME OPTION		
4+ bedroom	workforce housing units	Additional 0.5 bonus will be added to the bonus provided above in this chart

- e. Instead of or in addition to providing workforce housing units, developers may also accrue bonus units by contributing to the City of Delray Beach Housing Trust Fund that will be utilized to subsidize workforce housing in the City of Delray Beach. Developers may earn one bonus unit for each payment of a sum equal to \$60,000.00, payable to the City of Delray Beach Housing Trust Fund. [Amd. Ord. 52-08 11/18/08]
- f. Also, instead of or in addition to providing workforce housing units, developers shall earn bonus units by donating land (buildable lots) in the City Delray Beach to be used for workforce housing. The appraised value of donated land will be valued in accordance with subsection e. above and may be prorated. The appraisal shall be obtained by developer at developer's cost.

-
- g. The maximum total density of a development in the Southwest Neighborhood Overlay District and the Carver Estates Overlay District shall not exceed 24 units per acre. The maximum total density of a development in the Infill Workforce Housing Area shall not exceed 18 units per acre. All other Workforce Housing Area densities shall be limited to the maximum allowed in the zoning district and as set forth elsewhere in the Land Development Regulations.

Sec. 2. Workforce Housing Program.

A. Findings.

1. **Housing Cost/Wage Gap.** The City Commission recognizes that there is a growing gap between housing costs and wages in the city;
2. **Florida Statutes.** F.S. § 166.04151 provides that a municipality may adopt and maintain any ordinance that is adopted for the purpose of increasing the supply of workforce housing using land use mechanisms not withstanding any other provision of law;
3. **Public Interest.** The City of Boynton Beach has a legitimate public interest in preserving the character and quality of neighborhoods which requires assuring the availability of workforce housing for low and moderate income persons in the city;
4. **Sense of Community.** The city recognizes that the need to provide workforce housing is critical to maintaining a diversified and sustainable city having the character and sense of community where people can live and work in the same area; and
5. **Housing Availability.** The city is encouraging the production and availability of workforce housing and at the same time is cognizant that escalating land costs and rapidly diminishing amounts of land hinder the provision of sufficient workforce dwelling units by the private sector.

B. Applicability. The program is voluntary. Developers who choose to participate may be awarded incentives outlined further in this article. The following regulations shall apply to development applications for projects with the following underlying future land use categories:

1. Projects with Mixed Use High, Mixed Use Medium, Mixed Use Low and Special High Density future land use classifications are eligible for the program citywide in areas where such classifications are allowed.
2. Projects implementing recognized affordable housing programs with 100% affordable units are eligible citywide in all future land use classifications except Low Density Residential.

C. Provisions. The developer may elect to obtain a density bonus and/or a height bonus through the construction of the workforce units on-site or off-site, monetary contribution, donation of land or purchase of units to be designated as workforce, subject to the limits and requirements of this article.

I. Construction of workforce units on-site:

1. To be eligible for the requested density bonus through the construction of workforce units on-site, the developer must incorporate such units into the development as follows:
 - a. Projects located within the Downtown Transit Oriented Development District (DTODD) using the density bonus of up to twenty-five percent (25%) alone or in conjunction with the height bonus of one (1) additional story (up to a maximum of 12 feet) shall designate a minimum of fifteen percent (15%) of the total proposed units as workforce housing units.
 - b. Projects located within the DTODD in the Boynton Beach Boulevard Overlay with the Mixed Use Medium or Mixed Use High future land use classifications may use the density bonus of up to twenty-five percent (25%) in conjunction with the height bonus or the height bonus alone; the height bonus can include two (2) additional stories (up to a maximum of 24 feet). Projects using the maximum height bonus shall designate a minimum of twenty percent (20%) of the total proposed units as workforce housing units.
 - c. Projects located outside of DTODD with Mixed Use Medium, Mixed Use Low, or Special High Density Residential future land use classifications are eligible for a density bonus for up to twenty-five percent (25%). Such projects shall designate a minimum of ten percent (10%) of the total proposed units as workforce housing units. Properties of three (3) or more acres are also eligible for a height bonus of one (1) additional story up to a maximum of twelve feet (12').
 - d. Projects with one hundred percent (100%) affordable units outside of the DTODD with Medium or High Density Residential future land use classifications are eligible for a density bonus of up to twenty-five percent (25%).
 - e. Eligible land use classifications and zoning districts (Table 1-2).

Land Use Classification	Zoning Districts
Medium Density Residential*	R-2, R-3, and PUD
High Density Residential*	IPUD and PUD
Special High Density Residential	IPUD and PUD
Mixed Use Low	MU-1 and SMU
Mixed Use-Medium	MU-2 and MU-3
Mixed Use High	MU-4 and MU-Core

* Applicable only to projects with 100% affordable units.

2. Household (Income) Type. Twenty-five percent (25%) of the total required workforce housing units shall be set aside for low income households. Seventy-five percent (75%) of the total required workforce housing units shall be set aside for moderate income households.

3. Fractions. If the number of workforce housing units results in a fractional remainder greater than one-half (0.50), the number shall be rounded up. If the required number of workforce housing units results in a fractional number less than one-half (0.50), the number shall be rounded down.

4. Number of Units. The workforce housing units provided shall have the same percentage of unit types as market rate units within the development. The unit types include the category of structure (single-family detached and attached, multifamily), for rent versus for sale units, and the number of bedrooms. Relief from this provision may be granted if the intended purpose is to address particular needs of the community, substantiated by the provided data/analysis.

5. Staff Approval. At the time of application for land use amendment and rezoning, the project must be reviewed and signed off by the Community Improvement Division of the city as part of the site plan approval process for compliance with affordability guidelines and number of units qualifying as workforce.

6. Site Plan. The site plan shall clearly identify the location of workforce housing units. Additionally, tabular data must be included on the site plan showing the address or unit number, total number of units, number of bedrooms of workforce housing units and the targeted income levels. This shall be included with the market rate data.

7. Sale Restrictions. Workforce housing units shall be regulated in terms of:

- a. Initial sales price or rent levels; and
- b. Subsequent resale prices or leasing rates.

c. If compliance with a land development standard would preclude construction of a residential or mixed use development in which workforce housing units are included, pursuant to this chapter, the applicant may submit a proposal for waiver or reduction of the development standard. The applicant shall show that the waiver or reduction of the development standard is necessary to make the workforce housing units economically feasible and that such a waiver will not compromise any of the city's life or safety standards.

8. Recording the Restrictive Covenant. Prior to the issuance of any building permit, the restrictive covenant and agreement shall be recorded in the public records of Palm Beach County. The term of the restrictive covenant shall be fifteen (15) years, recurring. A copy of the recorded covenant and agreement shall be provided to the city prior to the issuance of the building permit.

II. In-Lieu and off-site options.

1. To encourage construction of workforce units, the number of units for which the payment in lieu can be collected shall increase from ten percent (10%), fifteen percent (15%), and twenty percent (20%), as indicated in Sections C.I.1.c, C.I.1.a, and C.I.1.b, respectively, to fifteen percent (15%), twenty percent (20%), and twenty-five percent (25%) of the total proposed units.

2. Payment In-Lieu (Table 1-3). Contributions per unit listed in the table below shall accrue to the Boynton Beach Housing Trust to be utilized to subsidize the creation of workforce housing within the city. In-lieu of fees shall be paid in full prior to the issuance of building permit.

Payment In Lieu of Construction of Workforce Housing Units(per unit)	
For-sale unit	\$ 82,986
For rent units	\$ 36,760

Note: Payment-in-lieu amounts shall be revised every two (2) years, based on (i) median single-family home sale price for Palm Beach County provided by Realtors' Association of the Palm Beaches, and (ii) average monthly apartment rent for the Boynton Beach market provided by Reinhold P. Wolff Economic Research, Inc.

3. Donation of Land. The value of the land shall equal or exceed the total "in-lieu of" fee for all workforce units or shall be of sufficient size to develop the same number of units. The value of the donated land must be verified by a MAI appraisal no more than three (3) months old. The appraisal shall be obtained by developer at developer's cost to verify the value of donated land. The land shall be deeded to the city prior to the issuance of a final certificate of occupancy for the development.

4. Off-Site Construction. The workforce housing units may be built off-site, provided they are constructed within the city limits. All off-site workforce housing units shall comply with all sections of these Regulations.

5. Purchase Market Rate Units. Purchase an equivalent number of existing market rate units to be deeded to the city or sold to eligible households. Such units shall be deed restricted to comply with the Workforce Housing Ordinance. The developer may retain the title to off-site units subject to recordation of a city approved deed restriction.

D. The following requirements shall apply to built or purchased workforce units:

I. *Rental Housing Units.*

1. Recording of the Restrictive Covenant. A restrictive covenant shall be recorded in the public records specifying the income level served, rent levels, reporting requirement and all restrictions applicable to the workforce housing units. All leases on workforce housing units shall contain language incorporating the restrictive covenant applicable to the workforce housing units and shall reference the recorded restrictive covenant. The restrictive covenant shall remain in force for fifteen (15) years.

2. Rental Rates.

a. Units targeted to low income households at sixty percent (60%) to eighty percent (80%) of the AMI shall not have rental rates that exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

b. Units targeted to moderate income households at eighty percent (80%) to the one hundred twenty percent (120%) of the AMI shall not exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

3. Tenant Income Qualification. Tenant income qualification records shall be maintained on-site and a yearly report shall be forwarded to the Community Improvement Division of the City of Boynton Beach for compliance determination.

II. *For-Sale Housing Units.*

1. Restrictive Covenant. All deeds shall include the restrictive covenant applicable to workforce housing units. All sales contracts shall state that the unit is part of a workforce housing program and subject to the Land Development Regulations of the city. The restrictive covenant shall remain in force for fifteen (15) years, recurring. The form of deed for workforce housing units shall be approved by the City Attorney.

2. Resale. The restrictive covenants shall state that during the affordability term, the resale of a workforce housing unit shall be subject to the following resale requirements.

a. All workforce housing unit owners shall notify the city immediately that the unit is for sale. The city shall have first right of refusal to purchase the unit. Upon receipt of notice that a valid offer has been made on the unit, the city shall have fifteen (15) days to invoke its right of refusal to purchase the units.

b. All workforce housing units are to be resold only to low or moderate income qualified households at an attainable housing cost for each targeted income range.

3. Required Occupancy. Purchasers of workforce housing units shall be required to occupy the unit.

4. Closing Costs. No charges or fees shall be imposed by the seller on the purchaser of a workforce housing unit which is in addition to or more than charges imposed upon purchasers of market rate units, except for administrative fees charged by the city/CRA, or their designee.

5. Sales Price Calculations. Sales prices for workforce housing units will be calculated on the basis of:

a. An available fixed-rate thirty (30)-year mortgage, consistent with a "blended rate" for Palm Beach County banks, and/or the Florida Housing Finance Authority. A lower rate may be used in calculating workforce housing prices if the developer can guarantee the availability of fixed-rate thirty (30)-year mortgage at this lower rate for all workforce housing units required for the covered project;

b. A down payment of no more than ten percent (10%) (including any down payment assistance provided by SHIP or other sources) of the purchase price;

c. A calculation of property taxes; and

d. A calculation of homeowner insurance, mortgage insurance, homeowner association fees, property management fees and other closing costs.

6. Compliance. Prior to request for final certificate of occupancy for the development, the developer shall provide to the city's Community Improvement Department, or designee, documentation sufficient to demonstrate compliance with the workforce housing program. Such documentation shall include but is not limited to information regarding the identity and income qualification documentation for all occupants of the workforce housing units, proof of recordation of restrictive covenant in approved form.

7. Resale Requirements. To maintain the availability of workforce housing units which may be constructed or substantially rehabilitated pursuant to the requirements of this program, the following resale conditions shall be imposed on the workforce housing units and included in the deed and restrictive covenant recorded in the Public Records of Palm Beach County:

a. Location of Units. All workforce housing units constructed or substantially rehabilitated under this program shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

b. Integration. Workforce housing units within a development shall be integrated with the rest of the development and shall be compatible in exterior design and appearance, construction, and contain comparable HV/AC systems as market

rate units.

c. Construction Phasing. The construction schedule for workforce housing units shall be consistent with or precede the construction of market rate units. All workforce housing units must be deeded to the city, deed-restricted, or receive a certificate of occupancy prior to issuance of more than eighty percent (80%) of the certificate of occupancies in the subject development.

d. Lot Premiums. There shall be no lot premiums charged on the workforce housing units.

e. Sales Price. All required workforce housing units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges.

f. City Approval. The city, its successors and assigns may enforce the covenants. No amendments to the restrictive covenant shall be made unless by written instrument approved by the city.

E. Monitoring and Compliance.

1. Qualified Buyers. Final approval conditions: Final conditions of approval shall specify that the workforce housing units are sold to buyers whose income does not exceed one hundred twenty percent (120%) of the AMI. The conditions will also specify the requirements for reporting to the city's Community Improvement Division on buyer eligibility, housing prices, as well as any applicable requirement to record the restrictive covenant or to enforce resale restrictions.

2. Surety. Developers may substitute surety as outlined in Chapter 2, Article III, Section 6, Land Development Regulations, in the amount of one hundred ten percent (110%) of the developers' obligation for workforce housing provision according to this section. The city shall, at all times, have the authority to draw upon the surety to enforce the provisions of this article should the applicant be in default of these requirements.

3. Enforcement. The city may enforce the requirements of the Workforce Housing Ordinance through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, during the term of the restrictive covenant.

4. Annual Report. The Community Improvement Department shall submit an annual report to the City Commissioners indicating the status of the Workforce Housing Ordinance, including but not limited to the revenues accrued to the Housing Trust Fund, the number of units created, leased and sold.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-031, passed 12-6-11; Am. Ord. 13-034, passed 12-3-13; Am. Ord. 14-035, passed 1-6-15; Am. Ord. 15-031, passed 12-1-15; Am. Ord. 16-021, passed 12-6-16; Am. Ord. 17-020, passed 9-19-17; Am. Ord. 20-001, passed 1-7-20)



WORKFORCE HOUSING/INCLUSIONARY ZONING

A Review of Proposed Workforce Housing Development Program Administration

Workforce Housing/Inclusionary Zoning



Introduction

- Ordinance creating a mandatory workforce housing development program scheduled to be heard before the Miami-Dade Board of County Commissioners on December 6th, 2016
- Proposed ordinance amends Chapter 33 and 17 of the Miami-Dade County Code
 - Chapter 33, Article XXIIA– Workforce Housing Development Program - Zoning
 - Chapter 17, Article IX – Workforce Housing Development Administration
- The Workforce Housing Development Program will assist in providing affordable housing to individuals and families of moderate income, particularly those whose earnings range from 60% to 140% of the County's median income
- Public Housing and Community Development (PHCD) shall oversee the administration of the Workforce Housing Development Program.

Workforce Housing/Inclusionary Zoning



Minimum Requirements

- Workforce Housing Unit (WHU) rents shall not exceed the maximum monthly rent limits used by Florida Housing Finance Corporation
- Workforce housing unit sales price shall mean the sales price set by the Board pursuant to an Implementing Order not to exceed an amount affordable at the maximum workforce housing target income range
 - Sales price currently set at a maximum of \$205,000 and is established by Implementing Order
- Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-Dade County in the amount of \$100.00. A promissory note shall also be executed by each qualified household.
- PHCD shall obtain from each eligible household or developer, income documentation to issue a Certificate of Qualification valid for 12 months. Required documentation includes Income Tax Returns, W-2's , Bank Statements, etc.

Workforce Housing/Inclusionary Zoning



INCOME LIMITS Adjusted for Family Size

				Median		
FAMILY SIZE	30%	50%	80%	100%	120%	140%
	< E. LOW	<- V. LOW	<-LOW/MOD >			
1	\$14,250	\$24,850	\$39,800	\$49,700	\$59,640	\$69,580
2	\$17,050	\$28,400	\$45,450	\$56,800	\$68,160	\$79,520
3	\$20,160	\$31,950	\$51,150	\$63,900	\$76,680	\$89,460
4	\$24,300	\$35,500	\$56,800	\$71,000	\$85,200	\$99,400
5	\$28,440	\$38,350	\$61,350	\$76,700	\$92,040	\$107,380
6	\$32,580	\$41,200	\$65,900	\$82,400	\$98,880	\$115,360
7	\$36,730	\$44,050	\$70,450	\$88,100	\$105,720	\$123,340
8	\$40,800	\$46,900	\$75,000	\$93,800	\$112,560	\$131,320

(MEDIAN INCOME IS \$48,100.00 FOR MIAMI-DADE COUNTY)

SHIP limited to 120 % (Subject to periodic revisions by US HUD Effective April 2016)
(Income and Mortgage Limits REVISED April, 2016)

Workforce Housing/Inclusionary Zoning



Workforce Housing Income Eligibility Documentation Checklist

All documentation listed below must be submitted. Failure to do so may delay the process.

REQUIRED DOCUMENTATION

1. Two (2) years signed and dated Income Tax Returns and W-2's and/or 1099's with all applicable Schedules for all adult and Household Members.
1. ***If applicable:*** Award letters for all other income: Social Security pension/retirement/SSI/welfare/disability
1. ***If applicable:*** Pay stub for the last 30 days if VOE has not been obtained. (*Evidence of VOE Request by Lender*) **APPLICANTS CONTINUE TO SUBMIT UPDATED STATUS OF EMPLOYMENT UNTIL LOAN IS APPROVED.**
1. Proof of legal residence: Resident Alien Card, INS Employment Authorization, I-94 (Cuban Citizens only). **Please Note: Documents must be current at time of application and show proof of Dade County residency for all household members.*
1. Picture ID (i.e., Driver License, Employment ID, etc.) and Social Security Cards of all household members
1. Most current six months bank statement for all accounts
1. Birth Certificate(s) for all household members, Letter from guardianship/adoption (if applicable) and/or School Records
1. ***If applicable:*** Marriage Certificate, All Divorce Decrees and Property Settlement Agreements; Proof of receipt of child support for the prior 12 consecutive months; Provide proof of non-receipt and "good faith" effort to collect and avoid inclusion in annual income figure
1. ***If applicable:*** Third Party Verification of Regular Cash Contribution Letter for non-court ordered child support; If the applicant is not receiving court-ordered child support, a letter from the Department of Revenue, Child Support Enforcement Office is required
1. ***Fannie Mae Form 1003***

Workforce Housing/Inclusionary Zoning



Restrictive Covenant and Control Period

- All qualified households must use the WHU as their primary residence for a control period of 20 years secured by a Restrictive Covenant.
- No sale, transfer or foreclosure shall affect the validity of the covenant except when securitization of financing is provided by Federal Housing Administration, Fannie Mae or Freddie Mac.
- A new twenty (20) year control period shall commence upon any resale and/or transfer to a new owner of such WHU within the initial 20-year control period.

Workforce Housing/Inclusionary Zoning



Shared Equity Provisions

- In the event of an early resale of a WHU by a qualified household prior to the expiration of the Control Period, an equity share recapture fee shall be calculated as follows:
 - Year 0-5 – 100% Equity Recaptured
 - Year 6-10 – 50% Equity Recaptured
 - Year 11-19 – 0% Equity Recaptured
- Equity Share recapture fee shall be reduced by the equity build up defined as:

Property's sales price at first resale less the initial purchase less the sum of (a) the amount of any cash down payment from the qualified household's own funds for the purchase of the WHU, (b) the reasonable customary costs of sale of the property paid by the qualified household, including any broker's commission, and (c) the value of any documented, Qualified Improvements to the WHU.
- All equity share recapture fees received by the County shall be deposited into the Affordable Housing Trust Fund.

Workforce Housing/Inclusionary Zoning



Shared Equity Provisions

- WHUs offered for sale during the initial or any control period shall not be offered for a price in excess of the current maximum WHU sales price as determined by the Housing Director or the purchase price adjusted upward by the percentage increase in the Consumer Price Index for All Urban Consumers.

Workforce Housing/Inclusionary Zoning



Payment in Lieu of Developing Workforce Housing Units

- A monetary contribution in lieu of construction of the required workforce housing units is allowed. Formula is derived by the median sales price for a single family home or multifamily unit as reported by the County for the most recent year available and subtracted by the affordable purchase price for a family of four at the lowest income level allowed by the ordinance (60% AMI).
- Example:

2015 Single Family County Median Home Price	\$278,000
Less: Affordable purchase price for family of four at 60% AMI	(\$155,200)
Payment in Lieu Fee	\$122,800

- Ordinance calls for the payment in lieu to be set by Implementing Order

Workforce Housing/Inclusionary Zoning



Compliance Monitoring

- The County has the right of first refusal to purchase the WHU in the event that a qualified household does not execute a contract for purchase within six months from the date the WHU is offered for sale. If the County rejects the offer, the developer or property owner shall remain obligated to sell or rent the WHU to a qualified household and to comply with the declaration of restrictive covenants and workforce housing agreement.
- If the developer or property owner has been unable to sell to a qualified household after making a good effort over a reasonable period of time, the developer or property owner may pay the WHU contribution-in-lieu fee and shall be entitled to a release from the obligation
- PHCD will be responsible for monitoring each covered development and qualified household to ensure compliance with the WHU ordinance and administrative order during the control period.

Workforce Housing/Inclusionary Zoning



THANK YOU



December 29, 2021

Mr. Clarence Sirmons
Director of Development Services
City of Riviera Beach
600 W. Blue Heron Blvd
Riviera Beach, Florida 33404

Re: Ritz Carlton Items of Concern

Dear Mr. Sirmons:

Our office represents 2700 North Ocean Condominium Association, Inc. (the "Association") which is the condominium association of the Ritz Carlton Residences development located at 2700 North Ocean Drive on Singer Island (the "Property"). The Association has retained our services to assist with resolving issues related to the existing Resort Hotel Suites within the project.

The Property was initially approved in 2004 for 142 permanent residential units and 100 Resort Hotel suites. On March 1, 2021, the City of Riviera Beach administratively approved a site plan amendment which changed the mix of units to 177 permanent residential (the maximum allowable density under the current zoning regulations) and 65 Resort Hotel Suites, a change that was made based on problems associated with the more transient nature of the Resort Hotel units.

When the project was first approved in 2004, it was anticipated that a significant number of owners would be from northern parts of the Country, who aim to establish a second home in Florida. The Resort Hotel Suites were perfectly suited for that purpose given that owners would live in them only part of the year and could rent them out through a pool of managed units during times when they were not in residence. However, almost 20 years later, we find that many of the original owners have fully retired to the Property or sold to others who reside at the Property full time. Unfortunately, given the transient nature of the Resort Hotel Suites, which are treated more like hotel rooms, current owners of these units are unable to obtain Homestead Exemptions, a right conferred only upon owners of the permanent residential units.

Additionally, owners of both types of units within the development have been experiencing problems selling, as a significant number of lending institutions will not provide financing for units within projects like the Ritz Carlton, with a resort hotel component. Many owners have found

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that they have entered a contract to sell their unit only to have the deal fall through because the buyer cannot obtain financing.

Owners of both restricted and unrestricted residential units continue to face issues with the transient population, who are expecting hotel-type services (which are not provided) and who consequently treat the residential building as a hotel. Furthermore, transient users typically disregard the general rules of the Condo Association, which oftentimes leads to a decrease in peaceful enjoyment of the property by residential unit owners, as well as to a negative effect on the property values within the entire development.

The Association is seeking assistance from City staff to alleviate the ongoing issues within the Ritz Carlton and allow the owners of restricted units the same ownership rights conferred upon the rest of the owners. Staff's time and attention is greatly appreciated.

As we progress in discussions, should you have any questions or require additional information, please do not hesitate to contact me at (561) 691-4552.

Sincerely,



Elizabeth S. Levesque, AICP
Development Associate



Determining In-Lieu Fees in Inclusionary Zoning Policies

Considerations for Local Governments

Aaron Shroyer

May 2020

Inclusionary zoning policies are an increasingly popular tool for addressing affordable housing challenges, with many cities and counties adopting such policies since 2000 (Thaden and Wang 2017). But the structure and features of these policies vary. Research suggests that the features of inclusionary zoning matter and need to be tailored to local market conditions (Ramakrishnan, Treskon, and Greene 2019; Schuetz, Meltzer, and Been 2008).

Inclusionary zoning encourages or requires developers who are creating market-rate housing to set aside a percentage of the housing to be sold or rented at below-market rates. One common feature of inclusionary zoning policies is “in-lieu fees,” which developers can pay as an alternative to building on-site affordable units. (In-lieu fees are the most common name for this method of alternative compliance, but some jurisdictions might refer to this option as “buy-outs,” “opt-outs,” or “cash contributions.”) In-lieu fees are among the most hotly debated parts of inclusionary zoning, in part because little research exists on the variations in their structure and their advantages and disadvantages.

This brief has two goals. The first is to help local decisionmakers determine whether to include an in-lieu fee option in their inclusionary zoning ordinances. The second is to help local decisionmakers understand what variations of in-lieu fees exist and how to structure in-lieu fees. Based on a literature review and interviews with local government staff members, developers, nonprofit practitioners, and advocates, this brief first provides an overview of the goals of inclusionary zoning and the ways that in-lieu fees can advance or undermine those goals. It then discusses the methods that jurisdictions use to set in-lieu fees and details considerations for jurisdictions when they are setting in-lieu fees.

What Is Inclusionary Zoning?

As housing costs rise in markets across the country, local decisionmakers are looking for tools that create more affordable housing units. Inclusionary zoning enables the delivery of affordable housing in cities that have historically high housing costs or where costs are rapidly going up because of gentrification and property value increases. Andrew Trueblood, director of the Office of Planning in Washington, DC, has said that inclusionary zoning is “not the biggest program that produces affordable housing in the city, but it is the biggest program that produces affordable housing in high-cost areas.”¹

Under inclusionary zoning, developers are encouraged or required to set aside a share of the market-rate housing they’re creating to be sold or rented at below-market rates.² Inclusionary zoning leverages the private market to create housing units that are affordable to households with lower incomes while allowing development projects to produce a return on investment. For that reason, inclusionary zoning policies are more effective in areas where more development is occurring.³

Inclusionary zoning ordinances are popular with policymakers because they create affordable housing units with little to no public subsidy.⁴ A 2016 survey found that 886 jurisdictions in 25 states and the District of Columbia have inclusionary zoning programs, although nearly 90 percent of them were in New Jersey, Massachusetts, and California (Thaden and Wang 2017).

Inclusionary zoning often interacts with other tools that jurisdictions use to create affordable housing units. Some jurisdictions do not have affordability requirements for all new developments but instead require that developers create affordable units in exchange for additional density, requests to change the general land use plan, or receipt of public funding.⁵ For example, a jurisdiction might allow a developer to build at increased density in exchange for making a portion of those extra units affordable. This is often referred to as voluntary inclusionary zoning.

Goals and Characteristics of Inclusionary Zoning

This section provides an overview of inclusionary zoning before detailing how in-lieu fees relate to the goals of these policies.

Goals

Inclusionary zoning programs typically have three goals.

The first goal is to create more affordable housing units. By requiring that new developments include affordable units, inclusionary zoning policies create more affordable units than the market would have created otherwise. In some cases, jurisdictions allow developers to build the units in a different location from where the new market-rate units are being created or to buy out their obligation by paying “in-lieu” fees into a local affordable housing fund.

The second goal is to generate flexible revenue for affordable housing, primarily through in-lieu fees. Although revenue that is generated can go toward furthering the first goal of creating more units, jurisdictions often use revenue from inclusionary zoning to fund other high-priority housing needs.⁶ Interviewees said local resources for housing are increasingly scarce and susceptible to shifts in economic conditions and support from local elected officials. In-lieu fees create a dedicated, sustainable revenue source for local affordable housing trust funds. The uses of trust fund dollars vary by jurisdiction, but they can provide gap financing to produce or rehabilitate affordable housing units and fund other housing-related programs like rental assistance and capital improvements.⁷

The third goal is to create more mixed-income developments and increase affordable units in opportunity-rich neighborhoods. Recent research demonstrates the importance of place for upward economic mobility, underscoring the need for policies that address segregation (Chetty, Hendren, and Katz 2015; Turner and Gourevitch 2017). Many of the policy levers that enable households to gain access to opportunity-rich neighborhoods, such as housing vouchers and fair housing protections, rely on the federal government for funding and enforcement. Inclusionary zoning policies are one of the main levers that local governments have to create mixed-income developments without additional resources.

Characteristics

Inclusionary zoning policies can differ by jurisdiction but often share certain features. In most jurisdictions with inclusionary zoning, developments that exceed a certain square footage or number of units trigger affordability requirements. Inclusionary zoning can apply to both rental and for-sale development, as well as to both new construction and renovation. Inclusionary zoning policies often mandate that a percentage of units be affordable to households making a certain percentage of area median income (AMI). A majority of jurisdictions with inclusionary zoning require that 6 to 15 percent of a development's units be affordable (Thaden and Wang 2017). The income target typically ranges from 60 to 120 percent of AMI (Williams et al. 2016). Some jurisdictions' requirements have a sliding scale, meaning that developers can include more units affordable to a higher AMI or fewer units affordable to a lower AMI.⁸ However, inclusionary zoning rarely brings rents down to the levels needed by households with extremely low incomes, which make less than 30 percent of AMI (Brennan and Greene 2018). Inclusionary zoning policies also typically require that units be affordable long term, usually for 30 years or more (Jacobus 2015).

The affordable units often do not have to be in the same location as the market-rate units. Many jurisdictions provide the option to build the prescribed affordable units off-site. Developers either provide these off-site units directly by constructing them or indirectly by paying in-lieu fees to local housing trust funds. Off-site construction often occurs in neighborhoods where land costs are lower or where there is less opposition to new development. Off-site construction provides flexibility to developers and can increase the production of affordable housing units (Jacobus 2015).

Implementation of inclusionary zoning policies—especially those with in-lieu fee options—brings trade-offs, and some implementation options may not maximize inclusionary zoning goals. For example,

eliminating the option to pay in-lieu fees could lead to more units being created in hot markets while eliminating a key source of funding for local affordable housing programs. On the other hand, units that result from in-lieu fees are often in neighborhoods that have relatively few amenities or a concentration of affordable housing, which does not promote mixed-income developments (Jacobus 2015; Porter and Davison 2009).

The Role of In-Lieu Fees

According to the Urban Institute’s National Longitudinal Land Use Survey, approximately two-thirds of jurisdictions with inclusionary housing policies have in-lieu fees.⁹ In-lieu fees can apply to rental or for-sale developments. In-lieu fees are typically paid into a local affordable housing trust fund. How housing trust fund dollars are used often depends on local priorities, but they can go toward housing needs that inclusionary zoning would not otherwise meet. This includes building units that are not typically supplied by the market, such as those that are larger (“family-sized” units) and those for special needs populations (HR&A Advisors 2019) or households with extremely low incomes (Local Government Commission, Western Center on Law and Poverty, and California Rural Legal Assistance Foundation 2018). Revenue from in-lieu fees can vary from hundreds of thousands of dollars over a decade in smaller jurisdictions to tens of millions of dollars per decade in larger jurisdictions (Porter and Davison 2009).

Based on the goals of their inclusionary zoning policy, local decisionmakers must choose whether to allow in-lieu fees as a method of alternative compliance. If they opt to include in-lieu fees, they must set the in-lieu fees in such a way that furthers the goals of their inclusionary zoning policy. In the following section, we highlight the main arguments for and against in-lieu fees and discuss how jurisdictions calculate in-lieu fees.

Arguments for and against In-Lieu Fees

Although in-lieu fees are common features of inclusionary zoning policies, not all local advocates, practitioners, and decisionmakers are in favor of them (table 1). Proponents of in-lieu fees tout their importance as a flexible funding source, especially considering that federal funding for rental assistance has decreased in recent years. For example, the Town of Chapel Hill, North Carolina, uses its in-lieu fees for constructing or rehabilitating housing units; assisting residents with rent, mortgage, or utility payments; and providing local matches to federal affordable housing grants.¹⁰ Often, in-lieu fees are the major source of funding for local affordable housing trust funds. For example, in-lieu fees are the only source of revenue for the Chicago Low-Income Housing Trust Fund, which provides rental assistance to more than 2,000 households making under 30 percent of AMI.¹¹ In-lieu fees are also an important source of funding for affordable housing developers. And jurisdictions use the trust funds to leverage other funding sources, such as the Low-Income Housing Tax Credit (California Coalition for Rural Housing and the Non-Profit Housing Association of Northern California 2004). Some jurisdictions, including Arlington County, Virginia, report that in-lieu contributions have enabled them to build more units than would have resulted from on-site construction (Arlington County 2015).

In-lieu fees can also lead to a more streamlined development process. The option to pay in-lieu fees makes the development process faster and more predictable for developers. That is, developers can pay into a fund and proceed with construction instead of going through the potentially time-intensive community vetting process that is often associated with producing affordable units within market-rate projects (Porter and Davison 2009).

In-lieu fees can also promote discussion of local affordable housing policies. Based on interviews, staff in local housing and planning departments say that project-specific discussions around in-lieu fees allow them to have deliberate conversations with developers about affordable housing. As a result, developers better understand the jurisdiction’s affordable housing goals and how their projects relate to those goals. In addition, these staff get a better perspective on the factors that developers weigh when deciding whether to build affordable units on site or to pursue alternative compliance options.

TABLE 1
Advantages and Disadvantages of In-Lieu Fees

Advantages	Disadvantages
<ul style="list-style-type: none"> ■ Create mechanism to fund housing units that inclusionary policies do not produce (e.g., units for households with extremely low incomes) or fund other local housing priorities ■ Provide leverage for other funding sources ■ Increase flexibility for developers, particularly for smaller developments ■ Make development process more predictable ■ Provide important source of funding for nonprofit developers 	<ul style="list-style-type: none"> ■ May result in fewer on-site units and less mixed-income development ■ Could lead to construction activity that reinforces patterns of segregation ■ May result in on- or off-site units that are of lower quality

In-lieu fees also have their detractors, however. Critics see them as a loophole that allows developers to avoid contributing on-site units.¹² If in-lieu fees are set below the cost of on-site construction, for instance, developers will pay the fee instead of building new units. Although a low in-lieu fee might be the result of an obsolete formula or of developer influence in the legislative process, jurisdictions may have legitimate reasons to intentionally set a low fee. For example, if a jurisdiction’s goal is to create flexible revenue sources for affordable housing, it might set a low in-lieu fee that would help seed those funds.¹³ But in-lieu fees may undermine a jurisdiction’s inclusionary zoning policy if the primary goal is to create mixed-income developments. And the units that are eventually created from in-lieu fees might be of lower quality or built in lower-cost neighborhoods, which could reinforce historic patterns of segregation.

Calculating In-Lieu Fees

For jurisdictions with in-lieu fees, creating the in-lieu formula is the most important component of their policy. In theory, the in-lieu fee should be similar to the cost of producing a unit on site, but the in-lieu fee is typically lower than that (California Coalition for Rural Housing and the Non-Profit Housing Association of Northern California 2004). A formula that results in fees that are too high or too low can

distort the market, affect developers' decisions, and ultimately affect where and how much affordable housing is built. But in-lieu fee formulas are tricky to set. They must weigh numerous factors, including real estate market trends, construction financing, and the need for affordable housing at various income levels.

Three main methods are used to calculate in-lieu fees: the affordability gap method, the production cost method, and indexed fees based on project characteristics. These methods can apply to both rental and for-sale units. The section below highlights these methods.

Affordability Gap Method

In this approach, the in-lieu fee is the difference between the fair market price and what a low- or moderate-income household can afford (MAPC 2018). The gap is calculated per unit. For example, the calculation subtracts the maximum housing expense of an affordable unit from the market rent of an equivalent unit. To get the total amount, the per unit figure is multiplied by the number of affordable units that a developer would have been required to build. Some calculations also divide the difference by the current market capitalization rate, which measures the rate of return on total capital invested and is used to derive a present-day asset value (David Paul Rosen & Associates 2018).¹⁴

This method relies on the availability of local data. For example, jurisdictions often have access to data on market-rate sales or rental prices. Local jurisdictions also have data on affordable rents by AMI through local sources or the US Department of Housing and Urban Development.¹⁵ Where data are available, some jurisdictions adjust the fee based on the development's neighborhood or submarket (Porter and Davison 2009). Examples of jurisdictions that use this method include the City of Santa Fe, New Mexico, and the City of Santa Barbara, California.¹⁶

Production Cost Method

The affordability gap method represents the market-rate developer's perspective, while the production cost method represents the nonprofit developer's perspective.¹⁷ With the production cost method, the in-lieu fee is the difference between the cost of developing a comparable affordable unit and the income generated by an affordable unit. As with the affordability gap model, the per unit fee is multiplied by the total number of units required to determine the total cost of the in-lieu fee to the developer.

This method relies on surveys of recent affordable housing projects with similar characteristics (e.g., land, construction, and other costs), so it helps to have nonprofit developers who are willing to share information on costs of construction and rents.¹⁸ For that reason, this method is better suited for jurisdictions with a robust nonprofit development community (MAPC 2018). Like the affordability gap method, it necessitates frequent updates to ensure that the fees are accurate. For example, the inclusionary zoning regulations in the Town of Chapel Hill, North Carolina, require the town council to annually establish the dollar amount of subsidy needed to make units affordable.¹⁹

Indexed Fees Based on Project Characteristics

Other jurisdictions set fees based on the density of the project, location of the project, or whether the project meets other local priorities. With these formulas, the in-lieu fee is the product of a square foot charge and the gross floor area. In contrast to other methods that set fees on a per unit basis, this method uses a per project calculation. Examples of jurisdictions that use this method are Arlington County, Virginia, and the City of San Diego. San Diego set its rate at \$10.82 per square foot for developments with more than 10 units, and that rate is multiplied by the gross floor area of a project.²⁰ Arlington County has a similar formula, but the rates vary based on the density of the project (denser projects trigger higher in-lieu fees).²¹

Regardless of the method, some jurisdictions vary in-lieu fees by neighborhood. Boston has three fee levels based on the average cost of housing in a neighborhood.²² In some jurisdictions, the in-lieu fee can be reduced if developers provide units to the public housing authority. The City of Chicago typically has a 10 percent requirement for on-site affordable units. If developers sell or lease at least 2.5 percent of the total on-site units (25 percent of required affordable units) to the Chicago Housing Authority, the in-lieu fees are reduced by \$25,000 per remaining required unit.²³

No research has been conducted on which method of calculating in-lieu fees is more effective, in part because outcome measures vary across local contexts. For example, jurisdictions can define effectiveness in terms of affordable units built or dollars raised for affordable housing. The affordability gap method is probably the most commonly used because it is easier to understand conceptually and relies on more readily available data.²⁴ The appendix provides basic examples of how to calculate in-lieu fees using each of the three methods. It also outlines how jurisdictions might compare their in-lieu formulas with those of their peers.

Regardless of which methods jurisdictions use, they should tie the fee to regional consumer price indexes or other measures of economic conditions. By doing so, jurisdictions can help ensure that their fee structure adjusts for local markets, is predictable for developers, and remains consistent with overarching policy goals.

Guidance for Jurisdictions Considering Inclusionary Zoning and In-Lieu Fees

Effective inclusionary zoning policies must consider local development patterns, affordability needs, political feasibility, and local development capacity (MAPC 2018). Successful policies also incorporate the perspectives of all parties: city staff members, nonprofits, advocacy groups, residents, and developers. Below are some specific suggestions for communities to consider when creating or revising inclusionary zoning policies.

ASSESS WHAT THE MARKET CAN BEAR

Inclusionary zoning changes the cost of private development by using market-rate development to subsidize below-market units. Market dynamics are driven by income generated through rents or sales, construction costs, and the availability and price of land (Williams et al. 2016). If the market is not

robust, reducing rents or income received could prevent projects from penciling out. Therefore, testing what level of affordability (i.e., both percentage of units and level of AMI affordability for each unit) is feasible for the market to support and in which neighborhoods is important. One way to do this is to analyze how on-site or in-lieu requirements would have affected the financial calculations of recent development projects in the jurisdiction. These analyses can compare what percentage of affordable units recent developments could have incorporated and at what percentage of AMI. The results can guide policymakers' decisions on how to set the requirements, whether to vary by neighborhood, and whether to allow a sliding scale between units and affordability (i.e., the option to provide more units at a lower per unit subsidy or fewer units at a higher per unit subsidy).

ADJUST THE FEE TO ALIGN WITH LOCAL POLICY PRIORITIES

When setting an in-lieu fee, jurisdictions should consider whether their top priority is to build more affordable housing generally, create flexible funding for affordable housing, or create mixed-income developments.²⁵ The conventional wisdom is that in-lieu fees set below the cost to construct units on site will reduce the number of developers who will build on-site units. Jurisdictions should weigh the relative costs of compliance for developers and how the different costs would influence developers' consideration of the available options. If building more affordable units or creating mixed-income developments is the most important policy goal, jurisdictions might want to set a higher in-lieu fee to prevent developers from buying out their obligations.

CREATE AN EVIDENCE-BASED, INCLUSIVE, AND TRANSPARENT PROCESS TO BUILD CONSENSUS AND SECURE BUY-IN

In some places, the political process can dilute policies by making them more favorable to developers or other local interests. To counteract this, government staff members and elected officials should collaborate with community members to shape inclusionary zoning policies. By doing so either through a task force or similar efforts, jurisdictions can ground their decisions in available evidence, local feasibility studies, and resident and stakeholder buy-in.

CONSIDER POLITICAL CONTEXT

Local political contexts necessarily affect inclusionary zoning policies. Jurisdictions can only go as far as their councils and state legislatures let them. Nine states have preempted local governments from enacting inclusionary zoning policies.²⁶ Cities in states considering preemption might enact less stringent policies to avoid backlash that could prompt the state to remove the local authority to enact inclusionary zoning policies.

REFLECT THE AVAILABILITY OF KEY RESOURCES

Jurisdictions with other locally controlled and available financing sources can leverage in-lieu fees to produce affordable units. The ability to create such leverage depends on the capacity of local government staff members, as well as nonprofit and private partners such as community development financial institutions, who can identify opportunities and deploy other resources (Jacobus 2015). In addition, jurisdictions without much available land might prefer on-site units because they have relatively few opportunities to use in-lieu fees to build elsewhere.²⁷

ALIGN INCLUSIONARY ZONING WITH OTHER ZONING OR POLICY CHANGES

Some jurisdictions have created inclusionary zoning policies as they rezoned neighborhoods. The logic behind this is that higher densities enable the production of more affordable units. As a result, inclusionary zoning captures the increased land values created by rezoning and ensures that the benefits accrue to a greater number of residents through the provision of affordable housing (Local Government Commission, Western Center on Law and Poverty, and California Rural Legal Assistance Foundation 2018).

Conclusion

Inclusionary zoning is one tool that local governments can use to increase the production of affordable housing units, especially in areas where they are not typically delivered. Based on discussions with local policymakers and a review of the available evidence, this brief probes one component of inclusionary zoning, alternative compliance via in-lieu fees. Jurisdictions face trade-offs when they allow developers to pay in-lieu fees instead of building on-site units. In-lieu fees, if they are not set at an appropriate level, can undermine jurisdictions' affordable housing goals. To avoid potential negative outcomes, jurisdictions looking to create new inclusionary zoning policies and revise existing policies should carefully weigh factors like local market and political contexts, as well as feedback from nonprofit developers and residents.

Appendix. Calculating In-Lieu Fees and Comparing across Jurisdictions

Below are basic examples of how to calculate in-lieu fees using each of the three methods explained earlier in this brief (table 2). The results should not be interpreted as a value statement on a preferred method. Rather, they show how the calculations compare given our assumptions. For this example, the following are assumed:

- The maximum housing expense affordable to a household making the area median income is \$1,500 per month.
- The project is a 100-unit rental development with an average unit size of 1,000 square feet.
- The jurisdiction policy is that 10 percent of rental units must be affordable to those making 50 percent of AMI.
- The capitalization rate is 5 percent.
- The cost to construct one unit of housing is \$250,000.
- Monthly operating expenses (e.g., owner-paid utilities, fire insurance, and trash removal) are \$5,000 per unit per year.

TABLE 2

Comparison of Sample Projects by Calculation Method

Affordability gap method	Production cost method	Indexed based on project characteristics (using San Diego rate)
<ul style="list-style-type: none"> Rent loss per unit per month: $\\$1,500 - \\$750 = \\$750$ Rent loss per year: $\\$750 \times 12 = \\$9,000$ Rent loss divided by capitalization rate: $\\$9,000 / 0.05 = \\$180,000$ In-lieu fee per unit = \$180,000 	<ul style="list-style-type: none"> Maximum housing expense per month: \$750 Operating, administrative, and maintenance expenses: \$5,000 (annually); \$417 (monthly) Net operating income per month: $\\$750 - \\$417 = \\$333$ Net operating income per year: $\\$333 \times 12 = \\$3,996$ Capitalized value: $\\$3,996 / 0.05 = \\$79,920$ In-lieu fee per unit: $\\$250,000 - \\$79,920 = \\$170,080$ 	<ul style="list-style-type: none"> Total square footage: $100 \text{ units} \times 1,000 \text{ sq. ft.} = 100,000 \text{ sq. ft.}$ Square footage x fee rate: $100,000 \times \\$10.82 = \\$1,082,000$ In-lieu fee per unit: $\\$1,082,000 / 10 = \\$108,200$

In addition to calculating how in-lieu fees might differ depending on the formula selected, jurisdictions might find it useful to compare their in-lieu fees and formulas with those of other jurisdictions. To do this, a jurisdiction could first create a sample project (e.g., a 100-unit development that is 100 percent residential) and then calculate in-lieu fees based on publicly available information about other jurisdictions' formulas. This would enable jurisdictions to get a sense of how the amount of in-lieu fees that result from a given project compares with amounts in peer jurisdictions. However, it is important to keep in mind that the dollar figures would reflect the jurisdictions' basic formulas and no other factors, such as density bonuses, location considerations, and negotiated payments, that can influence in-lieu fees.

Notes

- 1 Ally Schweitzer, "Bowser Calls for More Affordable Units in New Housing Developments," WAMU, January 3, 2020, <https://wamu.org/story/20/01/03/bowser-calls-for-more-affordable-units-in-new-housing-developments/>.
- 2 "Inclusionary Zoning," Local Housing Solutions, accessed November 14, 2019, <https://www.localhousingsolutions.org/act/housing-policy-library/inclusionary-zoning-overview/inclusionary-zoning/>.
- 3 "Inclusionary Zoning," Local Housing Solutions.
- 4 Benjamin Schneider, "CityLab University: Inclusionary Zoning," July 17, 2018, <https://www.citylab.com/equity/2018/07/citylab-university-inclusionary-zoning/565181/>.
- 5 Schneider, "CityLab University: Inclusionary Zoning."
- 6 "Setting the In-Lieu Fee," Inclusionary Housing, accessed November 14, 2019, <https://inclusionaryhousing.org/designing-a-policy/off-site-development/in-lieu-fees/setting-the-in-lieu-fee/>.
- 7 "Affordable Housing Opportunity Fund," City of Chicago, accessed February 5, 2020, <https://www.chicago.gov/city/en/depts/doh/provdrs/developers/svcs/ahof.html>.

- ⁸ “Inclusionary Zoning Policy,” City of Atlanta, accessed January 23, 2020, <https://www.atlantaga.gov/government/departments/city-planning/office-of-housing-community-development/inclusionary-zoning-policy>.
- ⁹ “National Longitudinal Land Use Survey,” Urban Institute Data Catalog, last modified February 23, 2020, <https://datacatalog.urban.org/dataset/national-longitudinal-land-use-survey-nllus>.
- ¹⁰ “A Resolution Modifying the Guidelines of the Affordable Housing Fund,” Town of Chapel Hill, North Carolina, September 29, 2014, <https://www.townofchapelhill.org/home/showdocument?id=28455>.
- ¹¹ “Rental Subsidy Program,” Chicago Low-Income Housing Trust Fund, accessed November 14, 2019, <http://www.clihtf.org/programs-and-initiatives/rental-subsidy-program/>.
- ¹² “In-Lieu Fees,” Inclusionary Housing, accessed November 14, 2019, <https://inclusionaryhousing.org/designing-a-policy/off-site-development/in-lieu-fees/>.
- ¹³ Daniel Lauber, “How to Make Inclusionary Zoning Actually Inclusive,” Wednesday Journal, February 5, 2020, <https://www.oakpark.com/News/Articles/2-5-2019/How-to-make-inclusionary-zoning-actually-inclusive/>.
- ¹⁴ See the [technical appendix](#) to Pamela Blumenthal, Reed Jordan, Amy Clark, Ethan Handelman, and Rebekah King, “The Cost of Affordable Housing: Does It Pencil Out?” July 2016, <https://apps.urban.org/features/cost-of-affordable-housing/>; and “Implementing Affordable Housing Provisions of Station Subarea Plans: Fee-in-Lieu,” City Council agenda item, Planning and Community Development Department, City of Shoreline, Washington, July 24, 2017, <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport072417-9a.pdf>.
- ¹⁵ See “Income and Rent Limits,” Arlington County, accessed November 14, 2019, <https://housing.arlingtonva.us/income-rent-limits/>.
- ¹⁶ See “SFHP Administrative Procedures” on “Santa Fe Homes Program,” City of Santa Fe, accessed February 5, 2020, https://www.santafenm.gov/santa_fe_homes_program; and “Appendix D, Inclusionary Housing Ordinance,” *The City of Santa Barbara’s Affordable Housing Policies and Procedures*, April 1, 2018, <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=170467>.
- ¹⁷ “Implementing Affordable Housing Provisions of Station Subarea Plans: Fee-in-Lieu,” City of Shoreline, Washington.
- ¹⁸ “Implementing Affordable Housing Provisions of Station Subarea Plans: Fee-in-Lieu,” City of Shoreline, Washington.
- ¹⁹ “An Ordinance Amending the Chapel Hill Land Use Management Ordinance to Establish Inclusionary Zoning Regulations for Residential Development,” Town of Chapel Hill, North Carolina, June 21, 2010, <https://www.townofchapelhill.org/home/showdocument?id=6988>.
- ²⁰ “Requirements for Inclusionary Affordable Housing,” Information Bulletin 532, City of San Diego Development Services Department, July 2018, <https://www.sandiego.gov/sites/default/files/dsdib532.pdf>.
- ²¹ “Land Use and Zoning Tools,” Arlington County, accessed November 14, 2019, <https://housing.arlingtonva.us/development/land-use-zoning-tools/>.
- ²² “Setting the In-Lieu Fee,” Inclusionary Housing.
- ²³ “2015 Affordable Requirements Ordinance Rules & Regulations,” City of Chicago Department of Planning and Development, updated May 1, 2017, https://www.chicago.gov/content/dam/city/depts/dcd/general/housing/ARO_Rules_5-1-17.pdf.
- ²⁴ “Implementing Affordable Housing Provisions of Station Subarea Plans: Fee-in-Lieu,” City of Shoreline, Washington.
- ²⁵ “Setting the In-Lieu Fee,” Inclusionary Housing.
- ²⁶ As of early 2019. See “State Preemption of Local Equitable Housing Policies,” Local Solutions Support Center, accessed January 23, 2020, <http://www.supportdemocracy.org/equitablehousing/>.
- ²⁷ “Setting the In-Lieu Fee,” Inclusionary Housing.

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About the Author

Aaron Shroyer is a policy associate with the Research to Action Lab at the Urban Institute. His project work involves advising foundations and local governments on policy and grantmaking strategies around the issues of housing and community development. His projects have included developing policy solutions that increase housing affordability and supporting local initiatives aimed at creating inclusive economies. Before joining Urban, Shroyer was a management fellow for the City of Kansas City, Missouri, focusing on projects related to economic development, housing and neighborhood development, sustainability, and performance management. Before that, he was a summer mayoral

fellow within Mayor Rahm Emanuel’s office in Chicago. Shroyer has a bachelor’s degree in government and a master’s degree in leadership and public policy, both from the University of Virginia.

Acknowledgments

This brief was funded by the Kresge Foundation through the Shared Prosperity Partnership. The Shared Prosperity Partnership—a collaboration of the Kresge Foundation, the Brookings Metropolitan Policy Program, the Urban Institute, and Living Cities—convenes local leaders in select communities across the United States to discuss challenges to inclusive growth and provide data, research, and access to national experts, networks, and financial resources. Nationally, the partnership elevates promising models through publications and public forums to spark dialogue among practitioners and support evidence-based policy at the state and national levels. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

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This report would not be possible without the generosity of time and information provided by the interviewees. These interviews provided firsthand insights into the considerations that local governments make when setting in-lieu fees and are the foundation for this report. These interviewees include Nate Broman-Fulks and Loryn Clark, Town of Chapel Hill, North Carolina; Robert Dowling, formerly of Community Home Trust; Melissa Danowski, Arlington County, Virginia; Stacie Young, the Preservation Compact; and Daniel Kay Hertz, City of Chicago. I would also like to thank my colleagues Solomon Greene, Martha Galvez, Marcela Montes, and Emily Bramhall, as well as Michelle McDonough Winters of the Alliance for Housing Solutions, for their helpful insights throughout the research and writing process.



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Development Services Department
City of Riviera Beach, Florida
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404

MEMO

To: Planning and Zoning Board

From: Mary F Savage-Dunham, AICP, CFM
Josue Leger, Principal Planner

Date: January 7, 2022

Re: Enhanced Community Outreach for Development Projects

The Planning and Zoning Board (PZB) has repeatedly requested staff to enhance community outreach around projects and also provide applicants with a survey tool and encourage them (applicants) to engage with their neighbours in advance of the PZB meeting to get the word out about the project and also identify concerns early in the process.

In response to the request staff with the assistance of IT has incorporated QR codes into our courtesy postcards and created a handout which we will provide to all applicants at the preapplication meeting. The intent of the QR codes is to make it easy for the public to view the project files and/or provide their comments to the staff and review board. Moving forward we will include the completed survey forms in the backup material for review by the PZB or City Council in preparation for the hearing.

A copy of a recent courtesy notice is attached for your review. Please note that there are QR codes on each side of it. A copy of the handout that we will provide to all applicants regarding community outreach is also attached. Give the QR codes a test! Our hope is that this will make project information more accessible to the public and also make it easier for our residents to provide their opinions and comments on projects during the process.

Next steps

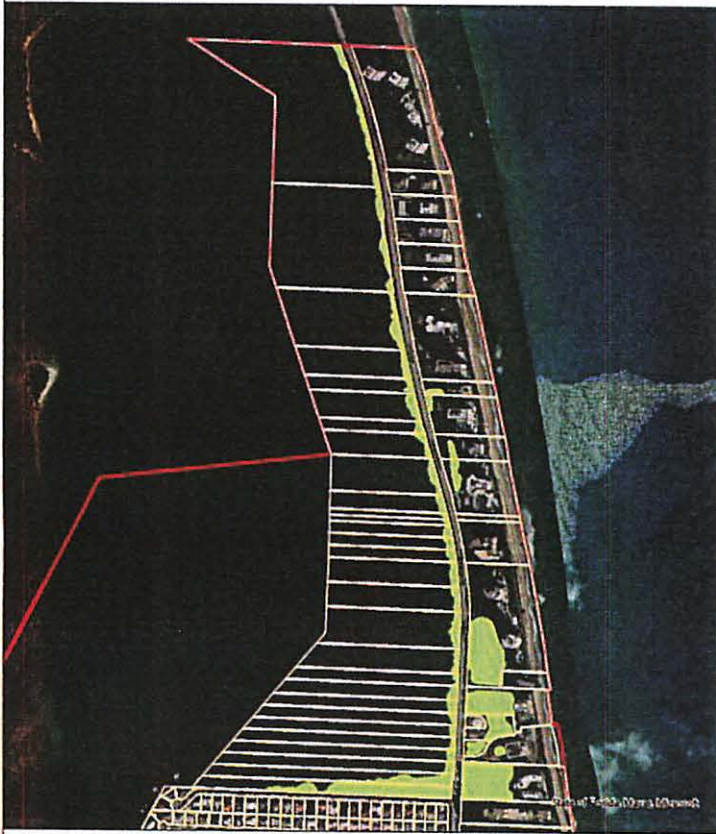
We are now working on incorporating the QR codes into the project signs which are posted on the property to be developed so anyone looking at the sign can scan the codes and get more information on the project immediately. We have implemented this with several new projects that are under review now and within a month this new process will be fully integrated in our processes.

Attachments
Cc: C. Sirmons

"The Best Waterfront City in Which to Live, Work And Play."



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

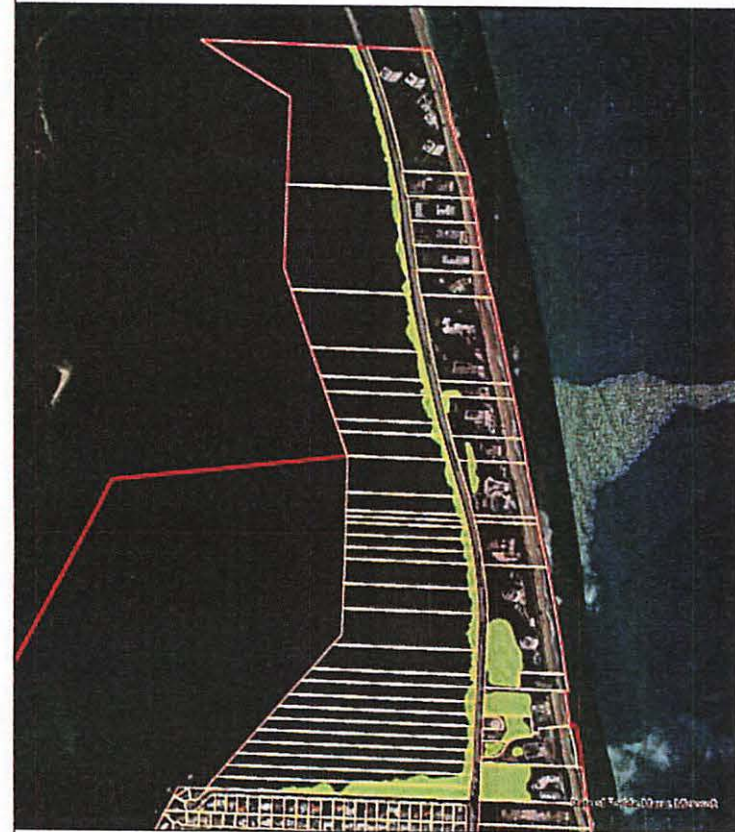
Updated 12/02/2021



Please scan to view project files

PUBLIC HEARING NOTICE
CITY OF RIVIERA BEACH, FLORIDA

Riviera Beach Wetlands Preservation Areas



0 0.07 0.15 0.3 Miles

Legend

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Updated 12/02/2021



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PUBLIC HEARING NOTICE
CITY OF RIVIERA BEACH, FLORIDA

CITY OF RIVIERA BEACH

Development Services Department

600 W. Blue Heron Boulevard

Riviera Beach, FL 33404

The **City Council** will conduct a public hearing on Wednesday, January 19, 2022 at 6:00 PM or soon thereafter, and from time to time thereafter as necessary, at the Riviera Beach Event Center located at 190 E 13th Street, Riviera Beach, FL 33404, to consider the following item (s):

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.

The aforementioned meeting location is subject to change. Background material is available for review in its entirety in the Development Services Department between the hours of 8:30 AM and 5:00 PM, except holidays; (561) 845-4060

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Board or Council with respect to any matter considered at the meetings, such interested person, at own expense, will need to record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, Persons needing special accommodations to participate in the proceedings should contact the Legislative Aide at 561-845-4095 no later than 96 hours prior to the proceedings. If hearing impaired, telephone the Florida Relay Services 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice) for assistance.

Please scan to provide your feedback



MAIL TO:

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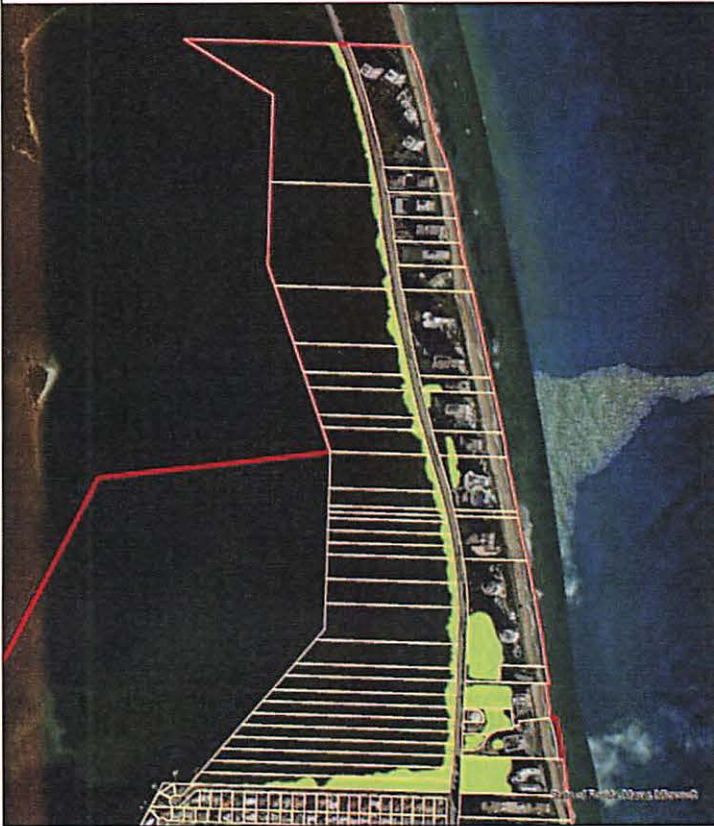
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- City of Riviera Beach Boundary
- Wetlands Preservation Areas



Updated 12/02/2021

Please scan to view project files

PUBLIC HEARING NOTICE
CITY OF RIVIERA BEACH, FLORIDA



Development Services Department Guidance on Community Outreach

In order to encourage public involvement in the development review and approval process the City of Riviera Beach encourages the applicant team to develop an informational handout for the project and distribute it to abutters.

Suggested format:

1. Each handout must clearly state the Project Name/Application Number;
2. Each handout shall provide a summary of the project being proposed including the who/what/where/why/when details;
3. Engagement with the neighbors and distribution of the handout by the applicant team should be initiated after the first resubmittal of revised materials to city staff.
4. Each handout should include a QR code which will take the interested party to the project files online. The project files are posted on the *Application Under Review* page on the Development Services Department webpage currently so this will help the public find the project information more easily. Below is the QR code. Do not re-size it.



5. Each handout must include a QR code which will take the interested party to the online survey form to provide their comments on the proposal directly to the Planning and Zoning Division. When the survey form is submitted it is automatically emailed to the Planning and Zoning Division and will be provided to the Planning and Zoning Board and public as part of the meeting backup. Below is the QR Code. Do not re-size it.

