



**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, June 23, 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

Frank Fernandez, Chairperson
Anthony Brown, Board Member
Rena Burgess, Board Member
Evelyn Harris Clark, Board
Member
Russell Barnes, 1st Alternate

William Wyly, Vice-Chair
Margaret Shepherd, Board Member
James Gallon, Board Member

Vacant, 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 – 5/26/22

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

- A. An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article VI, Supplemental District Regulations, Section 31-545, Home occupations, in order to revise the City code to reflect changes in legislation at the state level, providing for applicability, conflicts, severability and codification; and providing for an effective date.**
- B. An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article I, In General, Section 31-1, Definitions, in order to add definitions for “Affected area”; “Affordable, attainable, workforce, and market rate housing”; “Auto broker”; “Contractor storage yard”; “Health club”; “Private school”; “Screen enclosure”; “Screen room”; “Slope”; “Town house”; “Truck stop”; and “Veterinarian”; and revise the definitions for “home occupations” and “Private passenger vehicle”; providing for applicability, conflicts, severability and codification; and providing for an effective date.**

- C. An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article V, District Regulations, Division 18, IG General Industrial District, Section 31-382, Use regulations, in order to clarify the language for permitted outdoor storage uses; add Private schools, Health clubs, indoor rock climbing walls and similar uses, Veterinarian office or animal medical clinic, Contractor storage yard in conjunction with an industrial office, Auto broker, Truck parking with associated warehouse building, Truck or bus parking as the primary use, and Truck stop as special exception uses; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- D. An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article V, District Regulations, Division 17, IL Limited Industrial District, Section 31-362, Use regulations, in order to change contractor storage yard to a special exception use; add Private schools, Health clubs, indoor rock climbing walls and similar uses, Veterinarian office or animal medical clinic, Auto broker, Truck parking with associated warehouse building, Truck or bus parking as the primary use, and Truck stop as special exception uses; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- E. An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 29, Streets and Sidewalks, Article II, Construction, Division 3, Sidewalks and Driveways, Section 29-91, Sidewalk and Driveway Specifications, in order to update and clarify the language; provide guidance on use of Alternate Materials; remove the bonding requirements for sidewalk replacement; modify the specifications for circular driveways; and, add language encouraging access management for commercial and industrial developments; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- F. An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article VI, Supplemental District Regulations, Section 31-542, Accessory uses, buildings and structures permitted, in order to update the section and provide additional guidance on typical accessory structures including but not limited to sheds, screen rooms, screen enclosures; providing for applicability, conflicts, severability and codification; and providing for an effective date.

IX. WORKSHOP ITEMS

X. GENERAL DISCUSSION

- A. PUBLIC COMMENTS
- B. CORRESPONDENCE
- C. PLANNING AND ZONING BOARD COMMENTS
 - A. Upcoming Meetings – July 14 & 28, 2022; please advise regarding your availability.

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.

MEETING
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May 26, 2022
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<p>Page 1</p> <p>1 MEETING</p> <p>2 PLANNING AND ZONE BOARD</p> <p>3 CITY OF RIVIERA BEACH</p> <p>4 PALM BEACH COUNTY</p> <p>5 MARINA EVENT CENTER</p> <p>6 190 EAST 13TH STREET, RIVIERA BEACH</p> <p>7 May 26, 2022</p> <p>8 6:30 p.m.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Nicolette Greco</p> <p>24 Digital Reporter</p> <p>25 Commission No. HH220848</p>	<p>Page 3</p> <p>1 PROCEEDINGS</p> <p>2 MR. WYLY: All right. I'd like to welcome</p> <p>3 the public to Riviera Beach Planning and Zoning Board,</p> <p>4 and everyone televised. I will be the planning and</p> <p>5 zoning board (inaudible) Riviera Beach. Commissioner,</p> <p>6 the time now is 6:30, Thursday, May 26, 2022 at</p> <p>7 Riviera Beach event center, 190 East 13th Street,</p> <p>8 Riviera Beach, Florida 33404.</p> <p>9 Due to COVID 19 (inaudible) the City of</p> <p>10 Riviera Beach guidelines, if you wish to speak on any</p> <p>11 item on this agenda, please complete a public comment</p> <p>12 card and provide it to (inaudible) board staff. It</p> <p>13 will be submitted prior to the board discussion of an</p> <p>14 item.</p> <p>15 At first we're going to start off with a</p> <p>16 moment of silence and a pledge of allegiance led by</p> <p>17 all members of planning and zoning.</p> <p>18 ALL BOARD MEMBERS: I pledge of allegiance</p> <p>19 to the flag of the United States of America. And to</p> <p>20 the republic for which it stands, one nation under</p> <p>21 God, indivisible with liberty and justice for all.</p> <p>22 MR. WYLY: All right. Thank you. Do I have</p> <p>23 a roll call?</p> <p>24 MS. DAVIDSON: Margaret Shepherd?</p> <p>25 MS. SHEPHERD: Here.</p>
<p>Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 BOARD MEMBERS: Anthony Brown</p> <p>4 Rena Burgess</p> <p>5 Evelyn Harris Clark</p> <p>6 Russell Barnes</p> <p>7 William Wyly</p> <p>8 Margaret Shepherd</p> <p>9 James Gallon</p> <p>10</p> <p>11 STAFF: Mary Savage-Dunham</p> <p>12 Simone Davidson</p> <p>13 Josue Leger</p> <p>14 Aleksandr Boksner</p> <p>15 Clarence Sirmons</p> <p>16</p> <p>17 COUNSEL FOR UPS: Michael Wiener</p> <p>18</p> <p>19 PUBLIC COMMENTERS: Joyce Murphy</p> <p>20 Rochelle Baker Hughes</p> <p>21 Randy Edwards</p> <p>22 Francis Scott</p> <p>23 Quintin Jacobs</p> <p>24 Odessa Walker</p> <p>25</p>	<p>Page 4</p> <p>1 MS. DAVIDSON: Anthony Brown.</p> <p>2 MR. BROWN: Here.</p> <p>3 MS. DAVIDSON: Evelyn Harris Clark?</p> <p>4 MS. CLARK: Present.</p> <p>5 MS. DAVIDSON: James Gallon.</p> <p>6 MR. GALLON: Here.</p> <p>7 MS. DAVIDSON: Rena Burgess.</p> <p>8 MS. BURGESS: Here.</p> <p>9 MS. DAVIDSON: William Wyly.</p> <p>10 MR. WYLY: Present.</p> <p>11 MS. DAVIDSON: (Inaudible). Russel Barnes.</p> <p>12 MR. BARNES: Here.</p> <p>13 MS. DAVIDSON: (Inaudible).</p> <p>14 MR. WYLY: All right. Do we have any new</p> <p>15 board member absentee notification.</p> <p>16 MS. DAVIDSON: Yeah. Mr. Chair --</p> <p>17 Chairperson Fernandez advised that he would be out for</p> <p>18 season.</p> <p>19 MR. WYLY: Okay. Any additions or deletions</p> <p>20 to the agenda?</p> <p>21 MS. DAVIDSON: No. If I may, in the absence</p> <p>22 of Chairperson Fernandez, we will be distilling voting</p> <p>23 rights on the first alternate, Mr. Barnes.</p> <p>24 MR. WYLY: All right. Can we go ahead and</p> <p>25 have approval of minutes?</p>

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<p style="text-align: right;">Page 5</p> <p>1 MR. BARNES: So moved. 2 MR. GALLON: Second. 3 MR. WYLY: Okay. Great. I'd like to speak 4 (inaudible) the board members and adoption of the 5 agenda. That's the (inaudible). 6 MS. SHEPHERD: Mr. Chairman? 7 MR. WYLY: Yes. 8 MS. SHEPHERD: May I ask you a question. 9 MR. WYLY: Yes, ma'am. 10 MS. SHEPHERD: Just (inaudible) I thought 11 Mr. Barnes was (inaudible) the voting, now that you 12 moved up, and (inaudible). 13 MS. DAVIDSON: He did move up to the first 14 alternate. Yes, ma'am. 15 MS. SHEPHERD: Well, I thought he had voting 16 rights prior to last week. 17 MS. DAVIDSON: We had (inaudible) last week 18 so he did not need or have voting rights. 19 MS. SHEPHERD: Okay, thank you, Mr. Chair. 20 (Inaudible). 21 MR. WYLY: Right. 22 MS. DAVIDSON: Roll call. Anthony Brown. 23 MR. BROWN: Yes. 24 MS. DAVIDSON: Rena Burgess. 25 MS. BURGESS: Yes.</p>	<p style="text-align: right;">Page 7</p> <p>1 MS. DAVIDSON: Margaret Shepherd. 2 MS. SHEPHERD: Yes. 3 MS. DAVIDSON: James Gallon. 4 MR. GALLON: Yeah. 5 MS. DAVIDSON: William Wyly. 6 MR. WYLY: Yes. 7 MS. DAVIDSON: The matter is closed. 8 MR. WYLY: All right. Do we have any 9 unfished business? 10 MS. SAVAGE-DUNHAM: No, sir. 11 MR. WYLY: All right. So we'll move onto 12 number -- number eight, new business. 13 MS. SAVAGE-DUNHAM: Thank you, sir. The 14 first item of new business is a resolution of the city 15 counsel of the City of Riviera Beach, Palm Beach 16 County, Florida, approving plat application PA 20-03 17 from the United Parcel Services, Incorporated 18 (inaudible) of record into one lot totaling 19 approximately 29.08 acres of land area for the real 20 property located at 2001 Avenue B located immediately 21 south of West (inaudible) Boulevard, west of Avenue P 22 and east of Avenue R, identified by parcel control 23 number 56434229550010030 provided (inaudible) approval 24 and provided (inaudible). 25 And Mr. Chair, I presume that Mr. Leger is</p>
<p style="text-align: right;">Page 6</p> <p>1 MS. DAVIDSON: Evelyn Harris Clark. 2 MS. CLARK: Yes. 3 MS. DAVIDSON: Russel Barnes. 4 MR. BARNES: Yes. 5 MS. DAVIDSON: Margaret Shepherd. 6 MS. SHEPHERD: Yes. 7 MS. DAVIDSON: James Gallon. 8 MR. GALLON: Yes. 9 MS. DAVIDSON: William Wyly. 10 MR. WYLY: Yes. 11 MS. DAVIDSON: (Inaudible) 12 MR. WYLY: All right. Now I guess we can go 13 back to number five with the disclosure of board 14 members and adoption of the agenda. 15 MS. DAVIDSON: Is there a motion? 16 UNKNOWN MALE: So moved. 17 UNKNOWN MALE 2: Second. 18 MS. DAVIDSON: Anthony Brown. 19 MR. BROWN: Yes. 20 MS. DAVIDSON: Rena Burgess. 21 MS. BURGESS: Yes. 22 MS. DAVIDSON: Evelyn Harris Clark. 23 MS. CLARK: Yes. 24 MS. DAVIDSON: Russel Barnes. 25 MR. BARNES: Yes.</p>	<p style="text-align: right;">Page 8</p> <p>1 going to be presenting this to you tonight. 2 MR. LEGER: (Inaudible) the record. Has 3 (inaudible) based on the application, application 4 number PA-20-03 (inaudible) UPS to combine several 5 lots as it exists today into one lot. So pretty much 6 it would be the current (inaudible) located 7 (inaudible) Boulevard, east of Avenue R and west of 8 Avenue P. 9 This is a survey of the property as it 10 exists today. As you can see, there are multiple 11 lots, even some (inaudible) so they're here today as a 12 result of a prior application that they had, a second 13 notice of (inaudible) counsel and the recommendation 14 (inaudible) the property to clean up all these lots 15 and combine them into one. 16 This is the first page of the proposed plat 17 (inaudible) in the packet. This is the second page of 18 the proposed plat and as you can see, the lot lines 19 that are running through the second -- third 20 (inaudible) parcel (inaudible). 21 (Inaudible) approval of this application, 22 PA-20-03 from the United Parcel Services, UPS, to 23 combine several (inaudible) into one lot (inaudible) 24 29.08 acres of land. This concludes my presentation. 25 If the board has any questions, I'll be free</p>

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<p style="text-align: right;">Page 9</p> <p>1 to answer them. If not, I can turn it over to the 2 applicant. I believe they don't have a presentation, 3 but they're here to pretty much summarize what 4 (inaudible) questions (inaudible). 5 MR. WYLY: (Inaudible) does the board have 6 any questions? 7 MS. SHEPHERD: Sure. 8 MR. WYLY: Ms. Shepherd. 9 MS. SHEPHERD: I'd rather hear the 10 presentations first. 11 MS. CLARK: How do you want to handle, 12 Chair? Do you want to have us address questions or do 13 you want the applicant to come forward, introduce 14 themselves and we can ask them questions. How do you 15 want to handle that? 16 MR. WYLY: Well, yeah, we're going to ask 17 questions. Will the applicant come forward and then 18 we'll ask questions from that point from the 19 applicant. 20 MR. WIENER: Thank you, Board. I'm Matthew 21 Wiener, (inaudible) he's a professional engineer from 22 (inaudible) running through this application 23 (inaudible) here and this occurred. This is an issue 24 of approval with respect to the site that was already 25 approved by the (inaudible).</p>	<p style="text-align: right;">Page 11</p> <p>1 MR. WYLY: Mrs. Burgess? 2 MS. BURGESS: No questions (inaudible) Mr. 3 Chair. 4 MR. GALLON: No questions. 5 MS. CLARK: Just a couple of questions. 6 Yes, it's lines and it's clean up. right 7 now with the tax base, it's three -- three separate or 8 however many lots. Are they taxed individually like 9 that or will you -- when we combine these lots, will 10 it be one big, giant lot, obviously, and I don't 11 (inaudible) to answer this, I'm just wondering how it 12 had been taxed and how it will be taxed with the 13 combining into one. 14 MR. WIENER: Would you like to answer that? 15 I can answer that. 16 MS. CLARK: If you can answer it, that's 17 fine. 18 MR. WIENER: So the property appraiser 19 already taxes this. It's its own (inaudible) they -- 20 they draw the line around it, the ownership, so it's 21 already taxed in that position. So this has -- 22 MS. CLARK: In which position? The multiple 23 positions or one position? 24 MR. WIENER: (Cross talk) plat -- 25 MS. CLARK: The (inaudible) position is</p>
<p style="text-align: right;">Page 10</p> <p>1 The only thing we're talking about are lines 2 on the ground. There's nothing giving us (inaudible) 3 with any additional improvements, nothing vertical, 4 and in fact, and even the parking lot, it's just the 5 lines and a plat. We want to thank the staff because, 6 you know, the records in Florida go back more than 100 7 years. It was a little bit (inaudible) cleaning up 8 all of this stuff, finding things from the early 9 1920's and getting it all in shape. They helped us 10 through and we were able to get it all done. It's 11 like (inaudible) and basically what we'd be doing is 12 erasing those lines. 13 I completely understand it. Plats are 14 important. They're important (inaudible) public 15 record (inaudible) neat and tidy, but we (inaudible) 16 the application and data. The presentation was 17 already made to you (inaudible) that you have. I have 18 been in some of the longest meetings at municipalities 19 in Palm Beach County. Your ledger can be one the 20 shortest, so we thank you very much for your time and 21 we do take it seriously and we're here to answer 22 questions. Thank you. 23 MR. WYLY: (Inaudible) so I'm going to start 24 with -- on my -- my left. Mr. Barnes? 25 MR. BARNES: No questions.</p>	<p style="text-align: right;">Page 12</p> <p>1 being taxed? 2 MR. WIENER: Well, so it's taxed being owned 3 by a single owner, meaning (inaudible) lines do not 4 impact valuation, so it's the exact same valuation 5 tools that will be used by the property appraiser with 6 or without the line. Valuation has to do with the 7 improvements and other claims associated with 8 valuation, not with whether or not the lines are 9 drawn. As long as they are continuous, they're 10 already taxed in that manner. 11 MS. CLARK: Okay. Is it vacant right now, 12 all of those lots? 13 MR. WIENER: No, it actually -- what the 14 (inaudible) is that they -- that is a (inaudible) 15 warehouse and expansion to the warehouse. In doing 16 that, they found that they had to expand across these 17 lines. The city believed that that's what -- that 18 wasn't the precise way to do it, which is (inaudible) 19 and so it was a condition of that approval, the -- the 20 plat, I'm sorry. That is to be the plat. 21 We sum it up a little bit to investigate 22 some of the old ownership, but we were able to put all 23 that together, there's several things in the public 24 record and that's what resulted in -- in this. It's 25 approximately -- it's over 200,000 square feet.</p>

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<p style="text-align: right;">Page 13</p> <p>1 There's approximately 350 employees and yet they are 2 completely understanding. 3 MS. CLARK: Okay. Well, I thank you for 4 answering questions. I'd just like to be transparent 5 so that when we have people watching these 6 proceedings, that they may not be able to ask a 7 question, so I hope that I ask the questions, give 8 them clarity and then we keep it moving. But thank 9 you. 10 MR. WIENER: Thank you. Any others? 11 MR. WYLY: Okay. Now Ms. Shepherd? 12 MS. SHEPHERD: You said you're just going to 13 clean up lines. 14 MR. WIENER: Just clean up lines. 15 MS. SHEPHERD: And that's it? 16 MR. WIENER: That's it. 17 MS. SHEPHERD: You're ready to go. 18 MR. WIENER: (Cross talk) -- 19 MS. SHEPHERD: (Cross talk) thank you 20 (inaudible). 21 MR. WIENER: Okay. There are some 22 (inaudible) new ownership which will be beautiful. 23 MS. SHEPHERD: Beautiful. Beautiful 24 (inaudible). 25 MR. WYLY: All right. (Inaudible)</p>	<p style="text-align: right;">Page 15</p> <p>1 MR. WYLY: Thank you. 2 MS. SAVAGE-DUNHAM: We have no more ship 3 items, Mr. Chairman. 4 MR. WYLY: Say again. 5 MS. SAVAGE-DUNHAM: We have no more shop 6 items. 7 MR. WYLY: Okay. These are open for public 8 comments at this time. I have public cards here and 9 we're going to start with our first person. And I 10 (inaudible) last names all the time, so if I 11 mispronounce your name, I apologize. I'm looking for 12 Mr. Biel (inaudible). 13 MR. BIEL: Yes, sir. (Inaudible) as quickly 14 as possible. I'm a Long Pine resident and (inaudible) 15 but I just wanted to bring this thing to your 16 attention that -- 17 MS. SHEPHERD: Excuse me, sir. 18 MR. BIEL: Yes, ma'am. 19 MS. SHEPHERD: Could you pull the mic 20 (inaudible) so we can hear you? 21 Mr. MR. BIEL: How is that? 22 MS. SHEPHERD: Thank you. 23 MR. BIEL: Okay. All right. And we have 24 no -- we have at least 300 people that do not want the 25 golf course to be re-zoned. As far as (inaudible) we</p>
<p style="text-align: right;">Page 14</p> <p>1 presentation. (Inaudible) Ms. Shepherd and everyone 2 cleared up that (inaudible) clean up the lines just to 3 make it one big -- one big area. So let's move to 4 our -- I guess we can move to a motion, motion to 5 approve. 6 MR. BARNES: (Inaudible). 7 MS. DAVIDSON: Anthony Brown. 8 MR. BROWN: Yes. 9 MS. DAVIDSON: Rena Burgess. 10 MS. BURGESS: Yes. 11 MS. DAVIDSON: Evelyn Harris Clark. 12 MS. CLARK: Yes. 13 MS. DAVIDSON: Russel Barnes. 14 MR. BARNES: Yes. 15 MS. DAVIDSON: Margaret Shepherd. 16 MS. SHEPHERD: Yes. 17 MS. DAVIDSON: James Gallon. 18 MR. GALLON: Yes. 19 MS. DAVIDSON: William Wyly. 20 MR. WYLY: Yes. 21 MS. DAVIDSON: Unanimous vote. 22 MR. WYLY: All right. Let's move onto 23 workshop items. 24 MR. WIENER: Just a thank you on behalf of 25 UPS.</p>	<p style="text-align: right;">Page 16</p> <p>1 pay extra to live on the golf course and if they start 2 building homes in there, we're going to be losing 3 value and we are a working community. We're not a 4 community of people with a lot of money, so if 5 anything that we can do to save money to keep our 6 values up, we're going to do. 7 Other than that, even with the horrendous 8 traffic that that's going to produce (inaudible) 9 Military Trail right now is causing (inaudible) you 10 can't even pull out (inaudible) let alone have a 11 (inaudible) in there. One of the things I suggested 12 is that maybe don't allow the re-zoning of the golf 13 course, have (inaudible) a better parcel (inaudible) 14 reached that can be given as a discount to the 15 builder, have it re-zoned for residential and just 16 give an increase in value on that particular 17 (inaudible) and then it'll be a better situation for 18 everybody because here at Long Pine, we will be happy, 19 we will be sitting (inaudible) and our animals that 20 are in the golf course. 21 And we just don't want them to be rezoned 22 specifically for those reasons. And -- and that's 23 really about all I have to say. Do you have any 24 questions for me? I'll take them. 25 MR. WYLY: Thank you, sir.</p>

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<p style="text-align: right;">Page 17</p> <p>1 MR. BIEL: So can you please consider this</p> <p>2 (inaudible) I really don't want this to happen in</p> <p>3 (inaudible) and if we could be of any assistance, we</p> <p>4 will (inaudible) be more than happy to working the</p> <p>5 zoning committee.</p> <p>6 MR. WYLY: All right. Thank you.</p> <p>7 MR. BIEL: Thank you.</p> <p>8 MR. WYLY: Thank you so much.</p> <p>9 MR. BARNES: Mr. Chairman?</p> <p>10 MR. WYLY: Yes.</p> <p>11 MR. BARNES: (Inaudible) just I have no clue</p> <p>12 as to what he's really talking about. I mean, we</p> <p>13 haven't gotten (inaudible) for a plat today</p> <p>14 (inaudible) for the UPS parcel and he's talking about</p> <p>15 something that I -- I have no idea what --</p> <p>16 MR. WYLY: Okay.</p> <p>17 MR. BARNES: -- what they're talking about.</p> <p>18 MR. WYLY: Right. Just for public comments</p> <p>19 that we are (inaudible) allowed to give to any subject</p> <p>20 at that time. (Inaudible) not here for something for</p> <p>21 future reference. They can -- the public can come in</p> <p>22 and just speak on it just to make us aware, but</p> <p>23 we're -- from our standpoint, from the city's</p> <p>24 standpoint, you don't want to say anything that could</p> <p>25 be perceived in any way. But as the public, they are</p>	<p style="text-align: right;">Page 19</p> <p>1 And if we have another guest speaker that is</p> <p>2 coming on the same topic, if they would be some kind</p> <p>3 for our board members just to give a very short</p> <p>4 synopsis so that we are understanding your point of</p> <p>5 view and what's it's based upon, what it's referenced</p> <p>6 for the next guest speaker. Thank you.</p> <p>7 MR. WYLY: Okay. And our next speaker. All</p> <p>8 right, this is Odessa Walker.</p> <p>9 MS. WALKER: Good evening, everyone. I am a</p> <p>10 resident of Long Pine Estates as well. I did have a</p> <p>11 (inaudible) member that it's supposed to come before</p> <p>12 the meeting on June 9th, but what has happened is the</p> <p>13 Long Pine Golf Course (inaudible) on plans for what</p> <p>14 they'd like to do. And basically, they're trying to</p> <p>15 go from recreational to residential, and that's what</p> <p>16 we are opposing.</p> <p>17 They are going to build over 300 homes and</p> <p>18 we already have an awesome community, so we are here</p> <p>19 to say that we don't agree and that it's a -- it's a</p> <p>20 breakdown of our (inaudible). But I did have an</p> <p>21 agenda member (inaudible) but that'd be at the next</p> <p>22 meeting, and we'll be back on June 9th.</p> <p>23 But the reason I'm opposed to it is we have</p> <p>24 a hard time getting in and out of the Long Pines right</p> <p>25 now. The golf park is open for (inaudible) also the</p>
<p style="text-align: right;">Page 18</p> <p>1 allowed to come in here and speak so we are here to</p> <p>2 listen.</p> <p>3 Our next person.</p> <p>4 MS. SHEPHERD: Mr. Chair?</p> <p>5 MR. WYLY: Yes.</p> <p>6 MS. SHEPHERD: I'm sorry, I didn't hear all</p> <p>7 of what he was saying. Can you kindly repeat</p> <p>8 (inaudible).</p> <p>9 MR. WYLY: What he was saying?</p> <p>10 MS. SHEPHERD: Yes.</p> <p>11 MR. WYLY: Oh, he was speaking about -- he</p> <p>12 was speaking more about the (inaudible) not on the</p> <p>13 agenda and that should we address it. And them being</p> <p>14 the public, then they are allowed to address it, but</p> <p>15 it's something that's not on our item tonight.</p> <p>16 (Inaudible).</p> <p>17 MS. CLARK: If I may, a recommendation for</p> <p>18 further clarity, although what being a public comment</p> <p>19 is referencing, may or may not come forward this board</p> <p>20 in the near future, there is a possible development</p> <p>21 that may happen. You may see it, but on the last city</p> <p>22 counsel meeting, some residents from that community</p> <p>23 did come and they went into a lot more detail about</p> <p>24 their perception of what this development, good, bad,</p> <p>25 or indifferent, may take place in their community.</p>	<p style="text-align: right;">Page 20</p> <p>1 other item is we are now (inaudible) medical</p> <p>2 assistance if we need a fire truck (inaudible) into</p> <p>3 our community. The other issue we currently have is</p> <p>4 the draining. Right now, it's not (inaudible) with</p> <p>5 Riviera, so we are literally opposing this re-zoning.</p> <p>6 And that's all I have.</p> <p>7 MR. WYLY: Thank you.</p> <p>8 All right. Next, Mrs. Joyce Murphy.</p> <p>9 MS. MURPHY: Hi. I'm here on Long Pine</p> <p>10 (inaudible) golf course as well. I'm a resident of</p> <p>11 (inaudible) and I'm a registered (inaudible). I'm</p> <p>12 asking you to refuse the request of the (inaudible) to</p> <p>13 change that zoning of Long Pine Golf Course.</p> <p>14 (Inaudible) Military Trail Highway, do you</p> <p>15 realize this project will add at least 500 more cars</p> <p>16 coming and going on this road several times each and</p> <p>17 every day. (Inaudible) representatives (inaudible)</p> <p>18 representatives already regarding this project. They</p> <p>19 had stated (inaudible) they would send (inaudible) all</p> <p>20 Long Pine Estate orders and we always had agreed to</p> <p>21 the (inaudible) we did not at any time.</p> <p>22 Long Pine Estates has a problem now with the</p> <p>23 flooding. Whenever we have a (inaudible) answer is to</p> <p>24 raise about the ground (inaudible) golf course of 18</p> <p>25 inches. How is that going to fix our flooding?</p>

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<p style="text-align: right;">Page 21</p> <p>1 There are other plans to build two huge 2 intention ponds. One will be in my backyard. What 3 happens when they go low. Well we asked them that in 4 their meetings, they say that should (inaudible) into 5 their system. What system? They never explained 6 that. There's also (inaudible). 7 Another problem with Long Pine Estates is 8 (inaudible) is non-existent water pressure. The 9 (inaudible) answer to that is they are going to build 10 a new pumping station. Where? Is Riviera Beach or 11 West Palm Beach County aware of that? Where are those 12 plans (inaudible). 13 I say no to any and all (inaudible) a huge 14 nationwide company. Yes, they are that. They're a 15 very destructive nationwide company. I ask this board 16 to please research their practices and research how 17 many losses they have pending and in the past 18 (inaudible) destructive, dishonest construction 19 practices. They (inaudible) Riviera Beach residents, 20 nor do they plan to be. They will not be living 21 there. I don't intend to stay on the (inaudible) we 22 have a (inaudible) at least ten other wrongs so 23 (inaudible) and the concerns that this will create in 24 your city of Riviera Beach. Thank you. 25 MR. WYLY: Thank you.</p>	<p style="text-align: right;">Page 23</p> <p>1 Another thing, our water pressure right now 2 is horrible. I can be in the shower, have a full 3 pressure, and the next thing I know, I'm trying to get 4 the soap out of my hair because my pressure has gone 5 down. We are at the end of the city of Riviera Beach 6 in regards to the water system. 7 Property values as they stand, loss of 8 privacy. Where does this -- we're a quiet community. 9 You don't hear from us. We're quiet, and we like it 10 that way. We -- we keep to ourselves. We're -- we 11 are a working-class community and we like our privacy. 12 We like our greenery, and we're hoping that we will 13 get more water pressure when the new water system goes 14 in. We just want you guys to be aware that we are not 15 for it. This item is coming up on June 9th. Thank 16 you. 17 MR. WYLY: Thank you. 18 Our next speaker, Quintin Jacobs. 19 MR. JACOBS: (Inaudible). I'm also 20 (inaudible) Long Pine Estates. And (inaudible) water 21 pressure, there's very little. The company who was -- 22 the new development (inaudible) that I've been on so. 23 And crime wise, you think you have a problem 24 (inaudible) you know, they come in (inaudible) after 25 they leave, they (inaudible) in our city.</p>
<p style="text-align: right;">Page 22</p> <p>1 Our next speaker, Mrs. Rochelle Baker 2 Hughes. 3 MS. HUGHES: Good evening, ladies and 4 gentleman. I am also a resident of Long Pine Estates. 5 I've lived there for 20 years this November. I bought 6 my house on the golf course. I paid more money for my 7 house on the golf course because I wanted an open 8 backyard, and I've had it for 20 years, and I love it. 9 I get to see nature. I get to watch golfers. I get 10 to hear the golfers go, "Woohoo," when they get a 11 hole-in-one on the 17th. That's where (inaudible). 12 I do not want any homes in my backyard. We 13 are -- this whole country is about greed and if you 14 drive over to that Military Trail in the city of 15 Riviera Beach, the golf course is the only green space 16 left. There is no other green space from where Blue 17 Line is down past us, there's no other green space on 18 Military Trail. 19 Yes, there are traffic issues now. As we 20 all know, more and more people moved into the state of 21 Florida. We don't have a season anymore where the 22 snowbirds go back home. Everyone's here 365 days a 23 year. Traffic is crazy. If I don't get out of the 24 development before 7 a.m., I get to wait for all the 25 traffic to go by.</p>	<p style="text-align: right;">Page 24</p> <p>1 We work very hard every day (inaudible) 2 problem not only with traffic (inaudible) also it's on 3 (inaudible) you know there's so much, same thing with 4 (inaudible) get home, try to get home from Blue Heron 5 to South (inaudible) if I don't get (inaudible) to 25 6 minutes just to get back home. And it's (inaudible). 7 If you put 300 more homes inside that 8 community (inaudible) a lot music, you're going to 9 have a whole lot of domestic issues, all kind of 10 things going on, and that's what we don't need in this 11 city. 12 So if you all -- I don't know exactly who 13 (inaudible) we just all pray that you all look at it 14 (inaudible) because all they want is just to make 15 money, that's all (inaudible) we are all (inaudible) 16 go back. So I ask, please consider it, look at it, as 17 (inaudible) re-zoning. That's something that we don't 18 want. Thank you very much. 19 MR. WYLY: Thank you, sir. 20 Francis Scott. 21 MR. SCOTT: (Inaudible) may name is Francis 22 Scott, and I live in Long Pine also. I'm probably 23 senior, I've been there (inaudible) years. It's a 24 great place to live. There's a lot of things as far 25 as traffic and (inaudible) concerned. Initially we</p>

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<p style="text-align: right;">Page 25</p> <p>1 were told that they had contacted the DOT and put a -- 2 a (inaudible) at the entrance, and I think 3 (inaudible). It looks to me like if that -- well, the 4 first (inaudible) you had DOT saying they couldn't and 5 then since the last meeting occurred (inaudible) red 6 light there. So I don't know what transpired at the 7 DOT anymore. 8 But if you look at the -- the traffic count 9 in that area, the way (inaudible) you know, you go to 10 work and you come home in that area, you take 11 (inaudible) northbound or southbound coming out. If 12 they put a red light in that intersection, it's going 13 to basically block off the northern entrance and 14 probably south, I don't know, just south of me, but I 15 know that the north entrance as far as turning and 16 going north out of the community (inaudible). 17 There's a lot of commotion going on about 18 this. It is a quiet place to live (inaudible) like 19 quiet. It's just -- there's so many unanswered 20 questions that we have discussions with the 21 representatives. Initially we were told that, I think 22 there's two or three (inaudible) I know that they're 23 not calling it retention (inaudible) they're calling 24 it lakes. 25 The first conversation I had with these</p>	<p style="text-align: right;">Page 27</p> <p>1 can't get the house repaired. It's just a lot of 2 things. Supposedly they had (inaudible). 3 MR. WYLY: Thank you, sir. 4 MR. SCOTT: I'll come back next week. 5 MR. WYLY: Next week. Yes, next week. Yes, 6 sir. 7 All right. Our last comment card from Mr. 8 Randy Edwards. 9 MR. EDWARDS: Here (inaudible) everybody. 10 (Inaudible) right? You know (inaudible) Northwood to 11 be in (inaudible). If I had known this was going to 12 come, I would've stayed in West Palm Beach in 13 (inaudible) but (inaudible) nice. There was 14 (inaudible) so I bought my home in Long Pine. I don't 15 want to (inaudible) I gave that up, okay. 16 (Inaudible) building this golf course 17 (inaudible) PGA National, ain't nobody (inaudible) put 18 in my backyard. But we -- we got firefighters and 19 police officers, they (inaudible) long time. If they 20 continue to (inaudible) traffic, their response time 21 getting out there now versus (inaudible) it's going to 22 be impacted. And then the other thing that bothered me 23 is (inaudible) but we did all this hard work to build 24 this city up and (inaudible) something back in 25 (inaudible) this city.</p>
<p style="text-align: right;">Page 26</p> <p>1 people (inaudible) probably six months, they had a 2 couple meetings over at the Marriot here in 3 (inaudible) so it was kind of (inaudible) be there. 4 They told us about the lakes (inaudible) there was 5 three of them. I can't remember all of them. 6 (Inaudible) the last conversation I had with 7 their engineers, and that's when we had the meeting a 8 couple weeks ago at the golf course, was that they 9 would be (inaudible) and the lakes would be 25 to 30 10 feet deep. They would be fenced in. My concern is we 11 looked at (inaudible) -- am I running out of time? 12 MR. WYLY: Yes, sir. 13 MR. SCOTT: Oh, you'll have to tell me 14 (inaudible) I just can speak (inaudible) three hours 15 (inaudible) I'll come back next week, we'll talk about 16 it some more. Is that cool? 17 MR. WYLY: Yes, sir. 18 MR. SCOTT: Oh, I'm sorry. I didn't know I 19 had a time. 20 MR. WYLY: Thank you, sir. 21 UNKNOWN MALE: (Inaudible). 22 MR. SCOTT: (Inaudible) look at it with a 23 judicious mind instead of just tax dollars and things 24 like that. I'm (inaudible) okay, but I've seen the 25 houses they've built, my daughter lives in one. She</p>	<p style="text-align: right;">Page 28</p> <p>1 Everybody (inaudible) back home. This is 2 you all city too, and I'm going to tell you 3 (inaudible) a house (inaudible) Blue Heron, but people 4 are not going to (inaudible) house on fire, we 5 (inaudible) the county because (inaudible) the county 6 don't care about us (inaudible) using GPS, the house 7 burnt down. Imagine if you were having a heart attack 8 and you end up (inaudible) end up dead (inaudible) 9 sorry. I'm just telling you the truth. Nothing but 10 facts. Thank you. 11 MR. WYLY: All right. Thank you, that was 12 our last comment. Now (inaudible) board, the next 13 meeting (inaudible) your sentiments and what 14 (inaudible) very, very seriously and (inaudible) this 15 information and (inaudible). 16 Let's move to our next (inaudible). 17 MS. SAVAGE-DUNHAM: I have none. 18 MR. WYLY: Planning and zoning board 19 comments? The (inaudible) and the board have any -- 20 any questions or any comments? 21 MS. CLARK: (Inaudible) Chair, I don't have 22 anything, but I have a question for the attorney. 23 MR. WYLY: Yes, okay. 24 MS. SHEPHERD: (Inaudible) hear. 25 MS. CLARK: These questions are for the</p>



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<p style="text-align: right;">Page 29</p> <p>1 attorney. The (inaudible). 2 MR. WYLY: (Inaudible). 3 MS. CLARK: That comments that were made 4 during public comments, do they automatically become a 5 part of the record for when this particularly item 6 comes before the board? 7 MR. BOKSNER: Yes. It's -- it's made part 8 of the record for today's planning and zoning meeting 9 to be transcribed. 10 MS. SHEPHERD: I can't hear you. Can you 11 speak into the mic too. 12 MR. BOKSNER: Do I press it. 13 UNKNOWN FEMALE: Don't pressy it. 14 MR. WYLY: Pull it. Pull it. 15 Boksner. So the comments that are being 16 made today regarding this part of today's planning and 17 zoning meeting, whether or not they be -- or they 18 become a part of the recorded will depend on whether 19 or not they're going to be transcribed in time for the 20 June meeting. They can certainly be added as part of 21 that. But as it stands right now, there is nothing 22 before this planning and zoning board. This is just a 23 public comment. They did not speak on the item or 24 whatever it is that they're talking about whether or 25 not it will pertain specifically to an item before</p>	<p style="text-align: right;">Page 31</p> <p>1 before you on June 9th. I do not know that with any 2 certainty. And there certainly can be some 3 circumstances where it may not come before you. So 4 for you to do anything at this point in time 5 (inaudible) legal issue for the city (inaudible) incur 6 at this point in time. 7 MS. CLARK: Well, thank you very much. I 8 just wanted to ask and get clarity because I did not 9 know and I want to be a good duty and I want to remain 10 a board member. So I just always want to follow, you 11 know, the proper protocols. But thank you, I just 12 wanted to ask. 13 MR. BOKSNER: And just to be -- and just to 14 be entirely clear, the (inaudible) have spoken today 15 and spoken on, some of them may or may not come 16 before. But at this point in time (inaudible) it's 17 not really our (inaudible) position one way or the 18 other, not that I have heard, and it would just 19 essentially (inaudible) we don't have a situation 20 where it could be something you wanted (inaudible) 21 prejudgment based on what you're allowed to do, so 22 that's within their rights (inaudible). 23 MS. CLARK: Thank you. 24 MR. WYLY: Are there any other questions by 25 the board?</p>
<p style="text-align: right;">Page 30</p> <p>1 you, there is nothing before you right now for 2 consideration. 3 MS. CLARK: Okay . My next question is I'm 4 not familiar with the Long Pine Community. Would it, 5 as a board member, if I made a request because I don't 6 know anybody personally that lives in that community, 7 if I said right now that I would appreciate an 8 invitation to visit the community. As you know, part 9 of the board, we visit the various properties that are 10 on our agenda so we are very familiar with the terrain 11 once we have requested the application so that when we 12 do come to the meeting and it's on the agenda, that 13 we're a lot more fair. So as a board member, am I in 14 order or out of order to suggest receiving an 15 invitation, not to be persuaded anyway, but to get 16 familiar with the area? 17 MR. BOKSNER: That would not be appropriate. 18 MS. CLARK: Okay. 19 MR. BOKSNER: That would not be appropriate. 20 You have nothing before you right now. There is 21 nothing to consider. There's nothing to evaluate, and 22 anything you would do at this point in time, you would 23 potentially be putting a legal issue for the city. 24 And I encourage you not to do that (inaudible) 25 property before you involving or that may be coming</p>	<p style="text-align: right;">Page 32</p> <p>1 I'd like to say one thing also (inaudible) 2 in West Palm Beach in serving the kids in the 3 community of Riviera Beach also. Today is the last 4 day of school and I'd like to say thank you to all of 5 the teachers and all of the educators and all of the 6 administrators withing the school board for doing such 7 a great job this year, especially the ending part of 8 the pandemic and being able to make a lot of 9 sacrifices to make sure that kids in our community are 10 receiving the best education possible. So for every 11 level, elementary, middle schools, and high schools, 12 and also in state colleges that we have here Palm 13 Beach County, I'd like to say thank you for doing a 14 great job this year. And today was the last day, 15 officially, for school. So I -- I can't jump up and 16 scream and holler, but I would like to because it's 17 been a -- it was a hard year. So let's (inaudible). 18 MS. SHEPHERD: Mr. Chair? 19 MR. WYLY: Yes. 20 MS. SHEPHERD: And Vice Chair, I mean 21 (inaudible) handled the meeting today. 22 MR. WYLY: Yes, ma'am. 23 MS. SHEPHERD: You're doing very well. 24 MR. WYLY: Thank you, ma'am. 25 MS. SHEPHERD: Just yeah (inaudible).</p>

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<p style="text-align: right;">Page 33</p> <p>1 MR. WYLY: Yes, ma'am.</p> <p>2 MS. SHEPHERD: (Inaudible) you did an</p> <p>3 excellent job.</p> <p>4 MR. WYLY: Thank you, ma'am.</p> <p>5 MS. SHEPHERD: And I thank you, sir.</p> <p>6 MR. WYLY: Thank you, ma'am.</p> <p>7 All right. Do we have a motion to adjourn?</p> <p>8 MS. BURGESS: So moved.</p> <p>9 MS. SAVAGE-DUNHAM: Second.</p> <p>10 MS. DAVIDSON: It's a wrap.</p> <p>11 MS. SAVAGE-DUNHAM: Mr. Chair?</p> <p>12 MR. WYLY: Yes.</p> <p>13 MS. SAVAGE-DUNHAM: (Inaudible).</p> <p>14 MR. WYLY: Say again.</p> <p>15 MS. SAVAGE-DUNHAM: The agenda has not been</p> <p>16 completed.</p> <p>17 MR. WYLY: We don't have anything else on</p> <p>18 ours.</p> <p>19 MS. SAVAGE-DUNHAM: (Inaudible).</p> <p>20 UNKNOWN FEMALE: (Inaudible) I'm intending</p> <p>21 to hold most of our meetings in June. We are having a</p> <p>22 meeting June 9th. Our chairman will not be there, so</p> <p>23 I just encourage the board to mark your calendars for</p> <p>24 our two June meetings.</p> <p>25 MR. WYLY: Yes.</p>	<p style="text-align: right;">Page 35</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, Nicolette Greco, a Digital Reporter and</p> <p>4 Notary Public within and for the State of Florida do</p> <p>5 hereby certify:</p> <p>6</p> <p>7 That the foregoing witness whose examination</p> <p>8 is hereinbefore set forth was duly sworn and that said</p> <p>9 testimony was accurately captured with annotations by</p> <p>10 me during the proceeding.</p> <p>11</p> <p>12 I further certify that I am not related to</p> <p>13 any of the parties to this action by blood or marriage</p> <p>14 and that I am in no way interested in the outcome of</p> <p>15 this matter.</p> <p>16</p> <p>17 IN WITNESS THEREOF, I have hereunto set my</p> <p>18 hand this 26 day of May, 2022.</p> <p>19</p> <p>20 </p> <p>21 Nicolette Greco</p> <p>22 Notary Commission Florida HH220848</p> <p>23 Commission Expires: January 31, 2026</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 34</p> <p>1 UNKNOWN FEMALE: Thank you so much.</p> <p>2 MR. WYLY: Wil that be it? All right.</p> <p>3 Recommend adjournment. Have a nice day.</p> <p>4 (The meeting concluded at 7:18 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 36</p> <p>1 CERTIFICATE OF TRANSCRIPTIONIST</p> <p>2</p> <p>3 I, Jennifer Millard, Legal Transcriptionist,</p> <p>4 do hereby certify:</p> <p>5</p> <p>6 That the foregoing is a complete and true</p> <p>7 transcription of the original digital audio recording</p> <p>8 of the testimony and proceedings captured in the</p> <p>9 above-entitled matter. As the transcriptionist, I</p> <p>10 have reviewed and transcribed the entirety of the</p> <p>11 original digital audio recording of the proceeding to</p> <p>12 ensure a verbatim record to the best of my ability.</p> <p>13</p> <p>14 I further certify that I am neither attorney</p> <p>15 for nor a relative or employee of any of the parties</p> <p>16 to the action; further, that I am not a relative or</p> <p>17 employee of any attorney employed by the parties</p> <p>18 hereto, nor financially or otherwise interested in the</p> <p>19 outcome of this matter.</p> <p>20</p> <p>21 IN WITNESS THEREOF, I have hereunto set my</p> <p>22 hand this 4 day of June, 2022.</p> <p>23</p> <p>24 </p> <p>25 Jennifer Millard</p>



City of Riviera Beach Staff Report Amendment to Home Occupations Code

An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article VI, Supplemental District Regulations, Section 31-545, Home occupations, in order to revise the City code to reflect changes in legislation at the state level, providing for applicability, conflicts, severability and codification; and providing for an effective date.

- A. Applicant:** This is a staff-initiated revision to the Code of Ordinances. The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 31, Zoning, Article VI, Supplemental District Regulations, Section 31-545, Home occupations, in order to revise the City code to reflect changes in legislation at the state level, providing for applicability, conflicts, severability and codification; and providing for an effective date.
- C. Background:** This proposed amendment to the code of ordinances is being brought forward to revise our code as a result of legislative changes at the State in 2021. We see it as a housekeeping item as our code cannot contradict state law.
- D. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Sections 31-545 and recommend approval of this Ordinance as proposed.



Sec. 31-545. - ~~Home occupations~~ Home-based businesses.

(a) *Purpose.* The supplemental zoning regulations in this section are intended to allow the use of a residential dwelling unit for a secondary or small-scale occupation, such that the dwelling unit is not changed nor the residential character of the neighborhood adversely impacted.

(b) *Definition.* A Home-based business means a business activity which:

1. Has its primary location in a residential dwelling and any on site retail transactions are only conducted at the residential dwelling;
2. Is clearly incidental and secondary to the use of the dwelling for residential purposes; and
3. Does not change the residential character of the dwelling.

(c) *Where permitted.* Home occupations, as regulated by this Code, are permitted uses in all of the city's residential zoning districts. However, a home occupation shall not be in conflict with a restrictive covenant of a homeowner association or property owner association.

(d) *Prohibited uses.* The following uses are specifically prohibited as home occupations:

(1) Retail transactions may not be conducted at a structure other than the residential dwelling however incidental business uses and activities may be conducted at the residential property.

(2) ~~or Wholesale sales on the premises., including food sales.~~

(~~3~~2) Personal services, such as barber or beauty shops.

(~~3~~4) Nursing home.

(~~5~~4) Vehicle or boat repair.

(d) *Standards for approval.* In accordance with the purpose of this section, a home occupation:

(1) Shall not necessitate any physical changes to a dwelling unit, such as separate doorways or extra parking spaces;

(2) Shall not generate vehicular or pedestrian traffic which adversely impacts the residential character of the neighborhood; or

(3) Shall not create any other adverse impacts on adjacent neighbors or the neighborhood.

(e) *Operation requirements.*

(1) *Location.* A home occupation must be conducted entirely within a dwelling unit or garage, on a residential property, but not in an open porch or carport. This restriction shall not prohibit off-premises sales or services involved in a home occupation.

(2) *Incidental nature.* The area devoted to a home occupation shall not be the dominant use of a dwelling, and shall not exceed ten percent of the total square footage of living

area or 200 square feet, whichever is less. The activities of the home-based business are secondary to the property's use as a residential dwelling.

(3) *No change to character of dwelling.* There shall be no external evidence, sign, noise or odor indicating that a dwelling is being used for a home occupation.

(4) *Employee restrictions.* ~~A home occupation must be conducted only by family members or other persons residing on the premises.~~ The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(5) *Parking.* Vehicles and trailers used in connection with the business shall be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

~~(65) Occupational license.~~ Business Tax Receipt. ~~A city occupational license business tax receipt is required for all home occupations.~~

~~(76) Number.~~ Only one home occupation shall be permitted at a dwelling unit.

~~(87) Advertising.~~ No external evidence or sign shall advertise, display or otherwise indicate the presence of a home occupation, nor shall the street address of the home occupation be advertised through signs, television, radio or newspapers.

~~(98) On-premises sales.~~ A home occupation shall not involve the sale of any stock in trade, supplies, products or services on the premises, if such activity creates adverse traffic impacts on the area. Only occasional outside visitation shall be allowed. Occasional visitation is considered to be no more than two separate visits per day. The home-based business may not conduct retail transactions at a structure **other than** the residential dwelling.

~~(109) Outside storage.~~ No equipment or materials involved in a home occupation shall be stored or displayed outside of the dwelling unit, including driveways.

~~(110) Nuisances.~~ A home occupation shall not involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the dwelling unit. There shall be no storage of hazardous or noxious materials at the site of the home occupation.

(f) *Violations.* ~~The Code Compliance Division of the Development Services Department of community development and environmental control may issue a citation for a violation of the regulations in this section. The city's code enforcement board shall make a determination regarding the citation and shall take appropriate action. This action may include the revocation of the Business Tax Receipt occupational license (certificate of use) for the home occupation.~~

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The 2021 Florida Statutes

Title XXXIII

REGULATION OF TRADE, COMMERCE,
INVESTMENTS, AND SOLICITATIONS

Chapter 559

REGULATION OF TRADE, COMMERCE, AND
INVESTMENTS, GENERALLY

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559.955 Home-based businesses; local government restrictions.—

- (1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.
- (2) A home-based business that operates from a residential property as provided in subsection (3):
- (a) May operate in an area zoned for residential use.
 - (b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided in this section.
 - (c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.
- (3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:
- (a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
 - (b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.
 - (c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
 - (d) The activities of the home-based business are secondary to the property's use as a residential dwelling.
 - (e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.
 - (f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local

regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.

(4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.

(5) The application of this section does not supersede:

(a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.

History.—s. 1, ch. 2021-202.



City of Riviera Beach Staff Report Amendment to Definitions Section of the Code

An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article I, In General, Section 31-1, Definitions, in order to add definitions for “Affected area”; “Affordable, attainable, workforce, and market rate housing”; “Auto broker”; “Contractor storage yard”; “Health club”; “Private school”; “Screen enclosure”; “Screen room”; “Slope”; “Town house”; “Truck stop”; and “Veterinarian”; and revise the definitions for “home occupations” and “Private passenger vehicle”; providing for applicability, conflicts, severability and codification; and providing for an effective date.

- A. Applicant:** This is a staff-initiated revision to the Code of Ordinances. The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 31, Zoning, Article I, In General, Section 31-1, Definitions, in order to add definitions for “Affected area”; “Affordable, attainable, workforce, and market rate housing”; “Auto broker”; “Contractor storage yard”; “Health club”; “Private school”; “Screen enclosure”; “Screen room”; “Slope”; “Town house”; “Truck stop”; and “Veterinarian”; and revise the definitions for “home occupations” and “Private passenger vehicle”; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- C. Background:** This proposed amendment to the code of ordinances is being brought forward to revise the definitions in our code to correspond with other sections of our code, improve the efficiency of our operations, insert commonly used terms and clarify uses, and as a result of legislative changes at the State in 2021. We see this as a housekeeping item as it is continual improvement.
- D. Staff analysis:** The following definitions are being added to the Code of Ordinances to more clearly guide and support development and permitting in the city: “Affected area”; “Affordable, attainable, workforce, and market rate housing”; “Auto broker”; “Contractor storage yard”; “Health club”; “Private school”; “Screen enclosure”; “Screen room”; “Slope”; “Town house”; “Truck stop”; and “Veterinarian”. The existing definitions for home occupations and private passenger vehicle are being revised for clarity and to correspond with revised legislation at the state level, as well as other sections of the code.
- E. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Sections 31-1, Definitions, and recommend approval of this Ordinance as proposed.



Sec. 31-1. 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:

Accessory building or structure means a subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

Accessory use means a use that is customarily incidental to the principal use and so necessary or commonly to be expected that it cannot be supposed that the Code intended to prevent it. Accessory uses, unless otherwise provided, shall be located on the same premises as the principal use.

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

Affected Area means the area on a plan or a development that is subject to the proposed modification, including but not limited to lot, structures, uses, or site elements.

Affordable housing means an owner-occupied or rental dwelling unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is at or below 60 percent of area median income as published by the United States Department of Housing and Urban Development and certified by the department of community and economic development.

Alley means a right-of-way which affords only a secondary means of access to property abutting thereon and is not intended or used for general traffic circulation, and is not over 20 feet in width.

Alterations, building means any change in the structure which will increase the number of dwelling units, the floor area or the height of the structure, or change the occupancy of the structure as established in the city's building code.

Apartment means a room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family or household, for housekeeping purposes.

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

Bars, saloons, taverns, cocktail lounges, or nightclubs means any premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption and where food may be available for consumption on the premises as accessory to the primary use.

Boardinghouse or lodging house means a building other than a hotel, where lodging or meals or both are served for compensation.

Building means any structure having a roof impervious to weather designated and suitable for the habitation or shelter of human beings or animals and the shelter or storage of properties or for use in any occupation for some purpose of trade and manufacture.

Building façade means an exterior building wall facing a street, path, or park.

Building frontage means the percentage of the total width of a lot which is required to be building façade(s).

Building, principal means a building for which the main or principal use of the lot on which the building is situated is contracted.

Briquetting means a molded block of any material.

CDD means the community development department.

Child care facility means an establishment, including any child care center or child care arrangement, other than a family day care home or large family child care home, which provides care to any number of children, which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

Church means an enclosed structure for public or semipublic religious worship, irrespective of denomination. For the purposes of this code, churches include synagogues, mosques, temples, etc.

Coastal construction setback control line means a line established by the state department of environmental protection to prevent or reduce beach erosion and damage to coastal life and property pursuant to F.S. ch. 161.

Community garden means a defined area of land utilized collectively by a group of people to grow plant material including flowers or produce for profit or not-for-profit, including supplementary uses and structures associated with gardening and community gathering spaces.

Community residential home means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Construction demolition debris recycling means the separation of reusable commodities (e.g. rebar) from those construction waste materials (concrete rubble, wood scraps, pieces of drywall, etc.) that remain after demolition and must be disposed of at a sanitary landfill.

Contractor storage yard means a fenced in area utilized by a contractor for the purpose of storing material and equipment.

Contiguous means lands which abut each other, or if separated by streets, ways, easements, pipelines, power lines, conduits and rights-of-way, are under one ownership.

Density means the total number of residential dwelling units per acre of land as specified within and limited by this chapter.

Development order means any order granting, denying or granting with conditions an application for a development permit.

Development permit means and includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Drive-up, drive-through facility means any place of business or premises which serves, sells, or otherwise makes available its goods or services directly to customers situated in motor vehicles.

Driveway means the standard means of ingress and egress from private properties to public rights-of-way.

Dune means a ridge, mound or hill of sand which extends parallel to the shoreline along sandy coasts formed by wind and waves.

Dune, crest of means the highest point of a dune, or a line formed by such points.

Dwelling means a building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boardinghouses and lodging houses, tourist courts or tourist homes.

Dwelling, duplex means a building designed for two-family occupancy.

Dwelling, multiple family means a building designed for three or more families.

Dwelling, single-family means a building designed exclusively for one-family occupancy.

Dwelling unit (DU) means a room or suite of two or more rooms suitable and designated for residential use and not occupied by more than one family doing its own cooking therein and having only one kitchen facility, located within a building.

Easement means a grant to the general public, a corporation or a certain person for use of a strip or parcel of land for a specific purpose.

Expression line means a continuous line on a building façade expressed by a variation in material or by a cornice or molding.

Family means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit exclusive of household servants.

Family day care home means an accessory use conducted in an occupied residence in which custodial care is regularly provided to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

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

Filling (service) stations means any building or plot of land used or designed to be used for the storage and retail sale of automotive fuels and lubricants and which may include facilities for washing, polishing, greasing, waxing, tire repairing and other minor repairs. No major vulcanizing, tire recapping or other major mechanical repairs shall be included in the operation of a filling station.

Floor area ratio (F.A.R.) means the total floor area built on a zoning lot, divided by the total lot area of that zoning lot.

Floor area, total means the sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding garage space which is in the basement or lower floors of a building. Carports, garages, breezeways and porches shall be excluded from the computation of floor area when a minimum floor area is specified in these provisions.

Floor footprint means the total indoor and outdoor footprint of a building at any given story. The 100-percent floor footprint is calculated by multiplying the maximum lot coverage by the overall size of the parcel. Some districts may limit the floor footprint by percentage at certain stories.

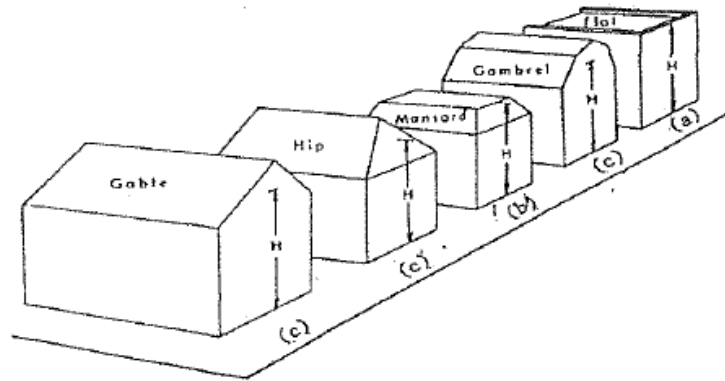
Garage, private means an accessory building or a portion of a main building designed or used for the storage of automobiles of the occupants of the main building. A carport would be considered a private garage.

Garage, public means a building or portion thereof, other than a private or storage garage, designed or used for the storage, servicing, repairing and equipping of motor vehicles.

Garage, storage means a building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage, shall be limited to refueling, lubrication, washing, waxing and polishing.

Health Club means an establishment that provides members and non-members with equipment, space, and/or facilities for the purpose of physical exercise as a primary or secondary use.

Height of building means the vertical distance measured from the minimum required floor or base flood elevation or 18 inches above the crown of the road, whichever is less, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.



Home based business~~occupation~~ means a business activity which:

- (1) Has its primary location in a residential dwelling and any on site retail transactions are only conducted at the residential dwelling unit;
- (2) Is conducted entirely within the dwelling by the occupants;
- (3) Is clearly incidental and secondary to the use of the dwelling for residential purposes; and
- (4) Does not change the residential character of the dwelling.

Hotel means any building containing principally sleeping rooms in which transient guests are lodged with or without meals, with no provision made for cooking in any individual room or suites. Such building would, structurally and for purposes of safety, be obliged to conform to the laws of the state regulating hotels.

Industrial equipment means farm tractors and implements, bulldozers, drag lines, cranes, derricks, heavy earth moving equipment normally used in farming, excavation and/or heavy construction activities.

Large family child care home means an occupied residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

Laundry, self-service means a business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing of laundry, with such equipment to be serviced and its use and operation supervised by the management.

Liner building means a building or part of a building constructed to shield parking, manufacturing, or industrial uses from the street that contains active uses with doors and windows opening onto the sidewalk to create an attractive, pedestrian-friendly, safe environment.

Lot means a parcel of land occupied or intended to be occupied by one main building and its accessory building with such openings and parking spaces as are required by the provisions of this chapter and having its principal frontage upon a street.

Lot area means the total horizontal area within the boundary lines of the lot.

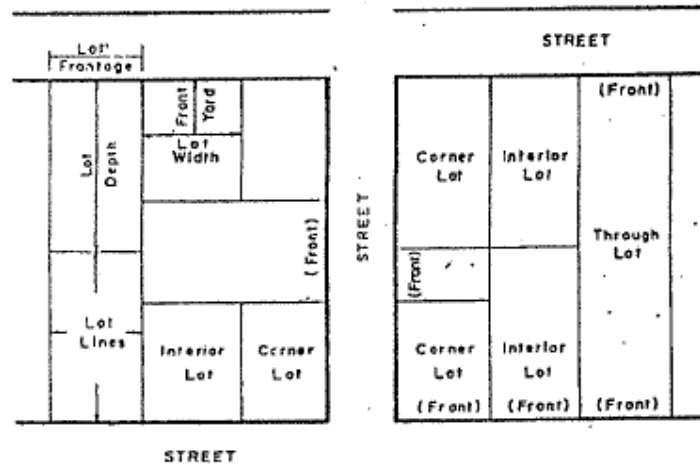
Lot, corner means a lot abutting upon two or more streets at their intersection.

Lot coverage means the percentage of the total area of a lot covered by all principal and accessory buildings, or portions thereof, unless otherwise specified in this Code. The method of measuring lot coverage shall be by measurements to the outside face of exterior walls and shall include carports, garages, breezeways and porches unless otherwise specified.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot front means and shall be construed to be the portion nearest the streets. For corner lots, the lot front shall be the narrowest portion abutting the street unless determined otherwise by the director of the CDEC.

Lot width means the horizontal distance between the side lot lines measured at the required front yard line and parallel to the front street line.



Low-THC cannabis means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center as defined in F.S. § 381.986.

Major recreational vehicle means any travel trailer, pickup camper or coach designed to be mounted on motorized vehicles, motorized dwelling or motor home, tent trailer, popout camper, case or box used for transporting recreational equipment, whether occupied by such equipment or not, any boat and boat trailer.

Marijuana means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC Cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined in F.S. § 381.986.

Marina means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft.

Mean high water means the average height of the high waters over a 19-year period. For shorter periods of observation, mean high water means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Mean high water line means the intersection of the tidal plane of mean high water with the shore.

Medical cannabis has the same meaning provided at F.S. § 381.986(1)(f), titled "Marijuana".

Medical marijuana cultivation facility has the same meaning as "cultivation facility" as provided at Rule 64-4.001(11)(a), Florida Administrative Code, and includes any area approved by the state department of health for the cultivation of medical Cannabis.

Medical marijuana dispensary has the same meaning as "dispensing facility" as provided at Rule 64-4.001(11)(c), Florida Administrative Code, and includes any area approved by the state department of health for the dispensation of medical Cannabis.

Medical marijuana processing facility has the same meaning as "processing facility" as provided at Rule 64-4.001(11)(b), Florida Administrative Code, and includes any area approved by the state department of health for the processing of medical Cannabis.

Medical marijuana treatment center (MMTC) and/or medical marijuana treatment center dispensing facility (MMTC-DF) means a retail establishment, licensed by the state department of health as a "medical marijuana treatment facility," facility established by a licensed "medical marijuana treatment center," "dispensing organization," "dispensing organization facility," or similar use, that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies, and does not allow on-site consumption of marijuana or marijuana products.

Mezzanine means an open and unobstructed floor level (except for railings for low walls not more than 42 inches tall) within a story, not exceeding one-third of the floor area of space in which it is located.

Mobile home, house or coach means a manufactured detached, transportable, single-family dwelling unit designed for long-term occupancy and arriving at the site where it is to be occupied as a complete dwelling unit, containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems. To retain mobility, under-carriage and axles must remain attached to the unit.

Mobile home park or camp means any area where one or more mobile homes can be parked, designed or intended to be used as living quarters of one or more families. The site plan and all sanitary facilities of a mobile home park must conform to the requirements of the state and county health authorities.

Motel, tourist court or automobile court means a group of two or more attached, detached or semi-detached buildings, containing guest rooms or apartments with automobile storage or parking space provided in connection therewith, designed for use primarily by automobile transients.

Nonconforming building or structure means a building or structure or portion thereof existing at the effective date of this chapter, or any amendment thereto, which was designed, erected or structurally altered in such a manner that characteristics of the building or structure, other than use regulations, do not meet the provisions of this chapter.

Nonconforming use means the lawful use of land which use does not conform with the use regulations of the district in which it is located because the use existed prior to March 17, 1982.

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

Open space means that part of a lot, including courts and yards, which:

- (1) Is open and unobstructed from its lowest level upward;
- (2) Is accessible to all residents on the lot without restrictions except as may be required for safety; and
- (3) Shall, in general, be available for entry and use by the occupants of the building or buildings on the premises;

but may include space located and treated to enhance the amenity of the development by providing landscaping, screening for the benefit of the occupants or neighboring area, or a general appearance of openness.

Outdoor storage area means an area permitted by the City of Riviera Beach, utilized for the permanent storage of goods, wares, merchandise, commodities, supplies or materials as an accessory use to an enclosed primary building.

Overlay zoning means a zoning district which is superimposed over another zoning district. The provisions of the overlay district are controlling if there is a conflict between the underlying zoning district and the overlay zoning district.

Parking lot means a durably surfaced area or plot of ground used for the storage or parking of more than four motor vehicles, either for compensation or as an accessory service to a business, industrial or residential use.

Patio home means a single-family dwelling unit designed with one windowless zero lot lined exterior site wall site planned to accommodate cluster development creating a sheltered, private outdoor living area for each dwelling unit.

Pawn shop means an establishment that is regularly engaged in the business of loaning money with products being used as collateral for a loan, but does not include financial institutions or any person who regularly loans money or any other thing of value on stocks, bonds, or other securities.

Place of worship means a special purpose building such as a church, synagogue, temple, or mosque that is used for religious observance by persons of similar beliefs, and that is architecturally designed and particularly adapted for the primary use of conducting, on a regular basis, formal religious services by a religious congregation.

Planned unit development (PUD) means a land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final master land use and site plan which does not necessarily correspond to the property development and use regulations of the zoning district in which the development is located.

Platted lot size means the minimum size of a buildable lot. For single family residential, see minimum property size per zoning classification, and for fee-simple town home (or similar type) multifamily residential the minimum platted lot size is 15 feet x 50 feet. For other multifamily residential, see minimum property size per zoning classification. Properties developed according to these standards shall be required to establish a property owners association for the continued maintenance of common areas. Note: Applicable density and setback regulations are regulated per specific zoning classification.

Private passenger vehicles means that type of vehicle primarily used to transport not more than nine persons for personal transportation. The term does not include such vehicles as campers, recreation vehicles, motor homes, or any other type of vehicle other than private passenger vehicles.

Private school means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge by a private business including but not limited to instruction in dance or music or cheerleading as well as traditional studies such as math and/or science.

Professional office means a place used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, banks, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices, and exclude manufacturing activities.

Property line means the boundary line surrounding a lot.

Recess line means a continuous building setback occurring at a prescribed height.

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

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

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

Restaurant (excluding drive-through) means an establishment where the principal business is the sale of food in a ready-to-consume state to persons who are seated within the principal building, seated outside on the premises, or for carryout.

Restaurant, drive-through, drive-in, means an establishment where the principal business is the sale of food in a ready-to-consume state to customers within the establishment and directly to customers on premises situated in motor vehicles.

Retail establishment means a place of business providing the sale and display of goods and/or sale of services directly to customers, with goods available for immediate purchase and removal from the premises by the customer. Retail goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like. Retail services include, but are not limited to, barber shops, beauty salons, travel agencies, dry cleaning, health clubs, photo studios, funeral homes (no embalming on premises), pet care, repair establishments, and employment offices. For the purposes of this definition, retail establishments exclude adult entertainment, weapons sales, and the sale and servicing of vehicles or watercraft with engines larger than 50 horsepower.

School means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

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

Screen enclosure means an area enclosed by screens, and having a screen roof.

Screen room means an area enclosed fully or partially by screens, and having a solid roof.

Self-service storage (self storage) means a place of business providing individual self-contained units which are available for short-term or long-term lease to the general public for the storage of goods and belongings. As a customary secondary use, designated areas may also be utilized for the storage of automobiles, trailers, recreational vehicles and similar rolling stock, as provided by an approved site plan. Outdoor storage must be shielded from view of adjacent property owners and public right-of-way.

Setback means the minimum distance required between buildings or buildings and property lines, to provide for the required open space. All setbacks shall be measured at a right angle from the property lines or building lines as the case may be.

Setback line means a line marking the minimum horizontal distance between the property line and the beginning point of the required setback or the buildable area, as this chapter may require in each particular case. All setback lines shall run parallel to the relevant property lines.

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

Site plan means a presentation drawing drawn to scale illustrating a proposed development and prepared in accordance with this chapter. Specific requirements for site plan approval submission are included in appropriate districts.

Slope means the amount of deviation of a surface from the horizontal, measured as a numerical ration, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. A 2:1 slope is a 50 percent slope.

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

Special exception means a use, structure or PUD that would not be appropriate generally or without restriction throughout a particular zoning district, but would, if controlled as to number, area, location, or relocation to neighborhood, be appropriate.

Storefront church means the temporary or permanent use of space in a multi-tenant commercial building for public or semipublic religious worship.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then space between the floor and the ceiling is a story.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Street line means the dividing line between a lot, tract or parcel of land and the contiguous street right-of-way.

Streetwall means a low wall or hedge used to screen surface parking lots from view.

Structure means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences and pergolas.

Structure alterations means any change, except for repair or replacement, in the supporting members of a building such as bearing walls, columns, beams or girders, floor joists or roof joists. See also *Building alterations*.

Temporary labor employment office means an establishment engaged in providing temporary labor for the construction or industrial trades.

Timesharing means a form of ownership of property where use of the property is limited to certain time periods for varied individuals; also known as "interval ownership."

Town House means a dwelling unit, attached by party walls on one or both sides to one or two other dwelling units, which has its own ground level entrance and front and rear yards.

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

Trailer means any portable structure or vehicle designed so as to be used as a conveyance upon the public streets and highways, containing a self-contained plumbing system which is not connected to an external sewerage and constructed in such a manner so as to permit occupancy thereof for dwelling or sleeping purposes.

Trailer coach means all types of mobile homes, self-propelled trucks or buses which have been converted or equipped with living and/or sleeping quarters, such as pickup trucks with living quarters installed, and converted buses. However, this excludes suburbans and other similar types of automobiles for private use which have been equipped with camping equipment and relocated materials.

Trailer court, camp or park means an area where one or more automobile trailers can be parked, designed or intended to be used as temporary living quarters of one or more families and intended primarily for automobile transients. The site plan and all sanitary facilities of a trailer camp must conform to the requirements of the state and county health authorities.

Truck stop means a project or development that supports long haul and short haul trucking industry by providing a mix of uses including but not limited to parking, restaurant, retail sales and services, mechanical repair, truck wash, and short term lodging such as a motel.

Use means any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land in accordance with this chapter.

Variance means a relaxation of certain regulations contained in this chapter where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant or owner, a literal enforcement of this chapter would result in unnecessary and undue hardship.

Vegetation line means a line, as identified by the state department of environmental protection, of the first appearance of permanent vegetation west of the Atlantic Ocean.

Veterinarian office or animal medical clinic means a business that provides medical care to domestic pets. Limited overnight boarding of pets incidental to and associated with the medical care shall be permitted as accessory to the medical services.

Warehouse means a structure, or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others; and whether it is a public or private warehouse.

Yard means a required open space clear from the ground upward, unoccupied and unobstructed by any structure, except for fences, walls and vegetation as provided herein.

Yard, front means a yard across the full width of the lot extending between the front line of the lot and the main building.

Yard, ocean means any yard abutting the Atlantic Ocean.

Yard, rear means a yard across the full width of the lot extending between the rear line of the lot and the main building.

Yard, side means a yard extending between the side line of the lot and the main building and between the front yard setback line or the lot lines in absence of setback requirements.

(Ord. No. 2152, § 2(23.AA-1), 3-17-82; Ord. No. 2179, § 1, 2-2-83; Ord. No. 2314, § 1, 9-3-86; Ord. No. 2624, § 1, 2-16-94; Ord. No. 2772, § 1, 1-21-98; Ord. No. 2814, § 1, 4-21-99; Ord. No. 2863, § 1, 1-3-01; Ord. No. 3021, § 1, 11-15-06; Ord. No. 3070, § 2, 10-7-09; Ord. No. 3071, § 2, 10-7-09; Ord. No. 3072, § 2, 10-7-09; Ord. No. 3092, § 1, 5-18-11; Ord. No. 4026, § 2, 9-4-13; Ord. No. 4038, 2(Exh. A), 12-18-13, Ord. No. 4109, § 2, 5-2-18; Ord. No. 4114, § 2, 9-5-18; Ord. No. 4143, § 2, 9-16-20; Ord. No. 4149, § 2, 9-16-20)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.



City of Riviera Beach Staff Report Amendment to the General Industrial Section of the Code

An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article V, District Regulations, Division 18, IG General Industrial District, Section 31-382, Use regulations, in order to clarify the language for permitted outdoor storage uses; add Private schools, Health clubs, indoor rock climbing walls and similar uses, Veterinarian office or animal medical clinic, Contractor storage yard in conjunction with an industrial office, Auto broker, Truck parking with associated warehouse building, Truck or bus parking as the primary use, and Truck stop as special exception uses; providing for applicability, conflicts, severability and codification; and providing for an effective date.

- A. Applicant:** This is a staff-initiated revision to the Code of Ordinances. The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 31, Zoning, Article V, District Regulations, Division 18, IG General Industrial District, Section 31-382, Use regulations, in order to clarify the language for permitted outdoor storage uses; add Private schools, Health clubs, indoor rock climbing walls and similar uses, Veterinarian office or animal medical clinic, Contractor storage yard in conjunction with an industrial office, Auto broker, Truck parking with associated warehouse building, Truck or bus parking as the primary use, and Truck stop as special exception uses; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- C. Background:** This proposed amendment to the code of ordinances is being brought forward to update and clarify the list of permitted and special exception uses in the General Industrial district to accommodate additional uses in the district and support the economic development goals of the city. Adding uses as special exception uses ensures that there is increased development opportunities in the city but through a process that enables the decisionmakers to evaluate the provision of parking, traffic and circulation routes for those uses, and
- D. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Section 31-382, Use regulations, and recommend approval of this Ordinance as proposed.



Sec. 31-382. Use regulations.

- (a) *Uses permitted.* The following uses are permitted in the IG general industrial district:
- (1) Any use permitted in the IL districts.
 - (2) Manufacturing, processing and fabrication of any product or commodity except those enumerated hereinafter as prohibited uses or provided as special exceptions.
 - (3) Outdoor drive-in theaters.
 - (4) Public utility structures.
 - (5) Railroad switching and make-up yards.
 - (6) Petroleum storage but not in excess of 50,000 gallons at any one manufacturing or industrial location.
 - (7) Liquid gas storage not in excess of 15,000 gallons at any one manufacturing or industrial location.
 - (8) Any customary accessory use to all above facilities.
 - (9) The following uses shall be permitted east of Broadway (U.S. No. 1) in this district only if directly related to Port of Palm Beach activities and not in conflict with the requirements of this district:
 - a. Piers, docks and wharves.
 - b. Terminals for freight or passengers arriving or departing by ship.
 - c. Railroad lines and sidings for service wharfs and piers, and railroad right-of-way freight, terminals' team-tracks and spur tracks.
 - d. Facilities for maintenance and repair of vessels.
 - e. Ship supply establishments and facilities.
 - f. Wholesale warehouse and retail establishments dealing primarily in bulk materials delivered by ship, and railroad or ship and truck in combination.
 - g. Government and professional.
 - h. Refueling stations for Port of Palm Beach District.
 - (10) CN district uses excluding residential shall be in accordance with chapter 26.
 - (11) Temporary labor employment office.
 - (12) Pawn shop.
 - (13) Recycling center.
 - (14) Recycling facility.
- (b) *Special exception.* The following uses may be permitted by special exception in the IG general industrial district:
- (1) PUD.
 - (2) Warehouses and storage uses, including outside storage supporting a principal use. Outside storage areas must be screened in with an opaque fence on all sides.
 - (3) Reserved.
 - (4) Asphalt and concrete mixing and batching, and product manufacture.

-
- (5) Foreign trade zone.
 - (6) Adult entertainment establishments (see Ordinance No. 2648 [ch. 2.5]).
 - (7) Self-service storage.
 - (8) Private schools.
 - (9) Health clubs, indoor rock climbing walls and similar uses.
 - (10) Veterinarian office or animal medical clinic.
 - (11) Contractor storage yard in conjunction with an industrial office.
 - (12) Auto broker.
 - (13) Truck parking with associated warehouse building.
 - (14) Truck or bus parking as the primary use.
 - (15) Truck stop.

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

- (1) Residential uses.
- (2) Acid manufacture.
- (3) Cement, lime manufacture.
- (4) Distillation of bones.
- (5) Manufacture of explosives.
- (6) Fat, tallow or lard rendering.
- (7) Garbage, offal, or dead animal reduction.
- (8) Paper and pulp manufacture.
- (9) Petroleum refining.
- (10) Stockyards and slaughter of animals.
- (11) Soap manufacture.
- (12) Creosote treatment and manufacture.
- (13) Tanning, curing of hides or skins.
- (14) Tar distillation or manufacture.
- (15) Automobile wrecking or junkyards.
- (16) Radioactive materials, manufacturing of.
- (17) Construction demolition debris recycling.
- (18) Scrap metal processing.

(Ord. No. 2152, § 3(B)(23.AA-18.II), 3-17-82; Ord. No. 2214, § 3, 9-21-83; Ord. No. 2285, § 1, 7-17-85; Ord. No. 2386, § 7, 9-7-88; Ord. No. 2656, § 1, 8-16-95; Ord. No. 2772, § 3, 1-21-98; Ord. No. 2814, §§ 2, 3, 4-21-99; Ord. No. 2857, 5-17-00; Ord. No. 3072, § 3, 31-382, 10-7-09; Ord. No. 4143, § 3, 9-16-20)



City of Riviera Beach Staff Report Amendment to IL Light Industrial Section of the Code

An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article V, District Regulations, Division 17, IL Limited Industrial District, Section 31-362, Use regulations, in order to change contractor storage yard to a special exception use; add Private schools, Health clubs, indoor rock climbing walls and similar uses, Veterinarian office or animal medical clinic, Auto broker, Truck parking with associated warehouse building, Truck or bus parking as the primary use, and Truck stop as special exception uses; providing for applicability, conflicts, severability and codification; and providing for an effective date.

- A. Applicant:** This is a staff-initiated revision to the Code of Ordinances. The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 31, Zoning, Article V, District Regulations, Division 17, IL Limited Industrial District, Section 31-362, Use regulations, in order to change contractor storage yard to a special exception use; add Private schools, Health clubs, indoor rock climbing walls and similar uses, Veterinarian office or animal medical clinic, Auto broker, Truck parking with associated warehouse building, Truck or bus parking as the primary use, and Truck stop as special exception uses; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- C. Background:** This proposed amendment to the code of ordinances is being brought forward to update the list of permitted and special exception uses in line with current development trends and activity, and to provide for additional economic development in the city in a reasonable and thoughtful manner. When a use is a special exception use it affords an additional opportunity for the abutting owners and decision-makers to vet the proposal and associated traffic, circulation and operational impacts and identify appropriate mitigation steps if indicated. This text change is also supportive of the new types of uses that seek to locate in industrial districts now.
- D. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Section 31-362, Use regulations, and recommend approval of this Ordinance as proposed.



Sec. 31-362. Use regulations.

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

- (1) The following light industrial and manufacturing uses where the scale of operations and the process of manufacturing or treatment of materials is such that the amount of dust, odor, gas, smoke or noise resulting therefrom will not be objectionable to surrounding residential properties and where the operations are conducted in one or more buildings:

- Appliance manufacturing.
- Auto paint and body shop.
- Auto repairs and auto body shop.
- Bakeries, wholesale, large scale preparation.
- Boats, manufacturing.
- Business offices accessory to primary industrial use.
- Cold storage.
- Confectionery, wholesale, large scale preparation.
- ~~Contractor's storage yard.~~
- Cosmetics manufacturing.
- Dairy processing.
- Dry cleaning plant.
- Electronic equipment manufacturing.
- Engraving.
- Food processing.
- Furniture manufacturing.
- Glass manufacturing.
- Laundry plant.
- Leather goods manufacturing.
- Lumber yard.
- Metal fabrication.
- Millwork.
- Monument works.
- Motion picture studio.
- Precision instruments and optics manufacturing.
- Port related ship supply establishments and facilities.
- Printing and publishing.
- Textile and clothing manufacturing.

Tobacco products manufacturing.

Upholstery shop.

Welding shop.

Wholesaling.

New vehicle dealerships.

(2) CN district uses, nonresidential, which shall be in accordance with chapter 26.

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

(1) PUD.

(2) Used car lots.

(3) Beverage manufacturing and bottling works.

(4) Laboratory industrial research.

(5) Auto services, including transmission and oil change establishments.

(6) Truck rental and leasing.

(7) Private schools.

(8) Health clubs, indoor rock climbing walls and similar uses.

(9) Veterinarian office or animal medical clinic.

(10) Contractor storage yard.

(11) Auto broker.

(12) Truck parking with associated warehouse building.

(13) Truck stop.

(14) Truck and bus parking as a primary use.

(Ord. No. 2152, § 3(B)(23.AA-17.II), 3-17-82; Ord. No. 2213, § 1, 9-21-83; Ord. No. 2214, § 3, 9-21-83; Ord. No. 2386, § 6, 9-7-88; Ord. No. 2963, § 1, 2-18-04)



City of Riviera Beach Staff Report Amendment to Sidewalks and Driveways Section of the Code

An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 29, Streets and Sidewalks, Article II, Construction, Division 3, Sidewalks and Driveways, Section 29-91, Sidewalk and Driveway Specifications, in order to update and clarify the language; provide guidance on use of Alternate Materials; remove the bonding requirements for sidewalk replacement; modify the specifications for circular driveways; and, add language encouraging access management for commercial and industrial developments; providing for applicability, conflicts, severability and codification; and providing for an effective date.

- A. Applicant:** This is a staff-initiated revision to the Code of Ordinances. The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 29, Streets and Sidewalks, Article II, Construction, Division 3, Sidewalks and Driveways, Section 29-91, Sidewalk and Driveway Specifications, in order to update and clarify the language; provide guidance on use of Alternate Materials; remove the bonding requirements for sidewalk replacement; modify the specifications for circular driveways; and, add language encouraging access management for commercial and industrial developments; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- C. Background:** This proposed amendment to the code of ordinances is being brought forward to update and clarify the language; provide guidance on use of Alternate Materials; remove the bonding requirements for sidewalk replacement; modify the specifications for circular driveways; and, add language encouraging access management for commercial and industrial developments. We see this as an opportunity to modify the specifications to remain current with construction means and methods and also manage costs for our customers, provide additional support for access management, and provide clear guidance on circular driveways which are becoming very desirable in the City.

The language before you was drafted collaboratively by staff from the engineering, building and planning and zoning divisions.

- D. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances



Section 29-91, Sidewalk and Driveway Specifications, and recommend approval of this Ordinance as proposed.

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



DIVISION 3. - SIDEWALKS AND DRIVEWAYS

Sec. 29-91. - Sidewalk and driveway specifications.

The following specifications control the construction of all sidewalks and driveways within the corporate limits of the city except as otherwise determined by the city engineer based on technical justification:

- (1) *Grade.* Elevation of finished sidewalk grade on the streets without curb and gutter will be at the same elevation of the crown of the road, with a slope toward the road of one-quarter inch per foot. Where curb and gutter is used, the slope shall be one-quarter inch per foot, upward from the top elevation of the concrete curb.
- (2) *Excavation.* Excavation or fill shall be made to the depth ~~or fill~~ required to bring to grade the finished sidewalk as indicated in subsection (1) of this section; subgrade or base shall be compacted to a firm and even surface, true to grade and cross section by means of watering and/or tamping and rolling.
- (3) *Forms, width and thickness.* Sidewalk forms can be either wood or metal. Forms shall be straight, free of warps or bends, and shall be of sufficient strength when staked to withstand the pressure of the concrete without springing. If wood, they shall be of two-inch surfaced lumber; if metal, they shall be of approved type sections and shall have a flat surface on top. Forms shall have depth of at least four inches. Width of the sidewalk shall be four feet when fronting on local streets, and five feet when fronting on collector or arterial streets. Block lengths shall be five feet. Thickness shall be at least four inches.
- (4) *Composition of concrete.* ~~The~~ Concrete shall have a compressive strength of 3,000 pounds per square inch at 28 days. The slump cylinder compressive test shall be from three to five inches. ~~No mesh will be required unless specified by the city engineer based on technical justification or when the sidewalk is part of a driveway, then six by six, six gauge, wire mesh will be placed in driveway and sidewalk area, and concrete thickness shall be six inches~~ Driveways areas within right-of-ways and sidewalks within driveway areas shall not contain wire mesh and shall be 6 inches thick minimum or 4 inches thick if of fibercrete. Driveway sections on residential one and two family dwelling properties may be 6 inches thick minimum without wire mesh or 4 inches thick minimum with 6x6 W1.4/W1.4 wire mesh or fibercrete.
- (5) *Joints.* Joints shall be open type. The joint shall be formed by staking a metal bulkhead in place and placing the concrete on both sides of it. After the concrete has set sufficiently to preserve the width and shape of the joint, the bulkhead shall be removed. After the sidewalk has been finished over the joint, the slot shall be opened and edged with a tool having a one-half inch radius. When the concrete has hardened and become dry, the slot shall be thoroughly cleaned of all debris and loose material for the full section of the sidewalk. Where the plans call for a one-half inch joint between the sidewalk and the curb, the joint shall be cleaned as provided in this subsection, then filled to within one inch of the finished surface and then sealed with a bituminous joint sealer or a preformed joint filler.
- (6) *Finishing.* All surplus water, latency and inert material shall be worked off the surface of the concrete with a ten-foot straightedge, or by some other method equally

satisfactory, as approved by the city engineer. The concrete shall then be given a broom finish. The surface variations shall not be more than one-fourth inch under a ten-foot straightedge. The edge of the sidewalk shall be finished with an edging tool having a radius of one-half inch.

- (7) Alternate *Materials*. Sidewalks within right-of-ways are to be of concrete. Driveway sections within right-of-ways are to be of concrete per Sec. 29-91(4) above or of asphalt unless abutting property owner submits a Driveway Waiver Agreement form and is approved by the city engineer. Asphalt to be type S-III a minimum of one and a half inches over 12 inches of base compacted to 97 percent proctor. Driveway sections on residential property may be of concrete, asphalt, pavers designed for traffic use or other materials as approved by the city engineer or designee.

Sec. 29-92. - Sidewalks required.

- (a) *Generally; exceptions.* Sidewalks shall be required to be installed on both sides of local, collector and arterial streets and on one side of marginal access streets. A required sidewalk may be waived by the city engineer in industrial zoning or where adequate pedestrian circulation is provided by pedestrian and bicycle paths.
- (b) *Continuity.* The city council may by resolution cause the construction of sidewalks along any street face where it is deemed in the interest of public safety, regardless of the nature or extent of existing development, and may assess adjoining property owners in accordance with F.S. ch. 170.

Sec. 29-93. - Prerequisites to building permit and certificate of occupancy.

- (a) *Generally.* Before a building permit shall be issued for the erection of any structure upon any plot of land, the plans for such construction must include plans for concurrent construction of a sidewalk running adjacent to the entire length of the property line which fronts any street lines unless waived by the city engineer. No certificate of occupancy shall be issued for any structure unless and until the completion of such sidewalk has been reviewed and approved by the city engineer.
- (b) *Applicability of subsection (a) in case of building repair.* The provisions of subsection (a) of this section shall also apply to permits for the repairs of existing structures upon any plot of land not improved by existing paved and usable sidewalk where the total cost of such repairs, as determined by the building official, shall equal or exceed 33⅓ percent of the last assessed county tax valuation of the structure to be repaired.

Sec. 29-94. - ~~Cash bond required before issuance of building permits where sidewalks exist~~ Reserved.

- ~~(a) — No building permit shall be issued for the construction of any building, or for any additions or major repairs or remodeling to an existing building, on any lot or parcel of land fronted by an approved sidewalk or curb until the owner of record of such property, the agent of such owner or the contractor retained to perform the work of~~

~~building, repairing or remodeling has first posted with the office of the city clerk a cash bond in the amount of \$250.00.~~

- ~~(b) The city clerk shall hold the cash bond in escrow until such time as a certificate of occupancy and approval has been issued by the building inspection division certifying that construction on the property or parcel of land has been completed and that damages to the sidewalk, if any, have been repaired in an approved manner. If inspection reveals damages to the sidewalk or curb, the building inspection division shall serve notice in writing, listing all unrepaired damages to the person responsible for posting the cash bond. Such notice shall provide that if repairs are not completed within ten days, the repairs will be authorized by the city engineer, the cost of which shall be deducted from the cash bond deposited with the city clerk.~~
- ~~(c) Anything in the city's procurement ordinance, which is on file in the city clerk's office, to the contrary notwithstanding, if the city does not then have a continuing contract, the city engineer shall receive three separate proposals from licensed contractors and at the end of the ten-day period authorize the contractor with the most reasonable bid to make the necessary repairs. After the satisfactory completion of repairs, the remainder of the cash bond, if any, shall be returned to the bonded person or persons.~~

Sec. 29-95. - Driveways.

- (a) *Permit required.* No person shall change the grade of any sidewalk, swale or curb for the purpose of providing a driveway across such sidewalk, or construct any driveway across city property, except upon complying with provisions of this article and upon obtaining a permit from the city.
- (b) *Application for permit.* Application for a permit shall be made in writing to the city engineer by the owner or agent of the owner of the abutting premises. Such application shall set forth the points at which such driveway shall begin and end, as measured from the property lines, include the width of the driveway, include the driveway material specifications, and shall be accompanied by a plan indicating existing and proposed elevations and may require other additional information to be provided as determined by the city engineer.
- (c) *Specifications.* The width of ~~such~~ any driveway in residential zoning districts shall not exceed 24 feet and shall not exceed 35 feet in commercial and industrial zoning districts as measured along the property line. Any form of cCircular driveways shall be designed so that a ten foot wide turning path, with have a minimum inside turning radius of 15 feet, will fit on the paved driveway surface. The measurement from the front property line to the apex of any curved driveway or to any driveway edge running parallel to the front property line shall be a minimum of seven and one half ft (7.5'). The width of any single driveway shall not be less than ten feet, or 18 feet for double driveways. Driveways shall not be closer than ~~five~~ three feet to any side property lines. The length of driveways in single-family residential shall not exceed 60 feet. The driveway for corner lots shall be from the minor street. Single-family residential shall not have be limited to two separate driveways that must have their inside edges separated by at least twenty five feet. ~~Driveways shall be concrete~~

~~having a minimum thickness of six inches or four inches of concrete reinforced with six by six, six-gauge wire mesh.~~

- (d) *Dangerous and abandoned driveways.* Should the use of any driveway be discontinued or abandoned, or found dangerous to pedestrians in the opinion of the city engineer, then the city engineer shall give notice in writing to the owner of record of the abutting property to restore such curb and sidewalk within 30 days to the original or proper condition.

Sec. 29-96. - Failure to pave or restore.

In case any driveway, curb or sidewalk shall not be paved, repaved, repaired or restored according to the provisions of this article, the city engineer may order the same to be done under his direction and for the owners' account, and the expense thereof, until paid, shall be a lien upon the abutting property and be filed for public recording.

Sec. 29-97. - Deposit to ensure proper construction.

The city is authorized to require a deposit of an amount equal to the city engineer's estimate of costs of the curb and gutter, sidewalk or pavement, to be altered, but not less than \$250.00 to ensure proper construction; such deposit to be returned on approval of the city engineer.

Sec. 29-98. – Access management.

The city encourages developers to identify opportunities to create shared access points into project to help minimize curb cuts, provide for a more efficient flow of traffic, and direct vehicular traffic to signalized intersections whenever possible. The city may require design or dedication of future shared access points during project review of independent developments.



City of Riviera Beach Staff Report Amendment to Accessory Structures Section of the Code

An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending City Code of Ordinances Chapter 31, Zoning, Article VI, Supplemental District Regulations, Section 31-542, Accessory uses, buildings and structures permitted, in order to update the section and provide additional guidance on typical accessory structures including but not limited to sheds, screen rooms, screen enclosures; providing for applicability, conflicts, severability and codification; and providing for an effective date.

- A. Applicant:** This is a staff-initiated revision to the Code of Ordinances. The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 31, Zoning, Article VI, Supplemental District Regulations, Section 31-542, Accessory uses, buildings and structures permitted, in order to update the section and provide additional guidance on typical accessory structures including but not limited to sheds, screen rooms, screen enclosures; providing for applicability, conflicts, severability and codification; and providing for an effective date.
- C. Background:** This proposed amendment to the code of ordinances is being brought forward to update and clarify the language relative to frequently installed accessory structures. Having clear language in the code provides better and more efficient customer services and is transparent regarding current procedures and practices. This supports the customers and the staff.

The language before you was drafted collaboratively by staff from the building and planning and zoning divisions, and we consider this a continual improvement/housekeeping item.

- D. Recommendation:** Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances Section 31-542, Accessory uses, buildings and structures permitted, and recommend approval of this Ordinance as proposed.



Sec. 31-542. Accessory uses, buildings and structures permitted.

- (a) *Uses permitted.* Those uses which because of their nature do not warrant a separate zoning district, and buildings or structures customarily incidental or subordinate to the main use or building and located on the same lot, are permitted uses.
- (b) *Property development standards.*
 - (1) Location. All accessory uses, buildings and structures shall be located on the same lot as the principal or main use and not within any required yard setbacks, except as provided in this chapter.
 - (2) Height. No accessory use, building or structure shall exceed the height permitted in the district in which the principal use is located.
 - (3) Use. Such accessory building shall not be rented or otherwise used as a separate unit.
 - (4) Other. An accessory building may occupy not more than 30 percent of a required rear yard.
 - (5) No accessory building shall be erected closer than five feet to the line of the abutting lot to the rear.
 - (6) All accessory structures must maintain a minimum distance of two feet from established easement lines.

(c) Sheds

(1) All sheds require a permit prior to installation.

(2) Storage containers are not considered sheds and are prohibited in residential zones. Storage containers may be permitted for storage in commercial or industrial districts subject to any requirements of those districts.

(d) Screen enclosure

(1) Defined as an area enclosed by screens, and having a screen roof.

(2) Does not have to meet building setbacks.

(c) Screen room

(1) Defined as an area enclosed fully or partially by screens, and having a solid roof.

(2) Must meet building setbacks.