



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

LOCAL PLANNING AGENCY

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

Commencement – 6:30 PM
Thursday, March 22, 2018

City Council Chambers - Municipal Complex
600 W. Blue Heron Blvd., Riviera Beach, FL 33404

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

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

Rena [James] Burgess, Chairperson

James Gallon, Board Member

Margaret Shepherd, Board Member

Vacant, Board Member

Jon Gustafson, 1st Alternate Member

Tradrick McCoy, Vice-Chair

Edward Kunuty, Board Member

Vacant, Board Member

Anthony Brown, 2nd Alternate Member

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 – March 8, 2018.

VII. UNFINISHED BUSINESS – None.

VIII. NEW BUSINESS

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS"; AND AMENDING ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS"; IN ORDER TO ADD DEFINITIONS FOR AND ASSOCIATED WITH MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA TREATMENT CENTER-DISPENSING FACILITIES; AND TO PROHIBIT MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA TREATMENT CENTER-DISPENSING FACILITIES WITHIN ALL ZONING DISTRICTS AND WITHIN THE CITY'S JURISDICTIONAL BOUNDARIES; PROVIDING FOR 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 CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 31-551, "PRINCIPAL ARTERIAL COMMERCIAL DESIGN STANDARDS OVERLAY", TO AMEND EXISTING OBJECTIVES, APPLICABILITY, AND OVERLAY DISTRICT DELINEATION, AND TO ENACT NEW REGULATIONS FOR THE APPEARANCE OF BUILDINGS, STRUCTURES, LANDSCAPE DESIGN, BUFFER STANDARDS, AND SIGNAGE; PROVIDING FOR 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 CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE I, "IN GENERAL", SECTION 31-1 "DEFINITIONS" TO AMEND THE DEFINITION OF A "RETAIL ESTABLISHMENT" TO PROVIDE NEW DEFINITIONS FOR SPECIFIC RETAIL USE TYPES; AMENDING CHAPTER 31, "ZONING", ARTICLE V, "DISTRICT REGULATIONS", DIVISION 12, "CN NEIGHBORHOOD COMMERCIAL DISTRICT", SECTION 31-302, "USE REGULATIONS", DIVISION 13, "CG GENERAL COMMERCIAL DISTRICT", SECTION 31-322, "USE REGULATIONS", AND DIVISION 26, "DOWNTOWN ZONING DISTRICTS", SECTION 31-536, "REGULATIONS FOR EACH DOWNTOWN ZONING DISTRICT", TO PROVIDE CONSISTENCY WITH THE AMENDED RETAIL ESTABLISHMENT DEFINITION AND TO INCORPORATE SPECIFIC RETAIL USE TYPES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

IX. WORKSHOP ITEMS – None.

X. GENERAL DISCUSSION

A. PUBLIC COMMENTS

B. CORRESPONDENCE

C. PLANNING AND ZONING BOARD COMMENTS

1. Project Updates / Upcoming Projects

2. Upcoming P&Z Board Meetings –April 12, 2018 / April 26, 2018

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.

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CITY OF RIVIERA BEACH
PLANNING AND ZONING BOARD

Thursday, March 8, 2018

Council Chambers
600 West Blue Heron Boulevard
Riviera Beach, Florida

6:43 p.m. - 7:40 p.m.

IN ATTENDANCE:

Rena James, Chair
Tradrick McCoy, Vice Chair
James Gallon, Board Member
Jon Gustafson, First Alternate Member
Anthony Brown, Second Alternate Member
Jeff Gagnon, Acting Director of
Community Development
Lina F. Busby, Assistant City Attorney
Simone Davidson, Staff Assistant

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1 BE IT REMEMBERED that the following Planning
2 and Zoning Board meeting was had at Riviera Beach City
3 Hall Council Chambers, 600 West Blue Heron Boulevard,
4 Riviera Beach, Florida, on Thursday, March 8, 2018,
5 beginning at 6:43 p.m., with attendees as hereinabove
6 noted, to wit:

7 ---

8 CHAIR JAMES: Good evening. The Thursday,
9 March 8th meeting of the Planning and Zoning Board is
10 called to order. The time is now 6:43. We'll begin
11 with a moment of silence and then the Pledge of
12 Allegiance.
13 (Moment of silence observed. Pledge of
14 Allegiance recited.)
15 CHAIR JAMES: Roll call.
16 MS. DAVIDSON: Tradrick McCoy.
17 VICE CHAIR McCOY: Here.
18 MS. DAVIDSON: James Gallon.
19 MR. GALLON: Here.
20 MS. DAVIDSON: Edward Kunuty.
21 (No response.)
22 MS. DAVIDSON: Margaret Shepherd.
23 (No response.)
24 MS. DAVIDSON: Jon Gustafson.
25 MR. GUSTAFSON: Here.

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1 MS. DAVIDSON: Anthony Brown.
2 MR. BROWN: Here.
3 MS. DAVIDSON: You have a quorum.
4 CHAIR JAMES: All right, item III.
5 Okay, we'll take a recess until we finish --
6 figure out the technical difficulties.
7 (Whereupon, there was a brief recess in the
8 proceedings.)
9 CHAIR JAMES: The meeting is called back to
10 order. Item number III, acknowledgement of Board
11 member absence notification.
12 MR. GAGNON: Thank you, Madam Chair.
13 Jeff Gagnon, Acting Director of Community
14 Development.
15 I did hear from Mr. Kunuty that he had a
16 conflict and would not be able to make it tonight. I
17 believe Ms. Shepherd communicated she would be here. I
18 don't know if she's just stuck by the train or what's
19 happening, but she may come in a few moments.
20 CHAIR JAMES: Thank you. On to item IV,
21 additions and deletions to the agenda.
22 MR. GAGNON: We have no additions or
23 deletions. However, I would like to request that we
24 reorder the workshop items and switch letter C with
25 letter A. So we would go C, B, A.

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1 CHAIR JAMES: Okay. Item V, disclosures by
2 Board members and adoption of the agenda. Are there
3 any disclosures? Is there a motion to adopt the
4 agenda?
5 VICE CHAIR McCOY: Madam Chair, move to
6 adopt.
7 MR. GUSTAFSON: Second.
8 CHAIR JAMES: Roll call.
9 MS. DAVIDSON: Tradrick McCoy.
10 VICE CHAIR McCOY: Yes.
11 MS. DAVIDSON: James Gallon.
12 MR. GALLON: Yes.
13 MS. DAVIDSON: Edward Kunuty.
14 (No response.)
15 MS. DAVIDSON: Margaret Shepherd.
16 (No response.)
17 MS. DAVIDSON: Jon Gustafson.
18 MR. GUSTAFSON: Yes.
19 MS. DAVIDSON: Anthony Brown.
20 MR. BROWN: Yes.
21 MS. DAVIDSON: Unanimous vote.
22 CHAIR JAMES: Item VI, approval of the
23 minutes from January 25th, 2018 meeting. Is there a
24 motion?
25 MR. GALLON: Motion to approve.

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1 CHAIR JAMES: Is there a second?
 2 VICE CHAIR McCOY: Second.
 3 CHAIR JAMES: Roll call.
 4 MS. DAVIDSON: Tradrick McCoy.
 5 VICE CHAIR McCOY: Yes.
 6 MS. DAVIDSON: James Gallon.
 7 MR. GALLON: Yes.
 8 MS. DAVIDSON: Jon Gustafson.
 9 MR. GUSTAFSON: Yes.
 10 MS. DAVIDSON: Anthony Brown.
 11 MR. BROWN: Yes.
 12 MS. DAVIDSON: Rena James.
 13 CHAIR JAMES: Yes.
 14 MS. DAVIDSON: Unanimous vote.
 15 CHAIR JAMES: Item VII, unfinished business,
 16 there is none. Item VIII, new business, there is none.
 17 On to the workshop items, starting with
 18 letter A.
 19 VICE CHAIR McCOY: C.
 20 MR. GALLON: C.
 21 CHAIR JAMES: Well, C is now A, discussion of
 22 draft code amendments.
 23 MR. GAGNON: Thank you, Madam Chair.
 24 So we'll start with C. I also want to make
 25 mention of the fact that being we do have two Board

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1 members absent, that if there is a motion made by the
 2 Board, that both alternates would have voting rights as
 3 well --
 4 CHAIR JAMES: So noted.
 5 MR. GAGNON: -- if that pleases the Board.
 6 So the three items we have tonight are all
 7 workshop items, and they pertain to ongoing zoning in
 8 progress or moratorium. Letter C, which we'll discuss
 9 first, is a discussion of draft code amendments for
 10 medical marijuana dispensing facilities.
 11 So what staff was able to do following our
 12 previous presentation, our workshop item for City
 13 Council, as we reviewed adjacent municipalities in Palm
 14 Beach County to see what direction they were taking,
 15 review Senate Bill 8A in greater detail and provide a
 16 summary for the Planning and Zoning Board, and also
 17 ensure that previous direction and directive provided
 18 by the Planning and Zoning Board was still on point as
 19 far as prohibiting this use within the City.
 20 So in association with Senate Bill 8A, we
 21 really have two choices. Either we can prohibit this
 22 use, or we have to treat the use identical to any
 23 pharmacy.
 24 The other exception would be that there would
 25 be a 500 foot limitation as far as a buffer from this

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1 type of facility and any school. However, if we do
 2 move forward with the Board's previous directive of
 3 just prohibiting the use, then that 500 foot buffer
 4 would not be a factor.
 5 This is the specific section which is now
 6 identified in Florida Statute 381.986(11)(b)1, and it
 7 specifically states that a county or municipality may,
 8 by ordinance, ban medical marijuana treatment center
 9 dispensing facilities from being located within the
 10 boundaries of that county or municipality. So this is
 11 the section of the ordinance we would follow in order
 12 to prohibit this use.
 13 Other local municipalities have already
 14 followed this path. Palm Beach Gardens, Mangonia Park,
 15 Palm Springs have all provided a strict ban of this
 16 use, so we would not be the first, and precedent has
 17 already been set by other adjacent municipalities or
 18 municipalities within Palm Beach County.
 19 So again, the Planning and Zoning Board
 20 previously indicated a desire to ban this type of
 21 facility, a medical marijuana treatment center
 22 dispensing facility, and if that still pleases the
 23 Board, City staff will move forward and finalize that
 24 language and bring back specific definitions and a
 25 draft ordinance for your review at our upcoming

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1 Planning and Zoning Board meeting.
 2 And I can answer any questions at this time.
 3 CHAIR JAMES: Okay, we'll start with
 4 Mr. Brown. Do you have any questions for staff?
 5 MR. BROWN: No questions.
 6 CHAIR JAMES: Mr. Gustafson.
 7 MR. GUSTAFSON: One question, Madam Chair.
 8 Jeff, do we know what municipalities in Palm
 9 Beach County have allowed dispensaries?
 10 MR. GAGNON: I believe that Boynton Beach has
 11 already passed regulations to allow dispensaries with
 12 certain restrictions. Lake Park initially did not --
 13 excuse me, not Lake Park. Lake Worth originally did
 14 not provide regulations, and since that point in time,
 15 they've decided they do want to create regulations as
 16 far as separation requirements. I know Palm Beach
 17 County has language that's consistent with the State
 18 statute that's moving forward currently. I believe
 19 Palm Beach County will allow the use, but with specific
 20 provisions.
 21 And again, the option is do we want to allow
 22 this use and treat it similar to any other pharmacy, or
 23 do we want to strictly prohibit it.
 24 MR. GUSTAFSON: Madam Chair, one follow-up
 25 with that.

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1 CHAIR JAMES: Go ahead.
 2 MR. GUSTAFSON: The reason I ask is there are
 3 other municipalities within the area that do allow it,
 4 so, you know, if people need it for the true reason of
 5 medical benefits, there are places for them to get it.
 6 And that's the only reason I asked, is to make sure
 7 there were places close enough for (inaudible).
 8 No more questions. Thank you.
 9 CHAIR JAMES: Mr. Gallon.
 10 MR. GALLON: No questions.
 11 CHAIR JAMES: Mr. McCoy.
 12 VICE CHAIR McCOY: None.
 13 CHAIR JAMES: And I have none as well. So if
 14 it's the consensus of the Board, then we'll -- we're
 15 fine with go ahead getting that language together,
 16 staff.
 17 VICE CHAIR McCOY: Madam Chair.
 18 CHAIR JAMES: Yes, Mr. McCoy.
 19 VICE CHAIR McCOY: A follow-up.
 20 So I understand, the language will be to
 21 prohibit it outright?
 22 MR. GAGNON: Yes.
 23 VICE CHAIR McCOY: Okay. And if I heard you
 24 correctly, if we do allow it, we would have to follow
 25 those same standards for pharmacies?

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1 MR. GAGNON: Correct. The State statute
 2 mandates that a municipality or a county treats it
 3 identical to how they treat pharmacies. So for
 4 discussion purposes, if in fact, the City did want to
 5 move forward and allow this use, we could look at how
 6 we treated pharmacies, but whatever regulations we
 7 wanted to put in place for medical marijuana dispensary
 8 facilities, we would also have to have identical
 9 language in place for pharmacy uses.
 10 VICE CHAIR McCOY: Okay. Now, will this
 11 language, and I'm not sure how far you've gotten on the
 12 research, but will this encompass something I
 13 understand that's trending, and I just seen something
 14 today called CBD or something like that. It's some
 15 sort of cannabis based products that they sell, and
 16 it's oils and vaping tools and that sort of stuff, but
 17 they all are derived out of medical -- well, I'm not
 18 going to say medical, but they are all derived out of
 19 cannabis --
 20 MR. GAGNON: Right.
 21 VICE CHAIR McCOY: -- in some sort.
 22 I don't know if there's a threshold, if
 23 there's a percentage or a potency that makes it actual
 24 medical marijuana, but I think I understood that there
 25 was a piece of mail that's distributed of somebody

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1 advertising a CBD shop here in the city, and I want to
 2 know if that's going to be encompassed into this --
 3 into whatever kind of proposed language we bring back.
 4 MR. GAGNON: Yes, from the research that
 5 staff's done, I think there was 50 or so derivatives
 6 from cannabis, and I believe that the State statute
 7 would encompass any of those derivatives. I'm not sure
 8 what the testing protocol is specifically, but if
 9 you're looking to sell any derivative, you'd have to be
 10 licensed through the State, in addition to having the
 11 local zoning regulation approval.
 12 We did receive word of a supposed facility
 13 open in the city. We saw an advertisement for it. But
 14 we did follow up just to double and triple check that
 15 it was not, in fact, open. So even though it is
 16 advertised in the city, there's no business tax receipt
 17 or license that has approved that use. So I'm not sure
 18 of the entire background, but it seems as if somebody
 19 provided an advertisement that's not accurate.
 20 VICE CHAIR McCOY: Okay. Thank you.
 21 CHAIR JAMES: Okay, next item.
 22 MR. GAGNON: Yes, ma'am.
 23 So our next workshop item is a discussion of
 24 draft code amendments associated with retail
 25 establishments, including but not limited to

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1 convenience stores and single price discount stores.
 2 So the Planning and Zoning Board did discuss
 3 this item a few months back now, and we wanted to bring
 4 it back to the forefront and kind of generate some
 5 momentum moving forward. And hopefully we can get
 6 language that will meet the expectations of the
 7 Planning and Zoning Board to be finalized for our
 8 upcoming meeting two weeks from now.
 9 What we're currently, I guess, struggling
 10 with is the fact that we just have a bulk definition
 11 for retail establishments in the city. So instead of
 12 having itemized definitions or specific definitions for
 13 separate types of uses, we have this bulk definition.
 14 So because we have the retail establishment
 15 defined in this way, it's difficult to come up with
 16 specific use regulations that would help identify uses
 17 that the City is looking to promote, uses that may need
 18 other safeguards to ensure that operations are flowing
 19 properly, or if you wanted to consider separation
 20 requirements, perhaps restrictions as far as total
 21 number of licensings -- excuse me -- licenses issued
 22 for any given use. Those are the things that having a
 23 bulk definition really limits the City on doing.
 24 So what staff is proposing is to create those
 25 individual definitions, which would coincide with a use

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1 matrix to very easily identify where that business use
 2 would fall in line with different zoning districts.
 3 Again, we hear from the public that there's
 4 certain uses that really want to be moved forward and
 5 try to be implemented if at all possible. So we think
 6 that by calling out individual uses, we'll be able to
 7 identify the uses that the City really wants to focus
 8 on.
 9 We may be able to create additional
 10 incentives based on those definitions and try to
 11 attract business owners and entrepreneurs that want to
 12 sell fresh produce, maybe generate a sit-down style
 13 restaurant, just family entertainment in general.
 14 These are the reoccurring things that I think City
 15 staff hears from the general public, and it's something
 16 that the City's really looking to fill that gap.
 17 The other thing that having individual
 18 definitions will allow to happen or allow to occur is
 19 that specific restrictions may be placed on individual
 20 uses. So as I mentioned earlier, if you're trying to
 21 promote a certain use or prohibit another use, having
 22 that bulk definition makes it almost impossible to do.
 23 And the most broad areas that allow for
 24 commercial uses would, of course, be Blue Heron
 25 Boulevard, U.S. 1, Military and some other locations

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1 throughout the city, but those are really the principal
 2 roadways that support retail uses currently.
 3 So with individual definitions, staff also
 4 wants to look at other requirements perhaps. So we may
 5 be able to go and look back at certain CPTED design
 6 strategies, which is Crime Prevention through
 7 Environmental Design. One working example could be if
 8 you want to have a bank in a prominent location,
 9 perhaps having an exception to the landscape buffer to
 10 ensure that there's visibility into the bank teller
 11 corridor just for a public safety perspective.
 12 Again, you can create separation or buffer
 13 requirements from very different uses or from identical
 14 uses. You could perhaps limit the total number of
 15 business licenses issued for that type of use and even
 16 look at potential hours of operation for uses.
 17 Currently we have an extended hours permit
 18 that is not utilized by any business in the city
 19 currently. It's actually just for alcohol sales, and
 20 that's for sales after two in the morning. That has
 21 not been used for a few years now. But perhaps if you
 22 had individual definitions for uses, you could look at
 23 specific hours of operation as well.
 24 Along with that review, certain uses that are
 25 more dense or intense, creating more impacts for the

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1 community often require a special exception approval.
 2 Our current approval process for a special exception
 3 requires that the Planning and Zoning Board, staff,
 4 City Council review certain elements associated with
 5 the proposal.
 6 So currently there are approximately eight
 7 items that need to be reviewed, and a finding should
 8 occur on each of these items for a special exception.
 9 That's typically broken down in the staff report,
 10 identifying whether or not the proposal meets these
 11 specific sections or if it's deficient.
 12 So this has been in effect since 1982. It
 13 hasn't been modified since that time. So perhaps since
 14 we're looking at the individual definitions, that now
 15 is also a good time to look at the special exception
 16 requirements to see if they're adequate to our City's
 17 current needs, being that, again, this ordinance hasn't
 18 been looked at for 30 years.
 19 So I'm here to answer any questions the Board
 20 may have.
 21 CHAIR JAMES: Okay, we'll start with
 22 Mr. Brown.
 23 MR. BROWN: No questions.
 24 CHAIR JAMES: Mr. Gustafson.
 25 MR. GUSTAFSON: No questions.

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1 CHAIR JAMES: Mr. Gallon.
 2 MR. GALLON: No question.
 3 CHAIR JAMES: Mr. McCoy.
 4 VICE CHAIR McCOY: Thank you, Madam Chair.
 5 Mr. Gagnon, if you can go back a couple
 6 slides for me --
 7 MR. GAGNON: Sure.
 8 VICE CHAIR McCOY: -- I did see something
 9 that caught my attention. Go further. Actually, go
 10 back one. Yes, okay.
 11 So in creating the individual definition for
 12 retail uses, you know, just like, you know, society,
 13 everything is always evolving and there are always --
 14 there's always going to be something new or trending or
 15 some, you know, new business idea that's going to come
 16 about.
 17 And I'm not sure if there's something that --
 18 you know, God knows nobody thought about Uber or Uber
 19 Eats or any of that kind of stuff ten years ago. But
 20 you know, there may possibly come a use into the City
 21 that may potentially be excluded by way of creating
 22 these definitions, when in actuality, it doesn't lend
 23 to the same risk or some of the other factors on why we
 24 want to regulate it.
 25 You know, and I think certainly I want to be

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1 able to have some regulations in place, but I don't
 2 want it to be so restrictive that we just completely
 3 wipe out any possibility of an idea of something that
 4 may be innovative or something new, emerging technology
 5 or something like that.
 6 You know, my concern -- and it's not really a
 7 concern -- is I'm just curious, is there a process that
 8 we could potentially put in place to have an applicant
 9 or someone that has a business to come in, similar to
 10 how the Zoning Board of Adjustment, to see if there is
 11 any variance is needed for something in the code so
 12 that they can have an additional review?
 13 Because I can see like, you know, certainly I
 14 see a lot of different businesses that come into the
 15 City, some of which, you know, I never even thought of
 16 the idea -- well, not necessarily into our City, but
 17 you know, there's some new, emerging things that come
 18 about. I mean there's obviously -- I think 15 years
 19 ago nobody thought about, you know, these internet
 20 cafes or -- not internet cafes, but just, you know,
 21 like social places where people can go, you know,
 22 similar to a Starbucks or something like that.
 23 But shouldn't there, or is it prudent that we
 24 have some sort of process in place that doesn't
 25 completely close the door on someone? You know, we

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1 have a set of regulations, but if there's something
 2 that doesn't exactly -- isn't exactly captured or
 3 defined in that definition, then we can at least, you
 4 know, continue the conversation and don't close the
 5 door, be it through -- you know, and nothing to staff,
 6 but be it through some sort of review process or
 7 similar to a special exception process? But I want to
 8 not close the door on everybody every single time if
 9 they don't, you know, exactly meet the definition of
 10 what we have laid out already.
 11 MR. GAGNON: Right. I definitely hear you
 12 loud and clear. I think I have a few different
 13 responses.
 14 So there was one item that had recently come
 15 before the Planning and Zoning Board, and that was our
 16 proposed policy and procedure manual. And what that
 17 does is it allows staff to create an in between
 18 guideline if there is a unique proposal or if there's
 19 something that's just not considered by the code
 20 whatsoever, so that way it at least allows an
 21 opportunity for the applicant to have an answer in
 22 between the initial application and City Council
 23 generating regulations associated with that use.
 24 That would be for something that's brand new.
 25 Being that technology is constantly evolving and

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1 there's going to be new uses, new businesses,
 2 oftentimes these code sections will have a savings
 3 clause, so to speak, where if there's a very similar
 4 use that's also identified, then it gives staff enough
 5 discretion to categorize that new use with that other
 6 similar use. So it may not have to be described
 7 exactly as proposed, but if it's very similar, then it
 8 gives staff that leeway administratively in order to
 9 categorize it with a very similar use. So that's
 10 another option.
 11 And I think the capstone of all of this is in
 12 order for our codes to remain as current as they need
 13 to be, it needs to be a constant process where we're
 14 looking at our code structures, and unless something is
 15 working very well, then having code sections that are
 16 over 30 years old, there probably needs to be a
 17 revision, there probably needs to be something that
 18 needs updating, because, again, technology is updated,
 19 expectations have been updated. Just things as you
 20 mention, just the internet in general that wasn't
 21 around not that long ago, it's not even contemplated in
 22 these codes because it couldn't have been.
 23 So I think it's a three tiered approach that
 24 gives us some flexibility to deal with new and unique
 25 business ideas that we often want to promote.

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1 VICE CHAIR McCOY: Okay, thank you.
 2 CHAIR JAMES: Okay, good answer; good
 3 question. I don't have any further discussion on that
 4 workshop item, so we'll move on to the next item.
 5 MR. GAGNON: Okay, the final workshop item is
 6 letter A, which is a discussion of draft code
 7 amendments associated with architectural standards,
 8 landscaping and use regulations for parcels adjacent to
 9 Blue Heron Boulevard, Broadway, which is also known as
 10 U.S. 1, and other principal arterial roadways
 11 throughout the city.
 12 So we did discuss a very similar item a few
 13 months ago now, and again, staff is hoping to kind of
 14 tie up loose ends associated with our previous
 15 discussion and identify certain items that staff wants
 16 to move forward with and ensure that the Planning and
 17 Zoning Board is also on the same page as staff.
 18 We currently have a principal arterial
 19 commercial design standard overlay. And what that does
 20 is it provides specific instructions for new
 21 developments that are being proposed along, again, our
 22 major roadways. So that's Blue Heron, President Barack
 23 Obama Highway, U.S. 1, Congress, Military, 13th Street.
 24 And those are most of the major -- Australian, I
 25 believe, as well, if I didn't mention that.

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1 So what we want to do is strengthen those
 2 requirements, because again, that code section had not
 3 been amended in many years. I believe it was
 4 originally implemented in the mid nineties. But I
 5 think that the community is looking for additional
 6 things and that we have additional standards we want to
 7 see met in addition to some, I guess, housekeeping type
 8 of things as far as fixing any corrections or outdated
 9 sections of the text that staff also would like to do
 10 concurrently.

11 So as previously mentioned, currently in that
 12 text Old Dixie Highway is referenced, while the current
 13 name of the roadway is President Barack Obama Highway,
 14 so that would be updated.

15 We would call out the fact that our existing
 16 downtown zoning districts are excluded from that
 17 overlay, being that there are form based requirements
 18 associated with those downtown districts, so there
 19 already are different design standards in place.

20 We want to call out specifically that there
 21 is an identified variance process, so we want to make
 22 sure that it's in that code section versus referencing
 23 another code section.

24 We also want to really clarify the fact that
 25 we want to have certain architectural features that are

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1 fronting the roadways. So there is a current
 2 requirement that talks to a minimum percentage of
 3 windows or glass facing those roadways, so we want to
 4 make sure that that glass is maintained in a clear and
 5 transparent state, so that way, you can see into the
 6 building, you can see into whichever uses are
 7 functioning, which kind of helps tie individuals that
 8 are on the sidewalk or driving by with that business
 9 use itself.

10 We want to look at existing landscape buffer
 11 and plant material requirements, being that existing
 12 requirements are not specifically called out.

13 We really want to identify that it's
 14 important to call out bus stop or bus shelter
 15 requirements. It may not be applicable to every site,
 16 but if there's an existing bus stop, to ensure that a
 17 new site plan accommodates that stop and may also
 18 accommodate a future shelter.

19 We want to reference signing requirements,
 20 architectural standards for fencing. For signage we
 21 want to allow for additional signage, if appropriate,
 22 so we want to be able to provide businesses with
 23 additional opportunities to advertise current
 24 businesses on site.

25 And finally, we really would like to

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1 incorporate more diagrams and illustrations within our
 2 code sections, because it makes it oftentimes much more
 3 easy to explain what expectations are. Myself, I'm a
 4 more visual person, so if I can see it, I can learn it
 5 much quicker than just trying to read through line
 6 after line after line of text. So whenever we can
 7 incorporate diagrams or illustrations, that's what we'd
 8 also like to start to do.

9 So at this point, I can answer any questions
 10 you may have.

11 VICE CHAIR McCOY: Madam Chair.

12 CHAIR JAMES: Go ahead.

13 VICE CHAIR McCOY: Mr. Gagnon, will staff be
 14 responsible for doing this all internally, or is there
 15 an outside firm or possibly a planning agency that's
 16 going to be involved in this?

17 MR. GAGNON: It's only internal staff at this
 18 time. We don't anticipate working with a consultant.

19 VICE CHAIR McCOY: Okay. Do you have a
 20 timeframe on this, within a year?

21 MR. GAGNON: I would like to bring an
 22 ordinance before the Board in two weeks, and if it
 23 pleases the Board, it can move forward. It's not a
 24 defined timeframe, but if the ordinance meets the
 25 Board's specifications, then it can go on to City

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1 Council following that. So what I'll do is I'll
 2 properly advertise the ordinance prior to the next
 3 meeting two weeks from now, so if it's ready to move
 4 forward, it can.

5 VICE CHAIR McCOY: Okay. Okay, that's it,
 6 Madam Chair.

7 CHAIR JAMES: I have a quick question. I
 8 know this says principal arterial commercial design
 9 standards. Is that going to include any street
 10 lighting? How can we incorporate street lighting to
 11 make sure on all these roads, because they are, you
 12 know, our front roads of our city, that they're always
 13 lighted?

14 MR. GAGNON: This, the current section does
 15 refer to lighting, but it's really on the private side.
 16 It's not necessarily in the right-of-way itself. So if
 17 we were to come up with -- and I think I'm
 18 understanding your question, but having design
 19 standards associated with our street lighting, is that
 20 really where you're thinking as far as the process?

21 CHAIR JAMES: Well, I just want to make sure
 22 that they're always working, because for a couple of
 23 months -- and this may have been after our last storm,
 24 but like all of the lighting on Blue Heron was out --

25 MR. GAGNON: Yes.

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1 CHAIR JAMES: -- and it was very dark. And
 2 there's portions right past Australian and Blue Heron
 3 now that are out.
 4 MR. GAGNON: Okay.
 5 CHAIR JAMES: So how can we -- I mean if
 6 we're trying to say we want to keep standards for these
 7 roadways, then to me, that includes lighting.
 8 MR. GAGNON: No, absolutely. Currently if
 9 the lighting is street lighting in any of our roadways,
 10 we work with FPL to ensure that the lighting is
 11 working. If there's ever a street section or
 12 individual light that's out, then you can definitely
 13 provide that to any City staff, myself, and we can
 14 coordinate that with FPL.
 15 I do remember that following Irma, there was
 16 a lot of damage throughout the state, and they had
 17 limited crews. And they were trying to prioritize what
 18 was the most urgent need versus the, I guess, the least
 19 important on the scale of urgency.
 20 CHAIR JAMES: Right.
 21 MR. GAGNON: And unfortunately, in many
 22 cases, a lot of streetlights were kind of placed last
 23 in line. So being that there were so many power lines
 24 down, and you know, people were without
 25 air-conditioning or heated water and things like that,

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1 those were prioritized at that time.
 2 CHAIR JAMES: Okay, well, I would like to
 3 report a section right now. Like I said, it's on Blue
 4 Heron between Australian and Avenue O.
 5 MR. GAGNON: Got it.
 6 CHAIR JAMES: Thank you.
 7 MR. GAGNON: You're welcome.
 8 CHAIR JAMES: Mr. Brown, do you have any
 9 questions, comments?
 10 MR. BROWN: No comments, Madam Chair.
 11 CHAIR JAMES: Mr. Gustafson.
 12 MR. GUSTAFSON: Madam Chair, one question.
 13 CHAIR JAMES: Go ahead.
 14 MR. GUSTAFSON: Jeff, are you using any local
 15 municipalities as models for this?
 16 MR. GAGNON: We are looking at adjacent
 17 municipalities as far as what design standards they
 18 have. Actually, it's in line with the conversation,
 19 but there was a conversation I was having with a staff
 20 member previously, and we were talking about the
 21 similarities or differences between some of the Florida
 22 Building Code sections and planning sections. And what
 23 really came to mind was that the State Building Code is
 24 very uniform, and it's to be followed identically
 25 throughout the state, while these individual kind of

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1 planning codes are unique in each municipality.
 2 So we are definitely looking at what other
 3 municipalities are requiring, and we're trying to draw
 4 from that when we see fit. But unfortunately, there's
 5 not necessarily a template as far as that design
 6 standard that we found anywhere else that would really
 7 seem to work as a plug and play type of option.
 8 MR. GUSTAFSON: No more questions.
 9 CHAIR JAMES: Okay, Mr. Gallon.
 10 MR. GALLON: Yes, I have one question about
 11 the bus stop and shelter requirement. Are we working,
 12 or I should say is staff working with the County as far
 13 as the bus shelters, because I notice that there's a
 14 lot of bus stops here in Riviera Beach, but very
 15 limited shelters.
 16 MR. GAGNON: Yes, so we work directly with
 17 Palm Tran, who's the County agency that provides bus
 18 transportation. We're trying to really improve our
 19 relationship and communication with Palm Tran.
 20 Historically, we've tried to get more either bus
 21 benches or bus shelters. And there's certain
 22 thresholds that they utilize to determine whether or
 23 not a certain stop kind of mandates either a bench or a
 24 shelter. So there's a certain amount of trips per day
 25 that they look at.

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1 So the real intent of putting this here is to
 2 make it known that the City is trying to prioritize
 3 benches and shelters specifically along these major
 4 corridors, because it seems as if developments are
 5 moving forward, and it's not an afterthought, but it's
 6 not necessarily brought to the forefront very early on.
 7 So we really want to make sure that if you
 8 are a new developer looking at the City, it's something
 9 that's on an initial punch list, it's discussed at a
 10 pre-application meeting, so that way, it's discussed
 11 very early on and it's not something that it's, you
 12 know, tacked on once you're already into the process.
 13 MR. GALLON: Okay, thank you.
 14 CHAIR JAMES: Mr. McCoy.
 15 VICE CHAIR McCOY: Thank you, Madam Chair.
 16 Mr. Gagnon, I have a concern, or maybe if you
 17 can explain it a little further, but to clarify minimum
 18 percentage of building frontage comprised of glass.
 19 What exactly does that mean?
 20 MR. GAGNON: So currently within the code
 21 section, the building frontage, which is just the side
 22 of the building facing the main roadway, there's a
 23 certain percent that is mandated to be glass. So what
 24 that is saying is if you have a doorway, it needs to be
 25 glass or transparent. It could be another material

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1 perhaps.
 2 But what's really being asked is to ensure
 3 that there's visibility into the building, so that way
 4 there's either windows that can be designed in a way to
 5 cover that certain percentage of the building frontage
 6 so that way you can see clearly into the building and
 7 vice versa, which creates a better connection between
 8 the street space and the business itself.
 9 VICE CHAIR McCOY: Okay. And it kind of says
 10 two things to me based off of what you just explained.
 11 So is the intent to require a certain percentage of the
 12 frontage to be glass, or is the intent for someone on
 13 the outside to be able to see through one of these
 14 businesses? I think that's two different things, and I
 15 want to make sure I understand, or is it a combination
 16 of both?
 17 MR. GAGNON: I think it's both. And I think
 18 the difficulty right now is the way that it's currently
 19 written, it just asks for glass. So it doesn't
 20 specifically state you can't have -- you can't meet
 21 your percentage for glass, but then put advertisements
 22 all over it, right? So we want to make sure that the
 23 glass is there so it's not just a brick wall, so to
 24 speak, in between the streetscape and the business
 25 itself.

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1 And also, we want to ensure that the way the
 2 code is being interpreted is we're not only asking for
 3 glass for visibility into the site, but it's also
 4 supposed to be maintained, so that way, it's not just
 5 plastered with advertisements that we're seeing pretty
 6 frequently.
 7 VICE CHAIR McCOY: Okay, so, and that was
 8 right along the lines of where I was going. So my
 9 first question is can you -- can we regulate from a
 10 perspective of land use whether or not a business
 11 chooses to restrict visibility into their business?
 12 MR. GAGNON: I don't see why not.
 13 CHAIR JAMES: Our city.
 14 MR. GAGNON: Well, and what I'll say is --
 15 VICE CHAIR McCOY: Let me clarify.
 16 MR. GAGNON: Sure.
 17 VICE CHAIR McCOY: So if there is a
 18 restaurant that is on one of the main arterial roads, I
 19 guess what you're saying is we can regulate and make
 20 sure that they allow us to view into the building from
 21 being able to pass outside, be it on foot or in a
 22 vehicle?
 23 MR. GAGNON: Right. So, and there's --
 24 VICE CHAIR McCOY: Because this is a slippery
 25 slope. I mean I guess we're going to tell them they

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1 can't put up black curtains on the inside or something
 2 like that, you know. So I'm trying to understand to
 3 what extent does this go.
 4 MR. GAGNON: It's something where, I guess
 5 it's a planning theory that is trying to create
 6 connectivity. The existing code that's been in place
 7 for about 20 years, it's never been challenged.
 8 Judging from its format, it seems as if it was kind of
 9 a plug and play that I was talking about before from
 10 another municipality. So I think that it would survive
 11 any sort of legal challenge, so I think it's legally
 12 permissible.
 13 But I hear what you're saying as far as where
 14 does it stop, right? So we're talking about
 15 transparency through the glass, and then, okay, are we
 16 now going to say you can't have certain lighting inside
 17 and where does it really begin and end? And I think
 18 that by looking at it again, we can write it the way
 19 that we see fit as far as creating that line.
 20 So yes, we're asking for visibility into the
 21 building, but it can be done in a manner that, you
 22 know, if you had a business use that you maybe wanted
 23 to have shielded that's lower level, a lower level in
 24 the business, perhaps there's a section above that can
 25 be opened and allow for light to come through. So it

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1 doesn't necessarily have to be on the street level
 2 per se, but it's just requiring that visibility into
 3 the building.
 4 VICE CHAIR McCOY: Well, let me give you this
 5 example, and I understand what you're saying, and also
 6 a little bit for humor. I also double as a process
 7 server. An individual I was looking to locate at last
 8 known address was at an adult entertainment store
 9 inside of the City of Riviera Beach. And I thought I
 10 was lost, because this was in the warehouse district.
 11 And from the outside -- this is in the industrial
 12 district just off of the Gardens Road area right
 13 near --
 14 MR. GAGNON: Right north of --
 15 VICE CHAIR McCOY: -- Bargain Bob's, right
 16 next door to Bargain Bob's.
 17 MR. GAGNON: It might be in unincorporated
 18 Palm Beach County.
 19 VICE CHAIR McCOY: Oh, it's definitely
 20 Riviera Beach. In fact, I verified that they had an
 21 actual business tax receipt before I even went. And to
 22 my surprise, I never even knew it existed. And until
 23 you actually got up to the door, I had no idea what was
 24 going on in this place. So I'm sitting there thinking
 25 to myself this must have just came. And it has been

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1 there for years.
 2 So, you know, that's kind of like what I was
 3 thinking about. At what point does the regulations
 4 come in where -- and I'm not speaking of that location
 5 in particular, but that same concept. If there's a
 6 business that wants to operate low key and has some
 7 sort of, I guess, level of discreetness, can the City
 8 then tell them no, you can't put up these kind of --
 9 you can't put up these kind of verticals to restrict
 10 visibility in? And it kind of seems like it goes to
 11 the point of infringing.
 12 Now, I get the advertisement portion. But
 13 I've seen a lot of different frontages on buildings,
 14 and you know, it just seems like a lot. And I don't
 15 want to be so restrictive, because there's a lot of
 16 things going on out there now, especially these stores.
 17 You don't even know you're at a store, so much
 18 cigarettes and lottery and we accept EBT, you don't
 19 even know what you want to go in there and buy by the
 20 time you get in because there's so much stuff on the
 21 window, you know, Coors Light, all these little -- what
 22 do they call those little lights that -- those little
 23 LED lights in the window. So you name it. Neon
 24 lights.
 25 So, you know, I think there should be some

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1 sort of level, but you know, it comes a point, well,
 2 this is excessive, but this is the business model on
 3 how that business functions and operates.
 4 So that's just my opinion. I didn't -- I
 5 just wanted to put it out there. Okay, thank you.
 6 CHAIR JAMES: So I'm basically thinking it's
 7 going to be more like a style guide, or this is our
 8 preference, and if you're choosing to locate your
 9 business here on one of these arterial corridors, then
 10 this is our preference as a City.
 11 I also think I like the idea. It sounds like
 12 it may aid in safety, having some safety concerns if
 13 you can see into a facility. But the main thing is,
 14 you know, for me that I'm thinking, it's on the
 15 arterial roadways, like not, you know, back alley
 16 stuff. So on the arterial roads you want to be able to
 17 see into the building. So I like it.
 18 Did anyone else have a question?
 19 MR. GUSTAFSON: I do have one follow-up.
 20 CHAIR JAMES: Okay, go ahead.
 21 MR. GUSTAFSON: So if I understand this
 22 correctly, this does not limit to commercial warehouses
 23 or manufacturing facilities, does it?
 24 MR. GAGNON: So the way that the language is
 25 currently written, it pertains to commercial uses only.

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1 So we wanted to look and see whether or not it would be
 2 applicable to other zoning sections perhaps, so if you
 3 had, let's say, a limited industrial area on one of
 4 these roadways, whether or not some of these design
 5 features should still be implemented if there was a new
 6 development on one of those sites.
 7 MR. GUSTAFSON: Okay. I just wanted to make
 8 sure and clarify, because as the working waterfront is
 9 always growing and there's marine businesses and lumber
 10 yards and different material shops out there, sometimes
 11 they need to have warehouse spaces that are without
 12 windows, number one, for safety and security, and
 13 number two, it's easily accessible to have large open
 14 spaces to have manufacturing parts in there without
 15 glass or windows, and sometimes you've got to shut that
 16 down.
 17 MR. GAGNON: Very true.
 18 MR. GUSTAFSON: And then I do have one more
 19 question, and I do like the addition of diagrams and
 20 illustrations. I'm a visual person as well, and I
 21 think that's a great idea. But where are those
 22 diagrams and illustrations going to come from? Is
 23 there a specific book out there, or are we going to
 24 have an architect design this stuff or --
 25 MR. GAGNON: We'll test existing staff to see

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1 what we can get done in-house. I don't have a game
 2 plan set for that, but it's something that we
 3 definitely want to incorporate more of, so it's still
 4 open.
 5 MR. GUSTAFSON: Yes, I think it's a great
 6 idea. I just want to make sure that we get the proper
 7 diagrams and illustrations that are going to represent
 8 our City to come in the future.
 9 No more questions.
 10 CHAIR JAMES: Okay. On to item X, general
 11 discussion. So the first item is public comments. Did
 12 we have any public comment cards?
 13 MS. DAVIDSON: None.
 14 CHAIR JAMES: None. Okay, item B,
 15 correspondence.
 16 MR. GAGNON: No correspondence.
 17 CHAIR JAMES: Okay, so then we're on to
 18 Planning and Zoning Board comments. We'll start with
 19 Mr. Brown. Do you have any comments for the Board?
 20 MR. BROWN: No additional comments.
 21 CHAIR JAMES: Mr. Gustafson?
 22 MR. GUSTAFSON: No comments.
 23 CHAIR JAMES: Mr. Gallon?
 24 MR. GALLON: No comments, but I do have a
 25 question about the next meeting. If it's going to be

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1 in two weeks, you know, that's spring break, and I work
 2 for the School District. That's a break for me. So I
 3 will say I probably will not be to the meeting, you
 4 know, if we're going to have a meeting on that --
 5 during that week.
 6 MR. GAGNON: Okay. Yes, I'm anticipating
 7 having that meeting. Being that the items are going to
 8 just be workshop items, I should have the packet at
 9 least a week in advance for everybody, so if there's
 10 specific comments or if there's questions you have,
 11 just ideas you want to share with the Board, then you
 12 can just shoot me an e-mail, and I'll be sure to
 13 provide it.
 14 MR. GUSTAFSON: Okay, thanks.
 15 MR. GAGNON: You're welcome.
 16 CHAIR JAMES: Mr. McCoy.
 17 VICE CHAIR McCOY: Yes, Madam Chair, I have a
 18 few. It's only going to take about an hour for me to
 19 get through it.
 20 CHAIR JAMES: Three minutes.
 21 VICE CHAIR McCOY: Okay. So Mr. Gagnon, I
 22 was kind of curious, because I'm seeing some things
 23 going on at the County level and also at the School
 24 District level, and I wanted to ask some questions
 25 about, I guess, our role in the one cent sales surtax

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1 money, in the referendum money.
 2 First, I kind of overheard at the meeting,
 3 just watching it from home last night, that there is
 4 also going to be a discussion coming up Monday
 5 regarding Danny Calloway, and there's some improvements
 6 that's going on there, and I understand that's through
 7 some sort of State grant. I mean are we not going to
 8 be a part of this process when these things come about,
 9 when improvements happen to, you know, public property
 10 and City owned property and that sort of thing similar
 11 to how abandonments occur and it comes before the
 12 Planning and Zoning Board?
 13 You know, it was my impression and
 14 understanding that that would encompass us, being the
 15 planning arm of making advisory opinions. So that was
 16 my first concern, if we're going to be a part of the
 17 Danny Calloway.
 18 And then also, there's been discussions about
 19 the library. Clearly, this process should lend for
 20 advice from us just being a part of the meeting,
 21 because it's really not fair. This process is so
 22 totally unfair that we get off from our professional
 23 careers and leave our family to come and be a part of
 24 this process to vet out these items, because God knows,
 25 we're here probably, on average, about two hours at

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1 each meeting, and the only opportunity the public has
 2 to input is the three minutes that they are afforded to
 3 have public comments. You know, I just really wish
 4 that we have more of a role and we're taken a little
 5 more serious.
 6 Now, I don't know if this was true, but last
 7 night I also heard a public speaker say in the meeting
 8 that the abandonment of the street for Rybovich, the
 9 minutes for that meeting wasn't even provided, or the
 10 minutes from the last Planning and Zoning Board meeting
 11 wasn't even provided to City Council. Now, I don't
 12 even know if that's true, but that just defeats the
 13 mere purpose of the Planning and Zoning Board. I mean,
 14 and you know, I accept what you're saying as being
 15 true --
 16 MR. GAGNON: The item hasn't been heard by
 17 City Council, so I'm not sure what that speaker was
 18 referencing in regards to the abandonment.
 19 VICE CHAIR McCOY: Okay, because I heard it,
 20 and I said: Now, that just didn't even make sense.
 21 But you know, clearly --
 22 MR. GAGNON: There was also reference to not
 23 being able to access the Planning and Zoning Board
 24 packet, and that was --
 25 VICE CHAIR McCOY: Yes, yes. And I was

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1 thinking to myself that just is totally
 2 counterintuitive.
 3 But, you know, in the same spirit of how we
 4 arrived to putting this stuff in our language and our
 5 land use regulations, that somebody thought it was
 6 important to put in public participation.
 7 And if I can go back to the sales surtax,
 8 what I mean by that is this. You know, there was a
 9 huge campaign done by the County, as well as by the
 10 School District, and even some members from the Council
 11 about, you know, if you vote for this one cent sales
 12 tax, these are the dollars that's going to come into
 13 our community. And that was it. That was a large
 14 buy-in by everybody to vote for that. I think it
 15 overwhelmingly passed.
 16 But the point is what happens with that one
 17 cent? Nobody has said anything else. I understood
 18 there was going to be a committee that was formed, but
 19 still I was looking forward to those projects coming
 20 back before this Board so somebody can say that's that
 21 one cent that I voted for, that's my tax dollars at
 22 work.
 23 You know, we trust government to do exactly
 24 what that definition means, govern. But at least it's
 25 my hope, and I wanted to put this in writing to the

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1 City Manager, but you know, I'm really venting, so I'm
 2 not really asking for a response.
 3 But, you know, with so much going on, I don't
 4 really know if we have the people in the right
 5 position, but it just bothers me when I go to other
 6 places and I see so much going on with public
 7 involvement, and there's accountability about how their
 8 money is being spent, but you know, right here in our
 9 own City it's kind of tough to even get a response back
 10 from different departments.
 11 You know, and that leads to my next point.
 12 You know, I take joy in coming to these meetings. I
 13 think I can probably count on one hand the meetings
 14 I've been absent. You know, and it's with pride that
 15 when I travel throughout the community, I see things
 16 that are really concerning to me, I've called Code
 17 Enforcement a number of times on some stuff that I just
 18 think is not only a violation of code, it's outright
 19 dangerous. It almost should be criminal, some of the
 20 stuff that I see throughout the community.
 21 But you know, being in our role as Planning
 22 and Zoning Board members, there should be another
 23 medium that we'd be able to address our concerns
 24 without having to go through the whole bureaucracy of
 25 calling a number.

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1 You know, I would hope that we can come and
 2 say, hey, this is an issue, and speak to someone, you
 3 know, maybe yourself or someone in the administrative
 4 level and have this item brought before the Board,
 5 because a part of our role is to eliminate blight. And
 6 I think we all would agree the majority of the blight
 7 is not just from the development stage in Riviera
 8 Beach, but from a lot of the Code Enforcement issues.
 9 And you know, I'm seeing it every day.
 10 Somebody has a video that's going on online
 11 of all these dilapidated homes. And you know, I don't
 12 know if this is true, but it's been said that over a
 13 hundred and some of those homes, over a hundred are
 14 owned by the City. And I'm sitting there thinking that
 15 that possibly can't make sense.
 16 So it's like how, as a member who really
 17 wants to see the good come out of the community can get
 18 involved and have some of these issues addressed,
 19 because it just seems like, you know, there's
 20 bureaucracy on every single corner that we turn. And I
 21 want to see if we can really live out the real purpose
 22 and spirit of why we were appointed to this Board.
 23 I don't need a response, Jeff. I'm just kind
 24 of giving you something to think about.
 25 And lastly, I've heard through the grapevine,

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1 is there an application or something pending for the
 2 old Winn-Dixie over on Broadway or something, or a use
 3 that may have kind of inquired or submitted something?
 4 MR. GAGNON: Not that I'm aware of. The only
 5 thing that I am aware of is at one point in time there
 6 was a fence towards the rear of that site, and I think
 7 during the storm -- it could have been Irma or around
 8 that time -- the fence was damaged and removed. The
 9 fence was required as part of their site plan, so we're
 10 working to have them reinstall the fence, being that it
 11 was a buffer between the residences --
 12 VICE CHAIR McCOY: Sure.
 13 MR. GAGNON: -- to the east and their kind of
 14 back of the house, so to speak. But that's the only
 15 thing I'm aware of.
 16 VICE CHAIR McCOY: Okay. All right, thank
 17 you. I wanted to put that out there because I kind of
 18 just kind of noticed those things coming about.
 19 So thank you, Madam Chair.
 20 Thank you, Mr. Gagnon.
 21 CHAIR JAMES: Okay. Are there any project
 22 updates or upcoming projects?
 23 MR. GAGNON: I do anticipate bringing each
 24 one of the items that we workshopped tonight back to
 25 the Planning and Zoning Board on March 22nd, and that's

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1 the only update I have right now.
 2 CHAIR JAMES: Okay. And so the next meeting
 3 will be March 22nd and then April 12th.
 4 MR. GAGNON: Yes, ma'am.
 5 CHAIR JAMES: Okay. Is there a motion to
 6 adjourn?
 7 VICE CHAIR McCOY: Move to adjourn.
 8 MR. GALLON: Second.
 9 CHAIR JAMES: Adjourned.
 10 MR. GAGNON: Thank you.
 11 (Whereupon, at 7:40 p.m., the proceedings
 12 were concluded.)
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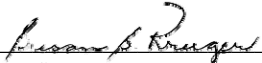

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CERTIFICATE

THE STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of March, 2018.


Susan S. Kruger 



**CITY OF RIVIERA BEACH, STAFF REPORT
MEDICAL MARIJUANA LAND DEVELOPMENT REGULATIONS
MARCH 22, 2018**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS"; AND AMENDING ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS"; IN ORDER TO ADD DEFINITIONS FOR AND ASSOCIATED WITH MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA TREATMENT CENTER-DISPENSING FACILITIES; AND TO PROHIBIT MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA TREATMENT CENTER-DISPENSING FACILITIES WITHIN ALL ZONING DISTRICTS AND WITHIN THE CITY'S JURISDICTIONAL BOUNDARIES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A. Applicants: City initiated process.

B. Request: To amend sections of the City's Land Development Regulations, Chapter 31, Article 1, Sec. 31-1 and Article VI. The proposed amendment will add *Medical Marijuana Treatment Center* and *Medical Marijuana Treatment Center – Dispensing Facility* to the list of prohibited uses and will add definitions for "Marijuana" and "Medical Marijuana Treatment Center and/or Medical Marijuana Treatment Center – Dispensing Facility." Staff is recommending approval of the Ordinance.

C. Location: Citywide impact as this Ordinance would impact all Zoning Districts.

D. Property Description and Uses: Not Applicable

E. Adjacent Property Description and Uses: Not Applicable

F. Background:

In 2014, FS 381.986 (the Compassionate Medical Cannabis Act of 2014) was passed legalizing strains of a low tetrahydrocannabinol (THC) and high cannabidiol (CBD) form of cannabis (low-THC cannabis) for medical use by patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms. The Florida Department of Health (DOH) therefore was responsible for the implementation of the Act and sought to establish rules for Dispensing Organizations. The Dispensing Organizations and their owners, managers, and employees were not subject to licensure and regulation under Chapter 465, FS, relating to pharmacies (Florida Senate Staff Analysis Senate Bill 8-A). Florida Statute 381.986 gave local jurisdictions the authority to regulate the number, location and permitting requirements for dispensaries.

In November 2016, Constitutional Amendment 2 was passed into law and established Article X, Section 29 of the State Constitution. This section of the constitution became effective on January 3, 2017 allowing for the use of Medical Marijuana for debilitating conditions.

On December 20, 2016, the City Council adopted the Medical Marijuana Moratorium (Ord. 4090) that established sun setting provisions upon one-year of effective date or adoption of Code amendments. The one-year moratorium would provide staff the time to research dispensing facilities, how other jurisdictions were regulating, and prepare for implementing language adopted by the state legislature or rule-making procedures prepared by the Department of Health.

On June 6, 2017 a Legislative Special Session was convened to address pending bills which did include the Medical Marijuana topic. An implementing bill was ultimately passed by the Legislature, amending FS 381.986.

On December 20, 2017, the City Council extended the Medical Marijuana Moratorium (Ord. 4105) for an additional six months, to allow staff to finalize the Code language to address the latest amendments to the Florida Statutes.

G. Staff Analysis:

Prior to the 2017 Legislative Session, Staff conducted research of jurisdictions within Florida that had proposed or adopted regulations for medical marijuana which included, but was not limited to, Orlando, Boynton, Lake Worth, Palm Beach County, Palm Beach Gardens, Royal Palm Beach, and Wellington. Based on staff's initial review of the abovementioned jurisdictions, the following types of regulations were being considered:

- Appropriate Zoning Designation and Review Process,
- Location and Separation Requirements,
- Limitations on the Number of Permits Issued,
- Hours of Operation and Safety Measures.

As indicated above, FS 381.986 was amended during the Legislative Special Session. Changes related to local government authority included:

- Authority to jurisdictions to ban dispensaries;
- Prohibits jurisdictions from limiting the number of dispensaries;
- Requires cultivating or processing facilities to be located 500 feet from schools;
- Requires dispensing facilities to be located 500 feet from schools;
- Prohibits jurisdictions from treating dispensaries differently than pharmacies; and,
- Dispensaries must meet Building Code and Fire Code requirements.

The Riviera Beach Police Department has expressed concern that the current medical marijuana law preempts local regulatory authority and decreases the role in which local law enforcement will have on the inspection of medical marijuana treatment centers, and will have a negative impact on crime and the integrity of local neighborhoods.

H. Recommendation: Staff recommends approval of the proposed Ordinance.

SECTION #. Chapter 31, Article 1, Section 31-1. Definitions, is hereby amended to include new definitions in alphabetical order, as follows:

* * *

"*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 section 381.986, F.S.

"*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 section 381.986, F.S.

"*Medical cannabis*" has the same meaning provided at section 381.986(1)(f), "*Marijuana*", Florida Statutes.

"*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 Florida 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 Florida 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 Florida 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 Florida 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.

* * *

SECTION #. Chapter 31, Article VI, Supplemental District Regulations, is hereby amended to add a new Section as follows:

Section 31-559. – Medical Marijuana

Medical marijuana treatment centers and/or medical marijuana treatment center dispensing facilities are strictly and specifically prohibited within all City zoning districts and within the jurisdictional boundaries of the City.



**CITY OF RIVIERA BEACH, STAFF REPORT
PRINCIPAL ARTERIAL DESIGN STANDARDS OVERLAY
MARCH 22, 2018**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 31-551, "PRINCIPAL ARTERIAL COMMERCIAL DESIGN STANDARDS OVERLAY", TO AMEND EXISTING OBJECTIVES, APPLICABILITY AND OVERLAY DISTRICT DELINEATION, AND TO ENACT NEW REGULATIONS FOR THE APPEARANCE OF BUILDINGS, STRUCTURES, LANDSCAPE DESIGN, BUFFER STANDARDS, AND SIGNAGE; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A. Applicant: City initiated process.

B. Request: To amend the City's existing Principal Arterial Commercial Design Standards Overlay in order to revise current objectives and applicability, while strengthening existing architectural standards, improving signage options and also adding additional landscaping requirements.

C. Location: The delineation of the district is proposed to impact real property adjacent to any of the following roadways:

- (1) Dr. Martin Luther King Jr. Boulevard.
- (2) President Barack Obama Highway.
- (3) Blue Heron Boulevard.
- (4) Broadway (U.S. Highway No. 1).
- (5) 13th Street.
- (6) Military Trail.
- (7) Congress Avenue.
- (8) Australian Avenue.

D. Background and Staff Analysis: The City's Principal Arterial Commercial Design Standards Overlay District was originally approved by Ordinance No. 2833 in 1999. Since that time, discussions at various public meetings have indicated that additional development guidelines for building construction along the City's most prominent roadways should be considered. The City Council enacted a moratorium for development along Blue Heron Boulevard and US1 (Broadway) in order to provide additional time to review existing development criteria (Ordinance No. 4091). City staff members believe that the recommended ordinance amendments will help to satisfy the desires of the community and City Council.

E. Recommendation: City staff recommends approval of the proposed ordinance.

Proposed additions are underlined and proposed deletions are shown in ~~strike through~~ format:

Sec. 31-551. - Principal arterial ~~commercial~~ design standards overlay.

(a) *Objectives of this section.*

- (1) The following standards are established for ~~commercial~~ development along principal arterial roadways, excluding all areas having a Downtown zoning district designation, to ensure that such uses are compatible with other uses permitted in the same district and to protect the public health, safety and welfare of the community.
- (2) The purpose of these standards is to promote designs that are architecturally compatible with the surrounding area and the design goals of the city.
- (3) These standards are designed to promote development and redevelopment where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible architectural elements. Such elements shall relate the design characteristics of an individual building or project to the other existing and planned structures in a harmonious manner, resulting in a coherent overall development and redevelopment pattern and streetscape.
- (4) The standards used in this section are intended to discourage development types that bear little relation to the planned redevelopment pattern of Riviera Beach.

(b) *Delineation of the overlay district.* The Riviera Beach Principal Arterial Overlay District shall be superimposed on all ~~commercial-zoned~~ properties fronting on any of the following roads in the city:

- (1) Dr. Martin Luther King Jr. Boulevard.
- (2) ~~Old Dixie Highway.~~ President Barack Obama Highway.
- (3) Blue Heron Boulevard.
- (4) Broadway (U.S. Highway No. 1).
- (5) 13th Street.
- (6) Military Trail.
- (7) Congress Avenue.
- (8) Australian Avenue.

(c) *Applicability.* This section shall apply to all new ~~commercial~~ developments, and to additions or renovations valued in excess of 50% of ~~assessed~~ improvement value of building within any ~~42~~24-month period, and for signs or signage changes in excess of \$500.00, as determined by the city's director of development services ~~community development~~.

(d) ~~Exceptions~~Variances. ~~The city council may approve exceptions to these regulations as conditions of a site plan approval.~~ The Development Special Magistrate may grant variances to these provisions according to the City's established variance process, as provided in Code Sec. 31-42, as amended from time to time.

(e) *Appearance.*

- (1) All structures on the same parcel of land or in the same development shall have ~~one~~ a unified architectural theme. Color building elevations identifying said architectural theme shall be

required to be submitted to the City for all applicable new developments, renovations, or additions.

- (2) Building walls exposed to public view shall be designed through the use of a coherent and clear architectural design consistent with the character of the building. Building designs should incorporate architectural details and natural lighting.
 - (3) Buildings facing a public street or interior courtyard space shall be architecturally emphasized through entrance treatments and building details. Buildings with more than one facade facing a public street shall provide architectural treatment on each such facade.
 - (4) ~~Roofs shall give the appearance of having a pitch of 6/12 with overhangs. The roofing~~ Roofing shall be incombustible material such as shingles, clay or cement tiles, or metal.
 - (5) Roof and exterior wall surfaces, with the exception of glass, shall be nonreflective. Reflective or mirrored glazing at ground level, visible from the sidewalk, is prohibited.
 - (6) The rear and side of buildings shall be finished with material that in texture and color resembles the front of the building.
 - (7) Glass windows and doors must make-up a minimum of 20% of the primary elevation and a minimum of 10% of the secondary elevation. The primary elevation is defined as facing the abutting arterial road. The secondary elevation is defined as facing a perpendicular side road. Faux windows do not count towards the above mentioned required percentages.
 - (8) The coloration of all building walls shall be with a maximum of three colors, exclusive of the roof color. The primary use of "earth tone" and ~~pastel colors~~ neutral color palettes shall be ~~encouraged~~ required. Semi-transparent stains are recommended for application on natural wood.
 - (9) Canopies over vehicular use areas shall have a maximum clearance of up to 14 feet above grade and shall be consistent with the main building design. The canopy columns shall be architecturally finished to match the building.
 - (10) Work area or storage doors and open bays shall not open toward or otherwise be visible from any of the designated principal roads.
 - (11) Heating, ventilation, air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from public view or located so that such items are not visible from a designated arterial, adjacent residential properties or intersecting street.
 - (12) No temporary structures shall be permitted, except those used in conjunction with and during construction. Office-type mobile units when used as temporary facilities shall be screened from view from a designated arterial and equipped with rigid skirting on all sides. Any towing gear shall be removed, and if not removable, shall be screened from a designated arterial.
- (f) *Landscaping, walls and fencing.* Commercial Development must comply with the landscaping requirements in article VIII of chapter 31 in the Riviera Beach Land Development Code as well as the items specified below:
- ~~(1) The use of planters shall be encouraged in the overall landscape design.~~
 - ~~(2) A tiered effect is required when multiple hedges are utilized.~~
 - ~~(3)~~ (1) Landscaped areas shall be surrounded with a six-inch raised curb.
 - (2) Perimeter Buffer Landscape Requirements
Landscape buffers shall be installed and maintained in accordance with the following standards.
- a) Right of Way (R-O-W) Buffer
R-O-W buffers shall be provided along all street R-O-W.

1. Width: The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the width of the street, as indicated in Table 31-551.f.2.a Width of R-O-W Buffer.

Table 31-551.f.2.a – Width of R-O-W Buffer (Feet)

Width of R-O-W (Feet)	Minimum Width of Buffer (Feet)
Greater than 75 feet	15 feet
0 feet to 75 feet	10 feet

2. Shrub Hierarchy

R-O-W buffers shall include each of the shrub types listed in Table 31-551.f.2.b, Shrub Planting Requirements.

Table 31-551.f.2.b – Shrub Planting Requirements

Shrub Type	Minimum Height at Installation (Size)	Minimum Number of Shrubs Per Linear Foot of Buffer Length	Maximum Spacing at Installation	Maximum Maintained Height
Ground Cover	6 inches	2 per 1 linear foot	6 Inches	N/A
Small Shrubs	18 inches	1 per 2 linear feet	24 inches	36 inches
Medium Shrubs	24 inches	1 per 4 linear feet	48 inches	48 inches
Large Shrubs	36 inches	1 per 4 linear feet	48 inches	N/A

Notes

1. Maximum maintained height is established to maintain the hierarchical visual effect for Perimeter R-O-W buffer.

3. Planting Pattern for a Perimeter R-O-W Buffer

One hundred percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height, and composed of the shrub types listed in Table 31-551.f.2.b, Shrub Planting Requirements. The area of the buffer not planted with trees and shrubs shall be landscaped with ground treatment according to Florida friendly landscape provisions.

4. Minimum Tree Quantities: R-O-W Buffers shall contain one shade tree per 20 linear feet.

5. Area Measurement: The width of access ways and drive aisles that traverse required perimeter landscape buffers shall be included in the calculation of linear dimension and count towards required plant quantities.

6. Buffer Width Reduction: The required buffer width may be reduced due to site constraints as determined by the development services director. The required quantity of shrubs may be reduced in proportion to the reduction in the buffer width, a maximum of 50 percent, to ensure the viability of the material. The required number of canopy trees or palms shall not be reduced, however, they may be rearranged to ensure proper growing area.

7. Encroachment: No easement encroachment greater than five feet shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of fifty percent of the required buffer width.

8. Exemptions: R-O-W buffers are not required for individual single-family residential, townhouse lots, or the side of lot that abuts the Intracostal Waterway, private street right-of-ways internal to a PUD, and alleys.

~~(4)~~ (3) Chain-link or similar fencing ~~along~~ adjacent to a designated arterial roadway is prohibited. Where such fencing can be viewed from a designated arterial, landscaping or berms shall be provided to minimize visibility from the designated arterial.

~~(5)~~ (4) Perimeter walls shall be architecturally compatible with the principal building.

(g) *Signage and lighting.*

(1) Monument signs compatible with the architectural design of the development are the only permitted freestanding sign. Only one such sign is permitted per ~~site~~ roadway frontage and it can measure no more than seven feet high and six feet in width. ~~If there are separate businesses on a site, they may share identification on the one monument sign.~~ If a property roadway frontage exceeds 400 feet, a second monument sign may be permitted on that frontage, so long as the two signs are separated by 100 feet or more.

(2) Canopies shall not contain any signage, striping or other graphics.

(3) Window signage, whether permanent or temporary, shall be permitted up to 20% coverage of a window.

(4) Lighting fixtures shall be baffled and arranged so that illumination is deflected away from adjacent properties and roads.

(5) All signage must comply with these regulations within five years of adoption of this section.

(6) Fuel price digital signs shall be permitted as a monument sign feature subject to meeting the digital fuel price sign requirements of section 28-125.

(h) *Location criteria for developments with drive-up facilities.*

(1) No drive-up facilities may be located within 500 feet of an existing facility located on the same side of a designated arterial.

Such distance shall be measured from the point of ingress or egress of an existing site to the point of ingress or egress of the proposed site.

(2) Existing drive-up facilities located closer than 500 feet may be improved or upgraded provided that are able to meet the other requirements of this section.

(i) Pedestrian connectivity.

(1) Developments must consider and promote pedestrian connectivity within and around the site, including access to sidewalks and separation from roadways and drive aisles by utilizing landscaping, planters, bollards, and similar.

(2) Developments adjacent to designated bus stops shall identify and fulfill requirements to implement a bus shelter or bus bench, which may require dedication of easement and maintenance accordingly.

(Ord. No. 2833, § 1, 9-21-99; Ord. No. 4073, § 4, 12-16-15)