



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

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

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



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

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

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

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

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

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

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



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

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

