

**CITY OF RIVIERA BEACH CITY COUNCIL**  
**AGENDA ITEM SUMMARY**

**Meeting Date:** 2/17/2016

**Agenda Category:** ORDINANCE ON SECOND READING

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**Subject:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 OF THE CITY'S CODE OF ORDINANCES ENTITLED "SIGNS", SECTION 28-5 "PROHIBITED SIGNS" AND SECTION 28-107 "SIGNS IN RESIDENTIAL, COMMERCIAL, PUBLIC AND INDUSTRIAL DISTRICTS", IN ORDER TO CREATE STANDARDS FOR INSTALLATION AND USE OF MONUMENT SIGNAGE WITHIN THE COMMUNITY FACILITY (CF) ZONING DISTRICT AND WITHIN PUBLIC RIGHT-OF-WAY BY CITY, COUNTY AND STATE AGENCIES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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**Recommendation/Motion:** City staff recommends approval of this ordinance.

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<b>Originating Dept</b>	Community Development	<b>Costs</b>	N/A
<b>User Dept.</b>	City	<b>Funding Source</b>	
<b>Advertised</b>	Yes	<b>Budget Account Number</b>	
<b>Date</b>	2-6-16		
<b>Paper</b>	Palm Beach Post		
<b>Affected Parties</b>	Not Required		

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**Background/Summary:**

Riviera Beach would like to create welcoming entry points into the City. In many municipalities, these types of signs are placed in the center median of the roadways. Currently, the City's Code of Ordinances prohibits the placement of signs in the public right-of-way, except for directional signage. The City's Code must be amended in order to allow the potential use of City monument signs within the public right-of-way. Staff has prepared amendments to the sign code for the placement of City signage within the City's public rights-of-way.

Signs within the public right-of-way must be placed carefully to assure safety for motorists and other users of the roadway. For this reason, City staff recommends that the code be amended to allow the placement of signs within the public right-of-way by city, county, or state agencies only.

**Fiscal Years** N/A  
**Capital Expenditures**  
**Operating Costs**

**External Revenues**  
**Program Income (city)**  
**In-kind Match (city)**  
**Net Fiscal Impact**  
**NO. Additional FTE Positions**  
**(cumulative)**

### **III. Review Comments**

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

None.

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

#### **ATTACHMENTS:**

<b>File Name</b>	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
City_Signs_Ordinance.docx	City Signs Ordinance	2/9/2016	Ordinance
Sign_Images.pdf	Sign Images	2/9/2016	Backup Material
PNZ_City_Signs_Minutes.pdf	PNZ City Signage Minutes	2/9/2016	Minutes

#### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Community Development	Mckinney, Mary	Approved	2/9/2016 - 1:39 PM
Finance	sherman, randy	Approved	2/9/2016 - 5:07 PM
Attorney	Ryan, Pamala	Approved	2/10/2016 - 9:24 AM

City Clerk  
City Manager

Burgess, Jackie  
Jones, Ruth

Approved  
Approved

2/10/2016 - 9:40 AM  
2/10/2016 - 11:00 AM

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 OF THE CITY'S CODE OF ORDINANCES ENTITLED "SIGNS", SECTION 28-5 "PROHIBITED SIGNS" AND SECTION 28-107 "SIGNS IN RESIDENTIAL, COMMERCIAL, PUBLIC AND INDUSTRIAL DISTRICTS", IN ORDER TO CREATE STANDARDS FOR INSTALLATION AND USE OF MONUMENT SIGNAGE WITHIN THE COMMUNITY FACILITY (CF) ZONING DISTRICT AND WITHIN PUBLIC RIGHT-OF-WAY BY CITY, COUNTY AND STATE AGENCIES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Riviera Beach's Comprehensive Plan and Code of Ordinances controls and directs development and uses throughout the City; and

**WHEREAS**, the Sign Code, which is part of the City's Code of Ordinances, needs updating to create standards for installation and use of monument signs within the Community Facility (CF) Zoning District and within public right-of-way by City, County, and State agencies; and

**WHEREAS**, the City of Riviera Beach would like to create welcoming entry points into the City, which signage is often placed in the center median of the rights-of-way; and

**WHEREAS**, the City's code must be amended in order to allow the potential use of monument signs within the public right-of-way; and

**WHEREAS**, the Planning and Zoning Board held a public meeting on January 14, 2016, to discuss the proposed language to amend the City's Sign Code relating to the standards for monument signage within the CF Zoning District and within public right-of-way by City, County, and State agencies; and

**WHEREAS**, the Planning and Zoning Board recommended approval of these regulations; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is appropriate and in the public interest of the City.

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

**SECTION 1.** That Chapter 28 “Signs”, Article I, “In General”, section 28-5 “Prohibited Signs” is amended as follows:

**Sec. 28-5. - Prohibited signs.**

It shall be unlawful for any person to erect or use within the city:

\* \* \*

- (7) Any sign or advertising structure, portable or fixed, other than ~~directional~~ signs erected by authorized city, county or state ~~officials~~ agencies placed or erected on or over any part of the public right-of-way, sidewalk, street, parking space or curb ~~or building setback line~~, except as provided for projection clearance for wall signs in section 28-118.

**SECTION 2.** That Chapter 28 “Signs”, Article III, “Construction and Installation Standards”, section 28-107 “Signs in residential, commercial, public and industrial districts” is amended as follows:

**Sec. 28-107. - Signs in residential, commercial, public and industrial districts.**

- (a) In districts zoned RS-5, RS-6, RS-8, RD-15, RML-12 and RM-15, no signs other than home nameplates shall be allowed; except that ~~churches, temples~~ places of worship, schools and hospitals shall be permitted to install monument signs totaling not more than 32 square feet in area per street front, which shall not be placed within five feet from the property line ~~or maintained nearer the street than five feet from the building setback line~~.
- (b) In RMH-15, RM-20, RMH-20, RH, commercial, industrial, downtown, OP, RO, CF and U zoning districts, no sign shall be placed ~~or maintained within~~ nearer the street than five feet from the ~~building setback~~ property line. All signs in the aforementioned districts shall be not more than ~~32~~ 42 square feet in area per street front.
- (1) Signs erected by authorized city, county or state agencies within the CF zoning district or in public right-of-way, shall be not more than 175 square feet in area per street front.

**SECTION 3.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**SECTION 4.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of

Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

**SECTION 5.** That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 6.** That this Ordinance shall take effect immediately upon its final approval and adoption.

**SECTION 7.** Specific authority is hereby granted to codify this Ordinance.

**\*\*The remainder of this page is intentionally left blank**

**ORDINANCE NO.** \_\_\_\_\_  
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**PASSED AND APPROVED** on the first reading this \_\_\_\_\_ day of  
\_\_\_\_\_ 2016.

**PASSED AND ADOPTED** on second and final reading this \_\_\_\_\_ day of  
\_\_\_\_\_ 2016.

**APPROVED:**

\_\_\_\_\_  
**THOMAS A. MASTERS**  
**MAYOR**

\_\_\_\_\_  
**DAWN S. PARDO**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**TERENCE D. DAVIS**  
**CHAIR PRO TEM**

\_\_\_\_\_  
**CLAUDENE ANTHONY**  
**CERTIFIED MUNICIPAL CLERK**  
**INTERIM CITY CLERK**

\_\_\_\_\_  
**BRUCE A. GUYTON**  
**COUNCILPERSON**

\_\_\_\_\_  
**KASHAMBA L. MILLER-ANDERSON**  
**COUNCILPERSON**

\_\_\_\_\_  
**CEDRICK A. THOMAS**  
**COUNCILPERSON**

ORDINANCE NO. \_\_\_\_\_  
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**1<sup>ST</sup> READING**

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

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

B. GUYTON \_\_\_\_\_

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

C. THOMAS \_\_\_\_\_

D. PARDO \_\_\_\_\_

T. DAVIS \_\_\_\_\_

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

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

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

B. GUYTON \_\_\_\_\_

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

C. THOMAS \_\_\_\_\_

D. PARDO \_\_\_\_\_

T. DAVIS \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

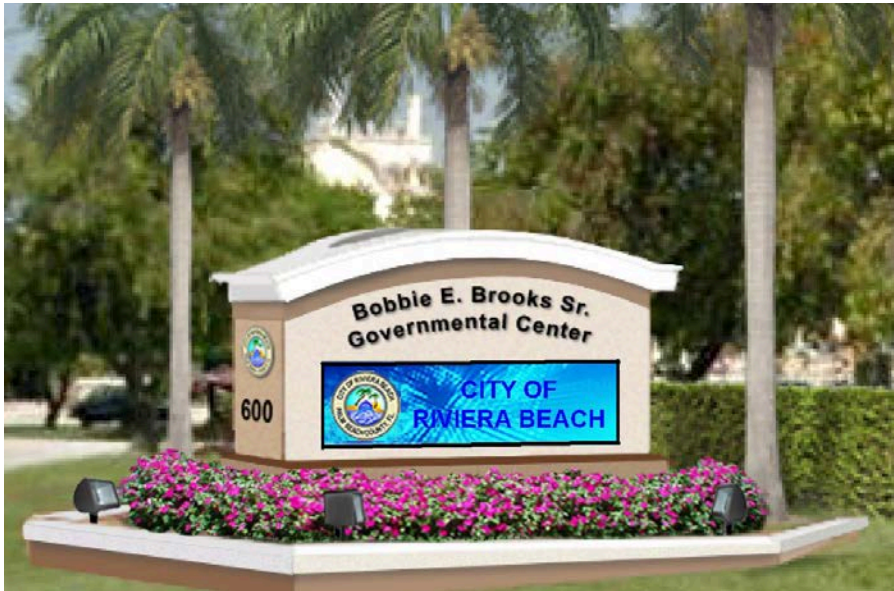
\_\_\_\_\_  
PAMALA HANNA RYAN, B.C.S. CITY ATTORNEY

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



# Sample City Signage

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<p>1 MR. VELASQUEZ: Tradrick McCoy.  2 MR. McCOY: Yes.  3 MR. VELASQUEZ: Margaret Shepherd.  4 MS. SHEPHERD: Yes.  5 MR. VELASQUEZ: Julius Whigham.  6 MR. WHIGHAM: Yes.  7 MR. VELASQUEZ: Brian Coulton.  8 MR. COULTON: Yes.  9 MR. VELASQUEZ: Rena James.  10 VICE-CHAIR JAMES: Yes.  11 MR. VELASQUEZ: Edward Kunuty.  12 CHAIR KUNUTY: Yes.  13 MR. VELASQUEZ: Unanimous voting. Motion  14 approved.  15 CHAIR KUNUTY: Okay, for E3.  16 VICE-CHAIR JAMES: Chair.  17 CHAIR KUNUTY: Yes.  18 VICE-CHAIR JAMES: I move, make a motion to  19 approve an ordinance amending the zoning designation of  20 three parcels of land specified on the agenda and  21 associated with the Riviera Beach Heights community  22 center from RS-8, single family dwelling district to  23 community facility zoning district.  24 MR. McCOY: Second.  25 CHAIR KUNUTY: Do we have a motion -- a</p>	<p>1 second, rather?  2 MR. McCOY: Second.  3 MR. VELASQUEZ: Zedrick Barber, II.  4 MR. BARBER: Yes.  5 MR. VELASQUEZ: Tradrick McCoy.  6 MR. McCOY: Yes.  7 MR. VELASQUEZ: Margaret Shepherd.  8 MS. SHEPHERD: Yes.  9 MR. VELASQUEZ: Julius Whigham.  10 MR. WHIGHAM: Yes.  11 MR. VELASQUEZ: Brian Coulton.  12 MR. COULTON: Yes.  13 MR. VELASQUEZ: Rena James.  14 VICE-CHAIR JAMES: Yes.  15 MR. VELASQUEZ: Edward Kunuty.  16 CHAIR KUNUTY: Yes.  17 MR. VELASQUEZ: Unanimous voting. Motion  18 approved.  19 CHAIR KUNUTY: Moving on to the final item.  20 MR. GAGNON: Yes, last item on the agenda,  21 letter F.  22 VICE-CHAIR JAMES: Chair.  23 CHAIR KUNUTY: Yes.  24 VICE-CHAIR JAMES: I make a motion that we  25 adjourn for the night and take that up at the next</p>
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<p>1 meeting.  2 MS. SHEPHERD: I second that.  3 MR. McCOY: Discussion.  4 CHAIR KUNUTY: Yes, we do have to have some  5 discussion on it.  6 MR. GAGNON: Just for clarity, this item  7 directly relates to City neighborhood signs in the  8 right-of-way that the Code change needs to be done  9 before we can move forward with this. That's the only  10 thing this ordinance is really allowing.  11 (Whereupon, Ms. Shepherd left the dais.)  12 MR. McCOY: Well, call the roll on it, and  13 then --  14 CHAIR KUNUTY: We have a motion.  15 MR. GAGNON: We've been so far. We're so  16 close.  17 CHAIR KUNUTY: I know. We have a motion to  18 adjourn, and do we have a -- did we get a second on it?  19 MR. WHIGHAM: Yes, you did get a second.  20 CHAIR KUNUTY: Okay, call the roll.  21 MR. VELASQUEZ: Zedrick Barber, II.  22 MR. BARBER: Yes.  23 MR. VELASQUEZ: Tradrick McCoy.  24 MR. McCOY: No.  25 MR. VELASQUEZ: Margaret Shepherd.</p>	<p>1 MS. SHEPHERD: (No response.)  2 CHAIR KUNUTY: She's going out the door.  3 MR. VELASQUEZ: Julius Whigham.  4 MR. WHIGHAM: No.  5 MR. VELASQUEZ: Brian Coulton.  6 MR. COULTON: No.  7 MR. VELASQUEZ: Rena James.  8 VICE-CHAIR JAMES: Yes.  9 MR. VELASQUEZ: Edward Kunuty.  10 CHAIR KUNUTY: No.  11 MR. VELASQUEZ: Four, no; three, yes.  12 MR. McCOY: Mr. Chair.  13 CHAIR KUNUTY: Go ahead.  14 MR. McCOY: Move to approve item F as  15 printed, without any presentation.  16 CHAIR KUNUTY: Any questions from any of the  17 Board members? Any discussion? Do I have a second?  18 Oh, I'm sorry, yes, we do have one card. Mr. Ward.  19 MR. WARD: Gerald Ward, 2135 Broadway. Well,  20 once again we have the City doing what it wants to do.  21 And if you take 28-107, you'll see that the paragraph A  22 is something that in the existing Code that's being  23 modified just for setback from property lines  24 effectively, 32 square feet of a monument sign. Now we  25 go to let the City do what it wants to for 175 feet.</p>

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<p>1 This City's sign Code really needs to be 2 modified so that signs are profitable for businesses 3 and out of the sight distances of traffic. So I really 4 think somebody needs to start saying that when you put 5 a monument sign out in public property like this, there 6 needs to be some sort of a sight distant review. 7 Things are going on sometimes because, well, we need a 8 sign out there, and Councilman whatever says it has to 9 happen, and all of a sudden it's another traffic 10 accident waiting to happen. So I just don't think it 11 was fully thought out.</p> <p>12 CHAIR KUNUTY: Okay, any Board comments? 13 MR. McCOY: Move to approve, Mr. Chair. 14 CHAIR KUNUTY: Okay, we have a motion to 15 approve. Do we have a second? 16 MR. COULTON: Second. 17 CHAIR KUNUTY: We have a motion to approve 18 and second. Call the roll. 19 MR. VELASQUEZ: Zedrick Barber, II. 20 MR. BARBER: Yes. 21 MR. VELASQUEZ: Tradrick McCoy. 22 MR. McCOY: Yes. 23 MR. VELASQUEZ: Margaret Shepherd. She's not 24 here. 25 Julius Whigham.</p>	<p>1 MR. WHIGHAM: Yes. 2 MR. VELASQUEZ: Brian Coulton. 3 MR. COULTON: Yes. 4 MR. VELASQUEZ: Rena James. 5 VICE-CHAIR JAMES: Yes. 6 MR. VELASQUEZ: Edward Kunuty. 7 CHAIR KUNUTY: Yes. 8 MR. VELASQUEZ: Unanimous voting. Motion 9 approved. 10 CHAIR KUNUTY: Okay, we're into public 11 comments. Fane Lozman. 12 MR. LOZMAN: I thought I'd be the only one. 13 Good evening. Fane Lozman. You know, on the 14 back of the yellow card it says to give your address. 15 I think I need to share with the five of you who are 16 left one of my frustrations that I had this evening. 17 And that is I own five different properties there, I 18 pay property taxes for police and fire, but I don't 19 have an address for any of those properties. 20 The Property Appraiser, Gary Nikolits, sent a 21 letter to the City saying I need an address in case 22 somebody hurts themselves, for police and fire. I also 23 need an address to have my tax bill sent. Mary 24 McKinney and this gentleman here started a policy where 25 we're not assigning addresses to vacant lots, even</p>
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<p>1 though there's addresses all around the city for vacant 2 lots. 3 The Amrit property may come up at some point 4 in time, 3100 North Ocean Drive. The developer of 5 that, Dilip Barot, who's developing that property, I 6 just want the City Council to be aware it was brought 7 to my attention and I've confirmed it that Mary 8 McKinney purchased her house from Mr. Dilip Barot at 9 below market price. So whatever she says relative to 10 that project, I think it's important to understand that 11 she has a direct relationship with that developer. 12 Going back to the property owners on the west 13 side of the street, okay, we are still impacted by 14 decisions that you make on the east side of Ocean 15 Drive, okay? So when I go to develop my property, 16 people want to get access to the ocean. They don't 17 want to have to get in their car and drive south to 18 Sugar Sands or drive wherever. They want to have 19 access to the ocean. 20 Now, I'm going to challenge your decision 21 that you made tonight. I'm confident, having looked at 22 the 1959 plat, not from 2014, that that road was put in 23 for a reason. The developer could have just sold the 24 property with no road. He could have sold that plat 25 and not put a road in there. Why did he put a road in</p>	<p>1 there for the citizens to use? He put a road in there 2 for the citizens to go in there, park their car and go 3 to the beach. And they've been doing that for 50 4 years, you know. 5 There are easements that run along the 6 north/south that aren't power, cable even. That's the 7 typical easement that you walk along. So that road, 8 this guy went out of his way to donate the road so the 9 public can use it, and he himself for his own property 10 could use it, and you guys have taken that away based 11 on representations from a guy that never brought you 12 the original document. 13 He should have brought you the 1959 plat and 14 blew it up and said this easement is in -- I mean this 15 road is in perpetuity. So it's like a slap in the face 16 to the man that gave this to the City, saying we're 17 going to take it away, and the guy that bought your 18 property -- me -- we're going to take away the right 19 for his development to go to the ocean. It's just 20 deplorable. 21 You know, fortunately, I had the -- 22 fortunately, I'll make you a bet right now that I 23 think -- and you guys can all come after the meeting 24 and walk the easement and stick in your mind that you 25 can walk it on either side. It exists there, okay. So</p>