

EXHIBIT A – Ordinance No. 31-23

Delray Beach, Florida, Land Development Regulations Chapter 2 ADMINISTRATIVE PROVISIONS

~~Chapter 2~~ ~~ADMINISTRATIVE PROVISIONS~~

~~ARTICLE 2.1. THE DEVELOPMENT SERVICES MANAGEMENT GROUP~~

~~Sec. 2.1.1. Purpose and composition.~~

- (A) ~~**Establishment.**~~ There is hereby established within the Administration of the City of Delray Beach, Florida, the Development Services Management Group.
- (B) ~~**Purpose.**~~ The Development Services Management Group provides a single administrative unit which is generally responsible for the implementation of these Land Development Regulations and related activities.
- (C) ~~**Functions.**~~ Within the Development Services Management Group there shall be the following functions:
- (a) ~~Building;~~
 - (b) ~~Code Enforcement;~~
 - (c) ~~Comprehensive (Advanced) Planning;~~
 - (d) ~~Current (Land Development) Planning;~~
 - (e) ~~Others as assigned by the City Manager (e.g. Community Development).~~

~~Sec. 2.1.2. Administrative organization and responsibilities.~~

- (A) ~~**Organization.**~~ The administrative organization of the Development Services Management Group shall be as set forth on an organizational chart as promulgated by the City Manager pursuant to policies of the City Commission. The administrative organization shall provide, at a minimum, for the positions of a Director of Planning, a City Engineer, and a Chief Building Official.
- (B) ~~**Responsibilities of required positions.**~~ Responsibilities assigned to required positions shall be as set forth throughout these regulations and as provided herein to include, but not be limited to, the following for each such position. Such items may be delegated, in writing, to others. However, neither exclusion of a responsibility which is included elsewhere in this Code, nor delegation to another diminishes the responsibility assigned herein.
- (a) ~~**Director.**~~

1.4.1(C)	Interpretations of Use
4.3.2(C)(1)	Interpretations of Use
2.4.3	Waivers of, or additions to, individual land development submission requirements

2.4.3(A)(1)	The form of development order applications
2.4.5(G)(3)	Approval of non impacting site plan modifications and Zoning Certificate of Occupancy and Use
2.4.5(I)(1)(a)	Promulgation of list of items not requiring Architectural Approval
2.4.6(J)(1)(e)	Promulgation of list of items not requiring a COA
2.4.7(D)	Granting of Administrative Relief
2.4.8(C)(4)	Acceptance of late submissions
2.4.9(B)	Certification of Site Plans
2.4.1(C)(3)	Designation as City Preservation Officer
	Ensuring compliance with the annual review process established for the adopted Comprehensive Plan as set forth in said Plan.
	Designation as the Ex Officio Member to the Planning and Zoning Board.
	Designation as the Ex Officio Member to the Site Plan Review and Appearance Board.
	Designation as the Ex Officio Member to the Historic Preservation Board.

(Ord. No. 24-18, § 2, 11-27-18; Ord. No. 23-20, § 4, 9-10-20)

(b) Chief Building Official.

1.4.1(A)	Interpretation of Chapter 7 (Building)
1.4.1(B)	Interpretation of Standards in Chapter Four (Zoning District Regulations)
1.4.2(A)	Enforcement of Regulations on Private Property
1.4.5	Interpretation of Appendix "A" (Definitions)
2.4.5(I)(1)(b)	Aesthetic approval for a limited number of items
2.4.6(H)	Approval of temporary uses of sales offices, models, construction trailers and compounds
2.4.7(F)(2)(a)	Member of Special Adjustment Advisory Board
10.1	Flood Damage Control Districts and Coastal Construction

Additional Items:

- Promulgation of various development order forms and issuance of development permits.
- Determination of concurrency prior to issuance of a building permit.
- Assignment of property addresses and building numbers.
- Designation as the Ex Officio Member to the Board of Adjustment.
- The keeping of Building Department records.

(Ord. No. 37-17, § 3, 11-7-17)

~~(c) **City Engineer.**~~

1.4.1(D)	Interpretation of Chapter 6 (Infrastructure and Public Improvements
1.4.2(B)	Enforcement in Rights-of-Way
2.4.3(H)	Approval of variations to plat Dedication Statement
2.4.6(L)	Certification of Drainage Plans
2.4.6(M)	Certification of Water and Sewer Plans
2.4.6(N)	Approval of work in Public Rights-of-Way
2.4.6(N)(4)(d)	Approval of work within a right-of-way on Saturday, Sunday, or Holidays
4.6.9(D)(8)	Approval of parking lot construction
6.1.12	Approval of the design of street name signs and street furniture

~~(C) **General administrative regulations.**~~

- ~~(1) **Conflict of interest—Employees.** An employee connected with the Development Services Group shall not have a financial interest in furnishing labor, material, or appliances for the construction, alteration, demolition, repair, or maintenance of a building, or in making plans or specifications therefore, unless said employee is an owner of the building. Employees shall not engage in any work which is inconsistent with their duties or with interests of the Development Services Group.~~

ARTICLE 2.2. ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS

This Article establishes the Boards which are primarily responsible for the implementation and application of these Land Development Regulations. General provisions which govern each Board along with specific provisions for individual Boards and establishment of powers, duties, and responsibilities are set forth herein.

Sec. 2.2.1. General provisions.

The following general provisions apply to all Boards established under this Article. Additional provisions pertaining to any of the following matters may be found within the Sections pertaining to an individual Board and within Sections 32.06 to 32.10 of the City Code. [Amd. Ord. 26-11-9/20/11]

- ~~(A) **Qualifications.** A member shall either be a resident of, or own property in the City, and/or own a business within the City. Additional qualifications may be established for individual boards. [Amd. Ord. 47-07-10/16/07]~~

- ~~(B) **Compensation and reimbursements.** All members shall serve without compensation. Reimbursement of expenditures incurred by members in the performance of their duties shall be provided pursuant to policies of the City Commission. The cost of general operating~~

needs shall be a part of the budget of an operating department or division as assigned by the City Manager.

~~(C) **Evening business meetings.** The regularly scheduled business meetings and special meetings of each Board shall be held in the evening hours (after 5:00 p.m.). This requirement shall not apply to work sessions.~~

~~(D) **Appointment and term, officers.**~~

~~(1) Members of a Board shall be appointed by the City Commission. A term shall consist of two years or the completion of an unexpired term and the subsequent two years. In the case of reorganization or reconstitution of a Board, three members shall be appointed for an initial term of one year. A member shall not serve more than two successive terms on a Board. A member appointed to fill an unexpired term shall not automatically proceed to the next full term, but must be reappointed to it.~~

~~(2) A Board shall elect from among its members a Chairperson, Vice Chairperson, and second Vice Chairperson. Elections shall be held at a Board's regular monthly meeting in September of each year. The Chairperson shall call all meetings of a Board to order and shall conduct business pursuant to Roberts Rules of Order, newly revised. In the absence of the Chairperson, the Vice Chairperson shall call and conduct meetings. In the absence of both, the second Vice Chairperson shall call and conduct meetings. In the event of a vacancy in an office, a Board shall hold a special election for any such vacancy after a full membership has been appointed by the Commission. An officer may succeed himself.~~

~~(3) An employee of the City shall be designated, by the City Manager, as an "Ex Officio" member of a Board and shall sign documents as the Secretary of a Board.~~

~~(E) **Meetings.**~~

~~(1) In addition to required meetings set forth specifically for each Board, additional business meetings and work sessions may be held as desired. All meetings shall be noticed pursuant to Section 2.42(A) and shall be open to the public.~~

~~(2) Evening Business Meetings: The regularly scheduled business meetings and special meetings of each Board shall be held in the evening hours (after 5:00 p.m.). This requirement shall not apply to work sessions.~~

~~(F) **Removal of members, vacancies.**~~

~~(1) Members of a Board may be removed by the City Commission pursuant to the provisions of Chapter 32 of the Code of Ordinances. [Amd. Ord. 19-95 4/4/95]~~

~~(2) Vacancies which occur because of resignation, removal, or expiration of a term shall be filled with a new appointment or reappointment pursuant to policies of the City Commission and requirements of Subsection (D)(1). [Amd. Ord. 19-95 4/4/95]~~

~~(G) **Assignment of administrative and legal support services.**~~

~~(1) The City Manager shall assign appropriate staff, pursuant to Section 2.12(A), to assist each Board in the performance of its duties.~~

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- (2) ~~The Chairperson of each Board may request the services of the City Attorney for any meeting of that Board. Other services of the City Attorney shall be obtained through the standard operating procedures of the Administration.~~

~~Sec. 2.2.2. The Planning and Zoning Board.~~

- (A) ~~**Creation.** A Planning and Zoning Board for the City of Delray Beach is hereby created under the authority of the City Charter Section 3.14. [Amd. Ord. 26-11 9/20/11]~~
- (B) ~~**Planning and Zoning Board.** The Planning and Zoning Board is hereby designated as the Local Planning Agency for the City of Delray Beach.~~
- (C) ~~**Composition.** [Amd. Ord. 20-13 9/17/13]~~
- (1) ~~The Planning and Zoning Board shall consist of seven members. [Amd. Ord. 20-13 9/17/13]~~
- (2) ~~Each of four seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, engineer, developer, general contractor, land planner or land use attorney. The remaining three seats shall be at large. The appointing body shall endeavor to appoint as many disciplines as possible to the Board. [Amd. Ord. 20-13 9/17/13]~~
- (D) ~~**Meetings and quorum.**~~
- (1) ~~The Planning and Zoning Board shall hold at least one regularly scheduled business meeting each month with said meeting being duly noticed and held in the evening hours.~~
- (2) ~~Four members of the Board shall constitute a quorum.~~
- (E) ~~**Duties, powers, and responsibilities.**~~
- (1) ~~The Board shall prepare and maintain a Comprehensive Plan in compliance with the Florida State Planning Statutes (163 and successor legislation). [Amd. Ord. 26-11 9/20/11]~~
- (E) ~~**Duties, powers, and responsibilities.**¹~~
- (1) ~~The Board shall prepare and maintain a Comprehensive Plan in compliance with the Florida State Planning Statutes (163 and successor legislation). [Amd. Ord. 26-11 9/20/11]~~
- (2) ~~On an annual basis in the winter months the Board shall obtain public input at a public meeting and review the proposed capital budget before prioritizing capital improvement needs for the subsequent fiscal year based on criteria specified in the adopted Comprehensive Plan. (Ord. No. 23-20, § 5, 9-10-20)~~

¹Editor's note(s)—Ord. No. 23-20, § 5, adopted September 10, 2020, in effect repealed subsections (E)(2)—(9) and enacted new subsections (E)(2)—(6) as set out below and later amended. Former subsections (E)(2)—(9) pertained to similar subject matter and derived from Ord. 26-11, adopted September 20, 2011.

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- (3) ~~The Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR): (Ord. No. 23-20, § 5, 9-10-20)~~
- ~~(a) Amendments to the Comprehensive Plan and to the Land Use Map; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(b) Rezoning of land and changes to the text of any portion of the LDR; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(c) The annexation of territory to the City; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(d) Establishment of a conditional use; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(e) The abandonment of rights of way or public easements excepting single purpose easements; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(f) The approval or denial of site and master development plans as required in certain "planned" zoning districts. (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(g) Establishing or modifying the names of streets, alleys, or other pathways providing access for vehicles, bicycles, or pedestrians, whether public or private, in accordance with the adopted City of Delray Beach Addressing and Street Naming Manual. (Ord. No. 23-20, § 5, 9-10-20; Ord. No. 18-22, § 2, 10-25-22)~~
 - ~~(h) Certification of a final subdivision plat; (Ord. No. 23-20, § 5, 9-10-20)~~
- (4) ~~The Board hereby has the authority to take action on the following items pursuant to the procedures and standards of the LDR: (Ord. No. 23-20, § 5, 9-10-20)~~
- ~~(a) Approval or denial of a preliminary subdivision plat; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(b) Granting of relief from the number of parking spaces required for specific uses pursuant to Section 4.6.9(F)(1); (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(c) Approval of certain site and development plans and modifications and extensions thereto; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(d) Determinations of similarity of use; (Ord. No. 23-20, § 5, 9-10-20)~~
 - ~~(e) Approval or denial of a minor modification of a conditional use approval pursuant to Section 2.4.5(E)(7). (Ord. No. 23-20, § 5, 9-10-20)~~
- (5) ~~The Board shall make findings of consistency with the adopted Comprehensive Plan on development applications. (Ord. No. 23-20, § 5, 9-10-20)~~
- (6) ~~To provide "good offices" and assistance to other governmental boards, commissions, and committees in the fulfillment of goals, objectives, and policies of the adopted Comprehensive Plan. (Ord. No. 23-20, § 5, 9-10-20)~~

Sec. 2.2.3. The Site Plan Review and Appearance Board.

(A) ~~**Creation.**~~ A Site Plan Review and Appearance Board (SPRAB) for the City of Delray Beach is hereby created. The purpose of SPRAB is to promote certain functional and aesthetic goals, objectives and policies as set forth in the adopted Comprehensive Plan. (Ord. No. 13-23, § 2, 5-16-23)

(B) ~~**Composition and special qualifications.**~~

(1) ~~The SPRAB shall consist of seven regular members. (Ord. No. 13-23, § 2, 5-16-23)~~

(2) ~~Each of five seats on the SPRAB must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, sign contractor, land planner or interior designer. The remaining two seats shall be at large. The appointing body shall endeavor to appoint as many of the required disciplines as possible to the SPRAB. [Amd. Ord. 25-04 5/18/04]; [Amd. Ord. 23-92 8/11/92] (Ord. No. 13-23, § 2, 5-16-23)~~

(C) ~~**Meetings and quorum.**~~

(1) ~~The SPRAB shall hold at least one regularly scheduled meeting each month with said meetings being duly noticed and held in the evening hours. (Ord. No. 13-23, § 2, 5-16-23)~~

(2) ~~Four members of the SPRAB shall constitute a quorum. (Ord. No. 13-23, § 2, 5-16-23)~~

(D) ~~**Duties, powers, and responsibilities.**~~

(1) ~~The SPRAB hereby has the authority to take action on the following items pursuant to the procedures and standards of the LDR: [Changed Bullets Ord. 36-07 9/18/07] (Ord. No. 13-23, § 2, 5-16-23)~~

(a) ~~Certain site and development plans, as provided in this Code; [Amd. Ord. 26-11 9/20/11] (Ord. No. 13-23, § 2, 5-16-23)~~

(b) ~~Granting of relief from the number of parking spaces required for specific uses, pursuant to Section 4.6.9(F)(1); [Amd. Ord. 83-95 01/09/96] (Ord. No. 13-23, § 2, 5-16-23)~~

(c) ~~Granting of relief to Section 4.6.16 through the waiver process specified in Section 2.4.7(B); (Ord. No. 13-23, § 2, 5-16-23)~~

(d) ~~Landscape plans; (Ord. No. 13-23, § 2, 5-16-23)~~

(e) ~~Master Sign Programs and any signage that cannot be administratively approved pursuant to the criteria in Section 4.6.7(D); (Ord. No. 13-23, § 2, 5-16-23)~~

(f) ~~Appeal of administrative interpretations made in application of Section 4.6.7, Signs, and Section 4.6.16, Landscape Regulations; (Ord. No. 13-23, § 2, 5-16-23)~~

(g) ~~Architectural elevations; (Ord. No. 13-23, § 2, 5-16-23)~~

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- ~~(h) Streetscape and landscape features associated with a site plan or established development; (Ord. No. 13-23, § 2, 5-16-23)~~
 - ~~(i) Recommendations to the City Commission regarding Incentive Programs in the CBD; and [Amd. Ord. 03-15 02/24/2015] (Ord. No. 13-23, § 2, 5-16-23)~~
 - ~~(j) Appeals to any "Design Guidelines" in Section II of the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods as set forth in Section 4.5.13; and (Ord. No. 13-23, § 2, 5-16-23)~~
 - ~~(k) Any other regulations or requirements elsewhere noted that specify relief is available by the body acting upon the development application. (Ord. No. 13-23, § 2, 5-16-23)~~
- ~~(2) To provide "good offices" and assistance to other governmental boards, commissions, and committees in the fulfillment of goals, objectives, and policies of the Comprehensive Plan.~~

Sec. 2.2.4. The Board of Adjustment.

- ~~(A) **Creation.** A Board of Adjustment for the City of Delray Beach is hereby created under the authority of the City Charter Section 3.14. [Amd. Ord. 26-11 9/20/11]~~
- ~~(B) **Composition.** [Amd. Ord. 19-13 9/17/13]~~
- ~~(1) The Board of Adjustment shall consist of seven regular members. [Amd. Ord. 19-13 9/17/13] (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(2) Each of four seats on the Board must be filled with either an attorney, architect, landscape architect, realtor/real estate broker, engineer, general contractor, land planner, building inspector, fire safety professional, or other design professional who is familiar with the Florida Building Code. The remaining three seats may be at large. The appointing body shall endeavor to appoint as many disciplines as possible to the Board. If there is a lack of applicants to fill the seats reserved for professionals, at large members may be considered. [Amd. Ord. 19-13 9/17/13] (Ord. No. 21-21, § 2, 11-2-21)~~
- ~~(C) **Meetings and quorum.**~~
- ~~(1) The Board of Adjustment shall hold at least one regular meeting each month with said meeting being duly noticed and held in the evening hours. However, the required regular meetings shall be canceled if there are no petitions before the Board. (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(2) A quorum of the Board consists of five members. The concurring vote of five members shall be necessary to reverse a decision of the Chief Building Official or grant a variance. (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(3) An applicant seeking retroactive approval will be scheduled for the first available meeting and is prohibited from requesting an alternate meeting date. (Ord. No. 21-21, § 2, 11-2-21)~~

~~(D) **Duties, powers, and responsibilities.**~~

- ~~(1) The Board hereby has the authority to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Chief Building Official, with the exception of interpretations of use matters and other items specifically preempted or granted to others pursuant to the LDR. (Ord. No. 21-21, § 2, 11-2-21)~~
- ~~(2) The Board, so long as its actions are in conformity with the LDR, may reverse or affirm, wholly or partly, or may modify the order, requirement, or decision, or determination under appeal, and to that end shall have the same powers of the Chief Building Official. (Ord. No. 21-21, § 2, 11-2-21)~~
- ~~(3) The Board has the authority to take action on duly filed appeals of an interpretation, administrative decision, or enforcement action by the Chief Building Official related to the following regulations: [Added by Ord. 47-07 10/16/07] (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(a) Building Code, Article 7.1, except Sections 7.1.5 through 7.1.7;~~
 - ~~(b) Electrical Code, Article 7.2;~~
 - ~~(c) Gas Code, Article 7.3;~~
 - ~~(d) Housing Code, Article 7.4; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(e) Mechanical Code, Article 7.5;~~
 - ~~(f) Plumbing Code, Article 7.6; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(g) Unsafe Buildings or Structures, Article 7.8; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(h) Moving of Building, Article 7.10.~~
- ~~(4) The Board hereby has the authority to grant variances and hear appeals from the following: [Amd. Ord. 36-07 9/18/07] (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(a) Base district development standards, Section 4.3.4, unless otherwise stated. (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(b) Flood Damage Control Districts and Coastal Construction, Chapter 10. (Ord. No. 37-17, § 4, 11-7-17; Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(c) Supplemental District Regulations, Article 4.6, except where said authority is expressly prohibited, granted to others, or relief is available through another process. (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(d) Fire Prevention Codes, Chapter 96 of The City Code of Ordinances, per Section 96.06. (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(e) Section I, "District Regulations and Incentives," of the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods as set forth in Section 4.5.13. [Amd. Ord. 36-07 9/18/07] (Ord. No. 21-21, § 2, 11-2-21)~~

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- (5) ~~The Board shall be prohibited from considering variances for the following: [Amd. Ord. 47-07 10/16/07] (Ord. No. 21-21, § 2, 11-2-21)~~
- ~~(a) Uses; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(b) Architectural elevations; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(c) Landscaping; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(d) Signs and signage; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(e) Any property under the purview of the Historic Preservation Board; (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(f) Density and height; and (Ord. No. 21-21, § 2, 11-2-21)~~
 - ~~(g) Comprehensive Plan requirements. (Ord. No. 21-21, § 2, 11-2-21)~~
- (6) ~~To provide "good offices" and assistance to other governmental boards, commissions, and committees in the fulfillment of goals, objectives, and policies of the Comprehensive Plan. (Ord. No. 21-21, § 2, 11-2-21)~~
- (7) ~~All decisions of the Board of Adjustment are final. Any person or persons, or any Board, Taxpayer, Department, or Bureau of the City may aggrieve any decision of the Board of Adjustment and may seek review of such decision in the Circuit Court of Palm Beach County. [Amd. Ord. 53-91 8/27/91] (Ord. No. 21-21, § 2, 11-2-21)~~

Sec. 2.2.5. Public Art Advisory Board.

- (A) ~~**Creation.** The Public Art Advisory Board is established via Ordinance No. 77-04 for the purpose of advising and making recommendations to the City Commission with respect to public art policy and related issues including, but not limited to, the selection, construction, placement and/or funding of public art in/on City right of way, City owned property or private property where an agreement, acceptable to the City, has been executed regarding the art and the art is clearly visible by the public. (Ord. No. 22-20, § 2, 8-26-20)~~
- (B) ~~**Composition and special qualifications.** (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(1) The Public Art Advisory Board shall consist of seven members. (Ord. No. 22-20, § 2, 8-26-20)~~
 - ~~(2) Three seats on the board must be filled with either an artist, architect, landscape architect or engineer. The appointing body shall endeavor to appoint as many disciplines as possible to the board. Lay persons of knowledge, experience and judgment who have an interest in public art shall make up the balance of the board. (Ord. No. 22-20, § 2, 8-26-20)~~
- (C) ~~**Meetings and quorum.** (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(1) The Board shall hold meetings on a regular basis once monthly, if necessary, which meetings shall be open to the public. Minutes shall be kept of all such meetings, and any special meetings, with copies of said minutes and any other reports to be~~

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- transmitted to the City Commission and the City Manager. (Ord. No. 22-20, § 2, 8-26-20)
- (2) Four members of the Board shall constitute a quorum. (Ord. No. 22-20, § 2, 8-26-20)
- ~~(D) **Duties, powers, and responsibilities.** The following duties, powers, and responsibilities shall be carried out by the Public Art Advisory Board: (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(1) Review and make recommendations to the City Commission on constructing, placing or installing public art, as follows: (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(a) on all CIP projects above \$200,000.00; and (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(b) on CIP projects under \$200,000.00 at the discretion of the Board. (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(2) Render an advisory opinion to City Commission regarding the following: (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(a) The suitability of the construction project as a location for works of art; (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(b) The nature of the works of art which are most appropriate for the construction project; (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(c) The best method for securing the recommended works of art. (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(3) Review and make recommendations to the City Commission regarding the funding or placing of public art on private property, where such art is clearly visible by the public and the City has obtained an agreement for the funding or placement of such art with the property owner. (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(4) Make recommendations to the Historic Preservation Board regarding the installation of murals on property located within a historic district or on any individually designated site listed on the Local Register of Historic Places. (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(5) Act as a regulatory body on all requests for the installation of murals on property not located within a historic district or on any individually designated site listed on the Local Register of Historic Places. (Ord. No. 22-20, § 2, 8-26-20)~~
- ~~(6) Review and make recommendations to the City Commission regarding public art, as defined in Appendix A to the City's Land Development Regulations, located in the public right of way, on City owned property, or on structures that are located in the public right of way. (Ord. No. 22-20, § 2, 8-26-20; Ord. No. 11-21, § 2, 4-20-21)~~
- ~~(7) Make recommendations to the City Commission regarding all public art installations throughout the City. (Ord. No. 11-21, § 2, 4-20-21)~~
- ~~(8) Apply the guidelines and criteria in Section 8.5 for making recommendations or decisions on the installation of public art, whether as part of a public or private project. (Ord. No. 11-21, § 2, 4-20-21)~~

Sec. 2.2.6. The Historic Preservation Board.

~~(A) **Creation.** A Historic Preservation Board for the City of Delray Beach is hereby created. The purpose of this Board is to foster and promote the recognition, protection, enhancement and use of historic resources in the City of Delray Beach; to have a lay body which shall have authority to act on matters pertaining to historic preservation; and to promote certain functional and aesthetic goals, objectives and policies as set forth in the City's Comprehensive Plan, as they relate to the preservation of Delray Beach's historic resources. [Amd. Ord. 01-12 8/21/12]~~

~~(B) **Composition and special qualifications.**~~

~~(1) The Historic Preservation Board shall consist of seven members.~~

~~(2) At least five seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, architectural historian, preservationist, land planner or interior designer. The appointing body shall endeavor to appoint as many disciplines as possible to the Board. Lay persons of knowledge, experience and judgment who have an interest in historic preservation shall make up the balance of the Board. Lay persons may be considered if there is a lack of applicants to fill the seats reserved for professionals. Preference should be given to professional and lay persons who own property within historic districts or whose property is individually listed in the Local Register of Historic Places. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord 25-04 5/18/04]; [Amd. Ord. 24-96 6/18/96]~~

~~(C) **Meetings and quorum.**~~

~~(1) The Historic Preservation Board shall hold at least one regularly scheduled business meeting each month and it shall be held in the evening hours.~~

~~(2) Four members of the Board shall constitute a quorum.~~

~~(3) An application for a Certificate of Appropriateness shall be approved by a majority of the members present and voting. [Amd. Ord. 55-07 1/15/08]~~

~~(D) **Duties, powers, and responsibilities.** The following duties, powers, and responsibilities shall be carried out by the Historic Preservation Board: [Entire Section Revised by Ord. 01-12 8/21/12]~~

~~(1) Act as a regulatory body on all development applications and Certificates of Appropriateness, as specified in Section 2.4.6(H) for properties located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), and subject to processing under Section 2.4.5.~~

~~(2) Act in lieu of the Board of Adjustment to grant variances pursuant to Section 2.4.7(A) for properties located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I).~~

~~(3) Grant variances from Section 4.6.7, Signs, for those nonconforming signs which existed at the time of enactment of Ordinance 51-75, adopted on December 8, 1975.~~

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- ~~(4) Grant relief to Section 4.6.16, Landscape Regulations, through the waiver process.~~
 - ~~(5) Grant relief from the number of parking spaces required for specific uses pursuant to Section 4.6.9(F)(1).~~
 - ~~(6) Make recommendations to the Planning and Zoning Board concerning amendments to the Land Development Regulations, and to the Chief Building Official concerning building code amendments, as they apply to Historic structures and districts.~~
 - ~~(7) Act as a regulatory body to approve, deny, or modify a Master Development Plan for properties located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I).~~
 - ~~(8) Develop, establish, and regulate guidelines concerning contemporaneous architectural styles, colors, building materials, and so forth for all properties which are Individually Designated and/or located within historic districts. Such guidelines will be subject to review by the Planning and Zoning Board, and will be subject to approval by the Commission.~~
 - ~~(9) Develop, maintain, and update survey reports of archaeological sites, properties, buildings, structures, and districts of special historic, aesthetic, architectural, cultural, or social value or interest. The Board will endeavor to improve, expand, and make more accurate the survey report as additional documents, information, oral histories, and other such materials may become available, and it will periodically reevaluate all survey reports. The Board will work with the Delray Beach Historical Society, the State Bureau of Historic Preservation, and other appropriate public and nonprofit organizations in maintaining the survey reports.~~
 - ~~(10) Nominate buildings, sites, and districts for historic designation on the Local Register of Historic Places.~~
 - ~~(11) Nominate and participate in the listing of buildings, sites, and districts on the National Register of Historic Places.~~
 - ~~(12) Make recommendations to the City Commission about facade easements, the imposition of other restrictions, and the negotiation of contracts for the purposes of historic preservation.~~
 - ~~(13) Increase public awareness of the value of historic preservation by developing, conducting, and participating in public education programs.~~
 - ~~(14) Make recommendations to the City Commission concerning the use of grants and City funds to promote the preservation and conservation of historically and aesthetically significant archaeological sites, historic sites, and historic districts.~~
 - ~~(15) Evaluate, comment upon, and make recommendations to the City Commission concerning the deliberations and decisions of other public agencies affecting the physical development and appearance of historically and aesthetically significant archaeological sites, historic sites, and historic districts.~~

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- ~~(16) Contact public and private organizations, businesses, and individuals and endeavor to arrange agreements to help insure the conservation and preservation of historically and aesthetically significant buildings and structures for which demolition is proposed.~~
 - ~~(17) In the name of the City, and only with the express approval of the City Commission, seek, apply for, solicit, receive, and expend any federal, state, or private grant, gift, or bequest of any funding, property, or interest in property to further the purposes of historic and heritage conservation and preservation.~~
 - ~~(18) Make recommendations to the City Commission to make historic preservation concepts an integral and ongoing part of all City planning efforts. (Ord. No. 23-20, § 6, 9-10-20)~~
 - ~~(19) Advise the City Commission on all matters related to the use, administration, and maintenance of city owned designated historic sites.~~
 - ~~(20) Execute any other functions relevant to the duties, powers and responsibilities of the Board regarding historic preservation planning programs and policies which may be approved by ordinance or resolution of the City Commission.~~
 - ~~(21) Make recommendations to the City Commission on amendments to the Historic Preservation Element of the adopted Comprehensive Plan, and amendments to other Elements which may have an impact on historic preservation efforts in the City. (Ord. No. 23-20, § 6, 9-10-20)~~

ARTICLE 2.4. GENERAL PROCEDURES

Sec. 2.4.1. Concept plan review.

This Section sets forth optional preliminary review processes for potential development. The purpose of this process is to provide a potential developer with an informal, non-binding review and commentary on his proposal without the necessity of meeting normal submission and procedural requirements.

Notwithstanding the provisions of this Section, any person who wishes to informally discuss development concepts should feel free to do so simply by contacting the professional staff of the Planning and Zoning Department to arrange for an appointment.

(A) Concept plan review by a development board.

- ~~(1) **Rule.** A potential developer may request an audience before the appropriate development board for an informal, non-binding, concept plan review of a potential development proposal. The request must be in writing and received at least 20 days prior to a regularly scheduled meeting of the Board.~~
- ~~(2) **Submission requirements.** The request shall contain, at a minimum, the following:
 - ~~(a) A letter stating the developer's interest in the property proposed for development and the proposed character of development.~~~~

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- (b) ~~A general location map and a survey or other representation of the property which identifies its general dimensions and character.~~
- (c) ~~A graphic representation of one or more ways in which the developer wishes to develop the property.~~
- (3) ~~**Non-binding review.** The material provided by the potential developer shall be presented to the review board in the same manner and fashion as submitted. The Board shall review and comment on the development concept at a duly noticed public meeting. There shall be no action taken by the Board nor shall there be any written report resulting from discussions at the meeting which may be construed to be a preliminary approval of the development concept.~~
- (B) ~~**Sketch plan review by staff.**~~
- (1) ~~**Rule.** A potential developer may request an audience before the Director of Planning and Zoning for an informal, sketch plan review of a potential development proposal with such review resulting in a non-binding written assessment of the proposal as it pertains to the City's Comprehensive Plan, development philosophy, availability of utilities and services, and general compliance with development regulations.~~
- (2) ~~**Submission requirements.** Keeping in mind that the level of review can be made only to the degree that information is provided, the request should contain as much information as is available to the potential developer, but shall include, at a minimum the following:~~
- (a) ~~A letter stating the developer's interest in the property proposed for development and the proposed character of development.~~
- (b) ~~A general location map and a survey or other representation of the property which identifies its general dimensions and character.~~
- (c) ~~A graphic representation of one or more ways in which the developer wishes to develop the property.~~
- (d) ~~Payment of the appropriate processing fee. See Section 2.4.3(K) for the fee schedule.~~
- (3) ~~**Review and comment process.** The material submitted for review shall be distributed pursuant to the Internal Review Procedures of Section 2.4.8(B). Within 30 days of submission, the developer shall be invited to a Technical Advisory Committee meeting, or its equivalent, at which time the development proposal shall be discussed. Following that meeting, the Planning and Zoning Director shall issue a non-binding letter of comment in accordance with the intent of Subsection (B)(1) above.~~
- (C) ~~**Combined review.** A potential developer may request a combination of the above processes.~~

Sec. 2.4.2. Notice requirements.

The City Commission, the Planning and Zoning Board, and other Boards which are involved with the implementation of these Land Development Regulations shall conduct meetings and shall provide public notice of their tentative actions pursuant to this Section. All costs incurred by the City for advertising, providing notice and recording of any documents shall be paid by the Applicant. [Amd. Ord. 25-07 8/21/07]

- (A) ~~**Public meeting requirements.**~~ The meetings of all Boards established in Article 2.2 shall be open to the public.
- (1) ~~**Notice and agenda required.**~~ An agenda shall be established for every meeting of each Board. The agenda shall be posted in the main lobby of the north wing of City Hall at least five working days prior to a regular meeting. The agenda for a special meeting shall be so posted at least 24 hours prior. A Board shall only consider items which have been duly placed upon a posted agenda with the exception of items which are deemed as an emergency and which are added to an agenda by a majority of the Board members.
- (2) ~~**Public information.**~~ Any background material or documentation which is provided to Board Members shall be available for public inspection at the north wing of City Hall at least 24 hours prior to the start of the meeting at which it is to be considered.
- (3) ~~**Discussion and disclosure.**~~ Board Members shall conduct themselves in accordance with the "Sunshine Laws" of the State of Florida with respect to discussion of items before the Board and to disclosure of conflicts of interest.
- (B) ~~**Public hearing requirements.**~~ The following notice requirements and hearing procedures shall be complied with whenever an action before a Board requires consideration at a public hearing. Where state law expressly sets forth notice requirements, notice provided in accordance with state law is sufficient to meet all legal notice requirements despite the additional requirements that may be also required as set forth below. [Amd. Ord. 78-04 1/18/05]
- (1) ~~**Notice.**~~ Public hearings shall be noticed as follows: [Amd. Ord. 78-04 1/18/05]
- (a) ~~**Annexations.**~~
- (1) ~~**Non-voluntary.**~~ Notice requirements contained within applicable sections of Florida Statute Chapter 171 shall apply. [Amd. Ord. 2-95 1/17/95]
- (2) ~~**Voluntary.**~~ Notice requirements contained within applicable sections of Florida Statute Chapter 171 shall apply. [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 2-95 1/17/95]
- (b) ~~**Privately-initiated rezoning.**~~ Notice requirements contained within the applicable sections of Florida Statutes Chapter 166 shall apply. Additional notice shall be given before the Planning and Zoning Board hearing in

accordance with Section 2.4.2(B)(1)(j) (i), (ii), (iii) and (iv). [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 60-95 10/24/95]

- (c) ~~**City-initiated rezoning.**~~ Notice requirements contained within the applicable sections of Florida Statutes Chapter 166 shall apply. Additional notice shall be given before the Planning and Zoning Board hearing in accordance with Section 2.4.2(B)(1)(j) (i), (ii), (iii) and (iv). [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 60-95 10/24/95]
- (d) ~~**Principal, conditional or prohibited use changes to the text of the land development regulations.**~~ Notice requirements contained within the applicable sections of Florida Statutes Chapter 166 shall apply. [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 60-95 10/24/95]
- (e) ~~**Conditional uses.**~~ The City shall provide notice of the public hearing before the Planning and Zoning Board in accordance with Section 2.4.2(B)(1)(j)(i), (ii), (iii) and (iv). [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 60-95 10/24/95]
- (f) ~~**Variances before the Board of Adjustment.**~~ The City shall provide notice of the public hearing in accordance with Section 2.4.2(B)(1)(j) (i), (ii), and (iv). [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 60-95 10/24/95]
- (g) ~~**Variances before the Historic Preservation Board.**~~ Notice shall be given in accordance with Section 2.4.2(B)(1)(j)(i), (ii) and (iv). [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 60-95 10/24/95]
- (h) ~~**Amendments to the Comprehensive Plan.**~~ Notice requirements pursuant to Florida Statutes Chapter 163 shall apply. In addition, notice will be given in accordance with Section 2.4.2(B)(1)(j) (i), (ii), (iii) and (iv). [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 60-95 10/24/95]
- (i) ~~**Right-of-way abandonments.**~~ A public hearing will be held before the Planning and Zoning Board. A notice of a public hearing shall be given in accordance with Section 2.4.2(B)(1)(j)(i), (ii), (iv), (v) and (vi). In addition, the notice shall describe the property to be abandoned and shall generally describe the obligations that will accrue to the property owners if the abandonment is approved. [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 8-97 2/18/97]
- (j) ~~**Additional public notice.**~~ When a section of these Land Development Regulations requires additional notice pursuant to this section, the additional notice shall be sent in accordance with one or more of the following: [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 8-97 2/18/97]
 - (i) ~~Written notice to property owners within 500 feet of the perimeter of the property which is the subject of the development application, mailed no later than ten days prior to a public hearing. [Amd. Ord. 78-04 1/18/05]~~

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- ~~(ii) Notice posted on the City's web page at least ten days prior to the scheduled hearing. [Amd. Ord. 78-04 1/18/05]~~
 - ~~(iii) Notice posted by the City on the affected property by placing one placard visible from each adjoining right-of-way or on each street block face, at least seven days before the scheduled hearing. The placard shall be prepared by the City and shall identify the action to be considered and state the time and place of the hearing. The placard shall be removed by the City within five business days after the date the public hearing is held. Photographic documentation of the posted placard shall be placed in the file to document the posting of the placard. [Amd. Ord. 78-04 1/18/05]~~
 - ~~(iv) The notice posted at City Hall. [Amd. Ord. 78-04 1/18/05]~~
 - ~~(v) The notice mailed to adjacent property owners 20 days prior to the public hearing. [Amd. Ord. 78-04 1/18/05]~~
 - ~~(vi) Advertisement in the legal section of a newspaper at least ten days prior to the public hearing. [Amd. Ord. 78-04 1/18/05]~~
 - ~~(k) **Concurrent notice.** When it is necessary to provide a notice of a public hearing for multiple hearings before one or more bodies, said notice may be combined within a single notice. [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 8-97 2/18/97]~~
 - ~~(l) **Form of notice.** Any notice for a public hearing shall, at a minimum, contain the following: [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 8-97 2/18/97]~~
 - ~~(i) Date and time of the public hearing, [Amd. Ord. 78-04 1/18/05]~~
 - ~~(ii) Location of the property which is the subject of the hearing, and [Amd. Ord. 78-04 1/18/05]~~
 - ~~(iii) Identification of the location of information about the subject of the public hearing. [Amd. Ord. 78-04 1/18/05]~~
 - ~~(m) **Newspaper preference.** There is no legislative preference pertaining to the publication of required notices provided that the newspaper is published at least five days per week. [Amd. Ord. 8-97 2/18/97]~~
 - ~~(n) **Establishment of mailing list.** Whenever notice is to be provided by a letter, the owners of property to be notified shall be considered to be those recorded on the latest official county tax roll. A list of such owners along with their mailing addresses shall be provided as a part of the development application and shall be accompanied by an affidavit stating that to the best of the applicant's knowledge, the list is complete and accurate. The list shall be accompanied by a drawing showing all property lying within 500 feet of the property under consideration, and mailing labels that would include the property owners name and mailing addresses. [Amd. Ord. 8-97 2/18/97]~~

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- (o) ~~**Change in project.** During the course of processing, a development request, which requires public hearing notice, may be changed by the applicant without requiring renote, provided that: [Amd. Ord. 8-97 2/18/97]~~
- (i) ~~The change is not to a new zoning designation which is deemed as to accommodate more intensive use; or [Amd. Ord. 78-04 1/18/05]~~
 - (ii) ~~The change does not allow the introduction of a new type of use or another use which, in and of itself, is subject to a public hearing. [Amd. Ord. 78-04 1/18/05]~~
- (2) ~~**Conduct.** The general conduct of a public hearing shall be in accordance with the rules adopted by the applicable board, or if none has been adopted, by the Rules of the City Commission. [Amd. Ord. 78-04 1/18/05]~~
- (C) ~~**Notice to external agencies and citizen groups.** Notice of receipt of a development application shall be made to affected and interested groups as identified in this Subsection (C). Notice shall be provided in sufficient time to allow for review and comment prior to action. Upon request, a representative of the Planning and Zoning Department shall appear before such groups to provide information about the application.~~
- (1) ~~**City boards.** City Boards shall be noticed as follows:~~
- (a) ~~**Downtown Development Authority.** Notice of all development applications within its geographic limits.~~
 - (b) ~~**Community Redevelopment Agency.** Notice of all development applications within its geographic limits.~~
 - (c) ~~**Historic Preservation Board.** All development applications which involve property located within a Historic District or on a designated Historic Site and which are not acted upon by the Historic Preservation Board shall be referred to that Board in a timely manner so that a recommendation may be made prior to action by others on the application.~~
- (2) ~~**Other entities.** Other governmental and regulatory bodies shall be noticed as follows:~~
- (a) ~~**Utility companies.** Utility providers for gas, electricity, telephone, cable television, etc. shall be notified of the submission of a site plan or plat.~~
 - (b) ~~**Adjacent units of government.** Whenever a development application involves land use review or implements a development activity proposed within the Comprehensive Plan and it is located within one-quarter mile of the boundary of an adjacent unit of government, notice shall be provided pursuant to that unit of government.~~
 - (c) ~~**Florida Department of Transportation (FDOT).** Whenever a site plan involves property adjacent to a thoroughfare maintained by FDOT, FDOT shall be notified upon receipt of the development application and FDOT~~

approval of any required improvements or connections to the thoroughfare shall be required prior to approval of a final plat or final engineering plans when a plat is not required.

- (d) ~~**Palm Beach County Traffic Division.**~~ Whenever a site plan involves property adjacent to a thoroughfare maintained by Palm Beach County, its Traffic Division shall be notified upon receipt of the development application and its approval of any improvements or connections to the thoroughfare shall be required prior to approval of a final plat or final engineering plans when a plat is not required.

In addition, whenever a proposed project will generate average daily traffic in excess of 200 trips, the required Traffic Study shall be forwarded to the County Engineer for review and comment prior to any consideration, by the approving body, of the associated development application. [Amd. Ord. 9-97 2/18/97]

- (e) ~~**Lake Worth Drainage District (LWDD).**~~ Whenever a proposed project is adjacent to LWDD facilities, the District shall be notified upon receipt of the development application for comments as to impact upon its facilities.

- (3) ~~**Neighborhood groups.**~~ The Planning and Zoning Department shall maintain a list of neighborhood groups which wishes to receive notice of development applications that require action by the Planning and Zoning Board, the Site Plan Review and Appearance Board, or the Historic Preservation Board. To be on the list, a neighborhood group must provide the name and address of a contact person; identification of the group; the types of items it wishes to be notified of; and its geographic area of interest. The Planning and Zoning Department shall notify such groups of appropriate development applications once such applications are set on a Board's agenda.

Sec. 2.4.3. Submission requirements.

This Section sets forth items which are to accompany an application for development approval. These requirements may be waived when, on a case by case basis, the Director finds that such material is not relevant or necessary to fully analyze or make a determination relative to an application. Also, the Director may require submission of additional information as set forth herein.

- (A) ~~**Standard application items.**~~ Every application for a development approval shall contain the following items, unless otherwise stated: (Ord. No. 30-22, § 2, 11-1-22)

- (1) ~~A completed application.~~ (Ord. No. 30-22, § 2, 11-1-22)

- (2) ~~A copy of the latest recorded warranty deed for all property associated with the developer request, and a certificate from an attorney at law or a title insurance company certifying who the current fee simple title holders of record of the subject property are, and the nature and extent of their interest therein.~~ (Ord. No. 30-22, § 2, 11-1-22)

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- (3) ~~If the applicant is other than a single person owner, the written consent of the owner(s) must be provided in a certified form. When an application is executed on behalf of a corporation or a business entity, documentation must be provided which demonstrates that the corporation's representative is authorized to act on behalf of the corporation.~~
- (4) ~~A vicinity map which clearly shows the subject property, adjacent properties, and their relationship to streets located, at a minimum, within one-half mile of the property. Vicinity map shall be at a scale that is readily readable and include sufficient landmarks to quickly identify location of proposed project. [Amd. Ord. 01-08 1/15/08]~~
- (5) ~~A survey or plat which shows the property described pursuant to the legal description contained in the warranty deed required in subsection (2), above. Such survey or plat shall show all improvements on the property and must be certified as reflecting conditions on the site as they existed within six months prior to the filing of the application.~~
- (6) ~~For all items which involve a public hearing which must be noticed by letter, a list of adjacent property owners pursuant to Section 2.4.2(B)(1)(n). [Amd. Ord. 78-04 1/18/05]~~
- (7) ~~Copy of a letter of notification to the utility providers referenced in Section 2.4.2(C)(2)(a) to which a copy of the site plan or plat is provided. (Standard form letter to be provided by the City). (Ord. No. 41-20, § 2, 10-20-20)~~
- (8) ~~Payment of the appropriate processing fee, which shall be adopted pursuant to the procedures outlined in Section 2.4.3(K). (Ord. No. 41-20, § 2, 10-20-20)~~
- (9) ~~A completed "School District of Palm Beach County—School Concurrency Application and Service Provider Form", and a check or money order for the appropriate fee, made payable to: The School District of Palm Beach County. This is required for all projects which include residential dwelling units. [Amd. Ord. 26-02 7/16/02]~~
- (10) ~~A draft rating checklist from a green building certification entity, demonstrating compliance with minimum certification pursuant to Section 7.11.1, if required. (Ord. No. 30-22, § 2, 11-1-22)~~
- (B) ~~**Standard plan items.** The following items, unless otherwise stated, shall be included as a part of any application submittal that requires formal action by a Board or that may be approved by the Development Services Director or designee. These include, but are not limited to: a site and development plan, landscaping plan, preliminary engineering plans, or master (concept) plan. (Ord. No. 30-22, § 2, 11-1-22)~~
- (1) ~~The survey, site plan, landscaping plan, preliminary engineering plans, tree survey, photometric plan, irrigation plan, (excluding architectural elevations and floor plans, which shall utilize an architect's scale) shall be at the same scale. Acceptable scales shall include one inch equals ten feet; one inch equals 20 feet or~~

one inch equals 30 feet. The size and location of structures, landscape areas, and other features shall be dimensioned. [Amd. Ord. 01-08 1/15/08]

- (2) ~~A title block that shows: the project name, the scale, the date of the drawing, revision numbers and revision dates (revised drawings which do not have revision numbers and dates shall not be accepted), page numbers, name of what is being presented (e.g. landscaping, paving and drainage, etc.), and name of the firm or individual who prepared the drawing. (Ord. No. 30-22, § 2, 11-1-22)~~
- (3) ~~A north arrow and a location map inset.~~
- (4) ~~The perimeter of the property described pursuant to the legal description contained in the submitted warranty deed.~~
- (5) ~~The center line of the right of way of any adjacent street with the basis of the center line clearly stated; the center line of the existing pavement; the width of the street pavement; the location and width of any adjacent sidewalk; and the identification of any improvements located between the property and any adjacent street.~~
- (6) ~~The approximate location of intersecting lot lines of adjacent parcels and the approximate location of the nearest structures and/or significant improvements on those parcels.~~
- (7) ~~The location of the nearest driveway or point of access of adjacent properties (including property across a street, which shares a common street with the subject property). If there are no driveways within 50 feet, then they do not need to be shown; however, a note to this situation shall be provided.~~
- (8) ~~The approximate location of aboveground and underground utilities including water, sewer, drainage, power, gas, telephone, and cable television; poles and guy wires; transformer boxes, etc. The plan shall identify the disposition of all such existing utilities.~~
- (9) ~~The location of any other significant features, including vegetation and all trees which have a diameter of four inches or greater, measured at four and one-half feet above grade; water bodies and water courses; and other improvements. The plan shall identify the disposition of all such items. A separate tree survey may be required. If so, it shall be at the same scale as the site plan.~~

~~NOTE: Items required in (8) and (9) may be shown on one separate plan or survey sheet, and then only those items which are proposed to be incorporated with the proposed development need be shown on the site plan.~~
- (10) ~~The location of all proposed structures with setbacks dimensioned from the closest property lines.~~
- (11) ~~The intended use of each structure. This may be accommodated directly on the drawing or by referencing the structures by letter and providing a chart.~~

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- ~~(12) The paths of ingress and egress for vehicles and pedestrians onto and through the site. Traffic flow shall be indicated with arrows. Standard Manual of Uniform Traffic Control Devices (MUTCD) symbols shall be used to show control devices and pavement markings. A separate flow control plan may be required.~~
- ~~(13) The location of parking areas and loading zones (areas). The number of parking spaces shall be shown on the plan. The plan shall show typical dimensions of parking spaces, landscape islands, and traffic aisles for each type of parking space which is provided. In addition, a detail showing parking space striping, space sizing, and method(s) of providing wheel stops shall be provided.~~
- ~~(14) The manner in which all utility services are to be provided to the site and to individual structures on the site.~~
- ~~(15) The location of any buffers, fencing, walls. A sketch of the type of such feature shall be provided.~~
- ~~(16) The location of proposed signing with an indication of proposed height and dimensions. (Note: Sign approval is not a part of a site plan approval.)~~
- ~~(17) A photometric plan showing a preliminary lighting layout including the location of all proposed lighting fixtures shall be provided for all development. A picture or sketch of the lighting fixture including height and a lighting coverage exhibit is required. This shall include details of wall pack lighting and freestanding lights both proposed and existing. The plan shall show maximum photometric calculation patterns which shall not exceed ten feet spacing. Calculations shall include the average, minimum and maximum foot candles, average to minimum ratio and maximum to minimum ratio on the site. Plans shall be signed and sealed by a licensed professional knowledgeable in lighting design. [Amd. Ord. 41-08 11/3/08]~~
- ~~(18) The proposed location for solid waste disposal facilities. A note or detail shall be provided which identifies the height of required enclosures, the type of gating, and the type of materials to be used for the enclosure.~~
- ~~(19) The location of all landscape areas and an indication of the type of vegetation (trees, shrubs, hedges, groundcover) which is to be provided therein.~~
- ~~(20) Spot elevations showing changes of elevations of not more than two feet, existing and proposed, throughout the site and at a distance ten feet into adjacent property. Additional spot elevations and/or a topographic plan may be required.~~
- ~~(21) The F.E.M.A. Flood Plain designation for the property, the base flood elevation, and a statement as to how provisions of the Flood Damage Regulations will be met.~~
- ~~(22) If project phasing is proposed, such phases shall be clearly shown on the plan and a narrative describing the phasing program shall be provided.~~

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- (23) ~~A completed "Project Data" sheet. This sheet shall be available at the Planning and Zoning Department and shall be unique to different types of development activity (i.e. commercial, industrial, residential).~~
- (24) ~~Plans which are submitted for formal action shall be stamped with a raised seal and signed by the preparer.~~
- (C) ***Landscaping plans.*** ~~A formal landscape plan, which complies with the provisions of Section 4.6.16, shall:~~
- ~~(1) Be drawn to scale consistent with the site plan with crowded or tight areas provided in a larger scale presentation.~~
 - ~~(2) Clearly delineate the existing and proposed parking spaces or other vehicular use areas, access aisles, sidewalks, building locations and similar features.~~
 - ~~(3) Contain a Statement of Intent as to the method and coverage of irrigation (irrigation system requires a separate permit).~~
 - ~~(4) Designate by name and location the plant material to be installed or preserved.~~
 - ~~(5) Provide a legend including the botanical and common names, height, spread and spacing of all plant materials.~~
 - ~~(6) Show all landscape features, including areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings, and other improvements on the site, if any.~~
 - ~~(7) Include a tabulation clearly displaying the relevant statistical information necessary to evaluate compliance with the provisions of this code. This includes the gross acreage, square footage of preservation areas, number of trees to be planted or preserved, square footage of paved areas devoted to parking and circulation, total square footage of interior greenspace and of perimeter greenspace, total number of interior trees provided, percentage of native plant materials and such other information that may be required to determine that the landscape plan meets the requirements of the Code. A separate exhibit which shows the location of areas upon which calculations are based may be required.~~
 - ~~(8) Provide the name, address and telephone number of the person preparing the landscape plans and the owner or agent.~~
 - ~~(9) Show proposed location of outdoor lighting.~~
 - ~~(10) Show proposed location of refuse areas and methods of screening;~~
 - ~~(11) Show proposed location of overhead lines and utility easements.~~
 - ~~(12) Show proposed location of signage.~~
 - ~~(13) Demonstrate that the proposed landscaping will be consistent with existing vegetation preserved on the property.~~
 - ~~(14) Required management plan. For all areas of preserved plant communities larger than one half acre in area, the owner shall submit with the landscape plan, a~~

narrative management plan indicating the manner in which the native plant communities will be preserved. The narrative shall include:

- (a) ~~Whether or not the existing vegetation is to be preserved in the existing species composition;~~
- (b) ~~If applicable, the manner in which the composition of existing plant material is to be preserved, hand removal of invasive species, prescribed burning, etc.;~~
- (c) ~~The maintenance schedule for the removal of exotics;~~
- (d) ~~The maintenance schedule for the removal of debris.~~

~~(D) Preliminary engineering plans.~~

- ~~(1) Preliminary engineering plans shall provide information and be in a format as required by Section 2.4.3(B), Standard Plan Items.~~
- ~~(2) Said plans shall be drawn on a topographic base (unless the use of spot elevations are previously approved by the City Engineer) with topographic features extended to ten feet beyond the site. All plans shall be drawn on a sheet which is 24 inches by 36 inches. [Amd. Ord. 01-08 1/15/08]; [Amd. Ord. 26-93 4/13/93]~~
- ~~(3) Said plans shall show the approximate location as shown in records of Delray Beach and/or field observations of all existing water, sewer, and drainage facilities along with streets, sidewalks, and above-ground improvements which provide service to and on the site. Notes shall state the disposition of all existing facilities including service lines, meters, etc.~~
- ~~(4) Said plans shall show the proposed location, sizing and design basis of water, sewer, fire suppression, and drainage facilities which are to serve the site, including pertinent calculations, and the method of providing service to the proposed structures. [Amd. Ord. 26-93 4/13/93]~~
- ~~(5) Said plans shall show the method of providing service to proposed structures.~~
- ~~(6) Said plans shall show the location of proposed street lights and shall address the responsibility for installation.~~
- ~~(7) Bus shelters. [Section added by Ord. 13-13 8/20/13]~~
 - ~~(a) Said plans for the following projects shall include a bus shelter:~~
 - ~~(i) A new residential project that has 25 or more units;~~
 - ~~(ii) A non-residential project that is greater than 10,000 square feet;~~
 - ~~(iii) A project that is adjacent to an existing or proposed transit stop.~~
 - ~~(b) When the placement of a bus shelter for a qualifying project would be located less than the standard minimum distance from an existing shelter (applied and determined by Palm Tran), then the project shall contribute the full cost of the purchase and installation of a complete bus shelter.~~

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- (c) ~~New residential projects that have fewer than 25 units, non-residential projects that are smaller than 10,000 square feet, or projects that are not located adjacent to a transit stop shall contribute 50 percent of the cost of the purchase and installation of a complete bus shelter.~~
- (8) ~~Surface water management calculation indicating the proposed system's ability to meet storm water quality and quantity requirements in accordance with SFWMD (South Florida Water Management District) regulations. [Amd. Ord. 26-93 4/13/93]~~
- (9) ~~Said plans may include a plan sheet which includes all proposed improvements on one plan sheet at a scale other than what is required in Section 2.4.3 (B) (1). This additional submittal is in addition to plans submitted meeting the scale requirement in Section 2.4.3(B)(1). [Amd. Ord. 01-08 1/15/08]~~
- (E) ~~**Traffic statements and studies.** Whenever a land use application, which will add use area or establish a new use which will increase traffic at the site by 201 or more trips per day (net ADT (Average Daily Traffic) is submitted, it shall be accompanied by a traffic study which meets the requirements of the Palm Beach County Traffic Performance Standards Ordinance. [Amd. Ord. 9-97 2/18/97]~~
- (1) ~~Threshold Exemptions: Developments which generate 201 or more ADT and are located within the City's TCEA are exempt from having to provide a traffic study. [Amd. Ord. 9-97 2/18/97]~~
- (2) ~~**Traffic statement exemptions.** All other land use applications which generate 200 or less ADT or are located in the City's TCEA shall be accompanied by a traffic statement which establishes the anticipated net ADT and includes the following: [Amd. Ord. 9-97 2/18/97]~~
- (a) ~~Type of use and intensity;~~
- (b) ~~Categorization by the ITE Manual and formula used for establishing gross ADT;~~
- (c) ~~Capture factors which are applied and attendant calculations;~~
- (d) ~~Calculation of net ADT;~~
- (e) ~~Location of project;~~
- (f) ~~Current (latest) ADT volumes for the street upon which the use takes access(es).~~
- (3) ~~**Transportation demand management.** A land use application, which will add use area or establish a new use, that will result in the addition on the premises of more than 50 employees, located in the City's TCEA (Transportation Concurrence Exception Area), shall include submittal of a program to implement employer-based TDM (Transportation Demand Management) activities. These activities may include, but are not limited to, ride sharing, van pooling, and flexible work hours. [Amd. Ord. 36-98 10/6/98]~~

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- (F) ~~**Final engineering plans.** Final Engineering Plans are construction drawings which have been prepared by a Registered Engineer in a manner acceptable to permitting agencies and in accordance with the latest version of the City of Delray Beach Minimum Construction Standards and Specifications. [Amd. Ord. 13-13 8/20/13]~~
- ~~(1) Water and sewer plans must be prepared pursuant to requirements of the Department of Health and Rehabilitative Services (HRS)~~
 - ~~(2) Drainage plans must be prepared pursuant to requirements of the South Florida Water Management District.~~
 - ~~(3) Street improvement plans must be prepared pursuant to specifications as set forth by the City Engineer for local streets; and, per Palm Beach County or FDOT requirements for streets which are under the jurisdiction of those agencies.~~
 - ~~(4) Composite utility plans shall show the proposed location of all existing and proposed utilities (water, sewer, power, telephone, gas, cable, drainage devices) and shall be signed by a representative of each utility provider attesting to the fact that services can be accommodated as shown on the composite utility plan. The composite plan shall address the responsibility for relocation of existing services and installation of new services.~~
- (G) ~~**Architectural elevations.** The submission for architectural review by the Site Plan Review and Appearance Board or Historic Preservation Board, as appropriate, shall consist of the following:~~
- ~~(1) A sketch plan showing existing conditions if the architectural review is not associated with an application that requires site plan or preliminary plat review; otherwise, the site plan or plat shall accompany the submission. (Ord. No. 22-20, § 3, 8-26-20)~~
 - ~~(2) All drawings shall be drawn to scale (architectural scale is permitted) and dimensioned.~~
 - ~~(3) A drawing showing all elevations (east, west, north, south) of proposed structures or of the elevation(s) that is being modified when an existing structure is involved. (Ord. No. 22-20, § 3, 8-26-20)~~
 - ~~a. Each elevation drawing shall show all architectural features of the structure and include the manner in which air conditioning, ventilation systems, and similar items are to be treated and screened. (Ord. No. 22-20, § 3, 8-26-20)~~
 - ~~b. Exterior colors and the type of exterior surfaces, including roofs, shall be identified. (Ord. No. 22-20, § 3, 8-26-20)~~
 - ~~c. Murals shall not be included as part of any proposed changes to elevations. A separate mural application and review process is required. (Ord. No. 22-20, § 3, 8-26-20)~~
 - ~~(4) A roof plan showing the location of equipment and features located thereon. (Ord. No. 22-20, § 3, 8-26-20)~~

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- (5) ~~Color and material samples. (Ord. No. 22-20, § 3, 8-26-20)~~
- (6) ~~Additional detailed drawings and/or supportive documents may be necessary to meet the requirements or demonstrate compliance with applicable sections of this Code. [Amd. Ord. 21-04 5/4/04] (Ord. No. 22-20, § 3, 8-26-20)~~
- (H) ~~**Submission (platting) items.** A preliminary or final plat shall contain the items identified in the following subsections. All plats shall be drawn at a scale of one inch equals ten feet, one inch equals 20 feet, or one inch equals 30 feet. All plats shall be drawn on a sheet which is 24 inches by 36 inches. [Amd. Ord. 01-08 1/15/08]~~
- (1) ~~The preliminary plat. A preliminary plat shall be clearly titled "Preliminary Plat". It must encompass all of the land which is under the legal description contained in the warranty deed(s) and shall show the following information:~~
- ~~(a) Items 1-5, 6-9, 20, and 21 of the Standard Plan Items listed in Section 2.4.3(B).~~
 - ~~(b) The name and location of adjacent subdivisions and lots.~~
 - ~~(c) All existing easements (recorded or apparent) and existing (internal) property or lot lines along with notations as to the purpose of the easements and reference to their recording instrument. Existing easements and lot lines which are to be removed, abandoned, or relocated shall be shown in dashed lines.~~
 - ~~(d) The proposed boundary lines of new lots and tracts and easements. All such lines shall be dimensioned and the purpose of easements and of restricted use lots and tracts shall be identified.~~
 - ~~(e) All streets shall show proposed street names.~~
 - ~~(f) The proposed location of street trees shall be shown if the subdivision is not associated with a site plan or landscape plan submission. A separate exhibit shall show street tree specifications and planting details. For small subdivisions, the street tree plan may be submitted in the form of a narrative.~~
 - ~~(g) The proposed location of street lights shall be shown if the subdivision is not associated with a site plan or landscape plan submission. A separate exhibit which identifies the type of street lights and the responsibility for installation and maintenance shall be provided.~~
 - ~~(h) If all of the land is not to be subdivided into individual lots but retained in a future development tract, the preliminary plat must show the general location of the anticipated street pattern, routing of utilities, points of access, and the proposed use for such tracts.~~
 - ~~(i) A dedication statement shall be provided. The dedication shall be in the format shown in the City Subdivision Forms. Variations can be made to accommodate unusual situations; however, such variations must be first agreed to by the City Engineer. When the dedication statement provides for~~

~~common areas, a separate narrative is to be provided which describes the proposed method of ownership and maintenance. [Amd. Ord. 46-95 9/5/95]~~

~~(j) The signature block shall be provided in the format shown in the City Subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~

~~(2) A Final Plat shall be drawn at a scale of one inch equals ten feet, one inch equals 20 feet or one inch equals 30 feet. Individual sheets, their size, marginal lines, and other drafting considerations shall comply with requirements of Palm Beach County for the recordation of plats. Where the final plat requires more than one sheet, each sheet shall be keyed to a master map. The final plat shall show the following: [Amd. Ord. 01-08 1/15/08]~~

~~(a) A map showing the location of the subdivision with respect to Section or Government lot lines.~~

~~(b) A title block as provided on the preliminary plat.~~

~~(c) Boundary lines drawn in compliance with F.S. 177, Land Boundaries.~~

~~(d) The accurate location material of all permanent reference monuments.~~

~~(e) The exact layout, including street and alley lines, street names, bearing angles of intersection and widths (including widths along the lines of any obliquely intersecting street), lengths of arcs and radii, points of curvature and tangent bearings, all easements or rights of way where provided; all lot lines with dimensions in feet and hundredths and with bearings or angles if other than right angles to the street or alley lines. [Amd. Ord. 46-95 9/5/95]~~

~~(f) Lots numbered in numerical sequence beginning with number one in each block, and blocks numbered in numerical order or lettered in alphabetical order.~~

~~(g) The accurate identification of all property which is to be dedicated or reserved for public use including open drainage courses and easements, and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision with the purposes indicated thereon.~~

~~(h) Mortgagee statements of consent, in the format provided in the City subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~

~~(i) Title Certification by an attorney at law or title company, in the format provided in the City Subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~

~~(j) Standard Dedication Statement, in the format provided in the City subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~

~~(k) Standard Signature Block, in the format provided in the City subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~

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- ~~(l) Surveyors Certificate attesting to the accuracy of the survey and the placement of permanent reference monuments, in the format provided in the City subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~
- ~~(m) Name of the subdivision centered at the top of the page and a north arrow with scale.~~
- ~~(I) **Additional information.** Additional information may be required as deemed necessary or appropriate in order to adequately evaluate the development proposal. Also, additional information as required pursuant to a specific type of development application as further described in Section 2.4.5 shall be provided as a part of an initial submittal.~~
- ~~(J) **Combining of submittal items for multiple purpose applications.**~~
- ~~(1) When one project requires more than one application (e.g. rezoning, site plan, abandonment, plat), the information required of a Basic Submission 2.4.3(A) parts (2) through (7) need only be provided with the initial application provided that with each subsequent application an affidavit, signed by the owner or designated agent, verifies that the original information therein has not changed. Any information which has changed must be noted and resubmitted.~~
- ~~(2) Each site plan application or master plan application must provide a complete basic plan submittal, 2.4.3(B). Information required by subsections (C) and (D) may be shown on the basic plan or may otherwise be combined provided that the submittal remains clear and easy to read. Three separate submittals may be required at the discretion of the Director.~~
- ~~(K) **Fees.** Processing fees shall be collected for development applications. The fees shall be established by resolution of the City Commission. One copy of the Fee schedule shall be identified as an official copy and shall be kept on file with the City Clerk for public use, inspection, and examination. A copy of the fee schedule shall be kept on file with the Development Services Department for use, inspection and examination by City Staff and any applicant. One digital copy of the official copy of the adopted Fee schedule shall be posted to the City's website with development applications. (Ord. No. 41-20, § 2, 10-20-20)²~~
- ~~(1) **Exceptions.** (Ord. No. 41-20, § 2, 10-20-20)~~

²Editor's note(s)—Ord. No. 41-20, § 2, adopted October 20, 2020, in effect repealed subsection 2.4.3(K) and enacted a new subsection 2.4.3(K) as set out herein and later amended. Former subsection (K) pertained to similar subject matter and derived from Ord. 20-91, adopted February 26, 1991; Ord. 32-92, adopted September 22, 1992; Ord. 46-95, adopted September 5, 1995; Ord. 59-95, adopted October 24, 1995; Ord. 10-97, adopted February 18, 1997; Ord. 42-02, adopted October 15, 2002; Ord. 8-04, adopted February 17, 2004; Ord. 21-06, adopted April 18, 2006; Ord. 25-07, adopted August 21, 2007; Ord. 33-09, adopted August 4, 2009; Ord. 51-09, adopted October 20, 2009; Ord. 23-12, adopted August 7, 2012; and Ord. 20-15, adopted October 6, 2015.

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- (a) ~~Application and permit fees shall not apply to requests initiated by the City, any agency of the City, or by other units of government. (Ord. No. 41-20, § 2, 10-20-20)~~
- (b) ~~Waiver of payment of development application, plan check and permit fees may be granted by the City Manager upon a written request from eligible non-profit and service organizations. Those organizations eligible for waiver consideration are: (Ord. No. 41-20, § 2, 10-20-20)~~
- ~~1. Non-profit organizations currently receiving a portion of their annual operating budget from the United Way and/or the City and possessing a 501C(3) designation from the State of Florida. (Ord. No. 41-20, § 2, 10-20-20)~~
 - ~~2. Service organizations which elect to sponsor and participate in special event and/or fund raising activities that are of benefit to the general public. For this purpose, eligible organizations must provide in writing the extent of their involvement with the proposed activity. A group's physical presence (active involvement) during the event is required. (Ord. No. 41-20, § 2, 10-20-20)~~
- (c) ~~The waiver of fees is applied in the following manner: (Ord. No. 41-20, § 2, 10-20-20)~~
- ~~1. For fees assessed for development applications, 100 percent of assessed fees may be waived. (Ord. No. 41-20, § 2, 10-20-20)~~
 - ~~2. For Plan Check and Permit Fees, no more than 70 percent of the assessed fees may be waived. (Ord. No. 41-20, § 2, 10-20-20)~~
 - ~~3. All fees may be waived for the use of the City's portable stage when used in conjunction with special event activities and activities held at City facilities. (Ord. No. 41-20, § 2, 10-20-20)~~

~~(L) **Master development plans.**~~

- ~~(1) **Submission requirements.** The following items constitute the submission requirements for a Master Development Plan (MDP).~~
- ~~(a) Standard Application Items Pursuant to Section 2.4.3(A).~~
- ~~(b) Land use map. A graphic representation of the entire site which shows or provides:~~
- ~~— a location map;~~
 - ~~— adjacent street system and parcels and the uses thereon;~~
 - ~~— project name;~~
 - ~~— development areas identified by land use categories;~~

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- the general location of major water, sewer, and drainage devices required for the project;
 - legend and tabular data regarding land areas devoted to uses (streets, open space, type of use, etc.), square footage of building use per land use category, and phasing schedule.

(c) ~~**Conceptual development plan(s).**~~ A graphic representation of the entire site, phases thereof, or development areas which shows:

- The relationship between the entire site and adjacent parcels;
- The relationship between development phases and/or internal development areas;
- Traffic circulation, parking areas, building locations, landscape areas, and utility facilities;
- Elevations depicting architectural styles for the proposed development and information regarding architectural details, e.g., building materials, pavement textures, signing materials, lighting fixtures, street furniture, etc.

(d) ~~**Narrative.**~~ The narrative shall set forth the following:

- General information about the project;
- Statement of character of the project and its specific objectives regarding impact upon the community;
- Statement as to uses;
- Phasing sequence, if any, including phasing of the installation of public improvements;
- Variance, waivers, adjustments or other concessions requested for the project;
- Statements pertaining to payment of processing, in lieu, impact, and special fees;
- Statements pertaining to anticipated processing and review sequences;
- Statements pertaining to initial contact with service providers and/or agencies involved with storm drainage, water management, solid waste disposal and related items as is appropriate;
- Statements pertaining to compliance with County and City Wellfield Protection requirements, and Hazardous Waste Disposal requirements.

(M) ~~**Credentials for preparation of certain submission items.**~~

~~(1) **Plans to be certified.** The following submissions are to be signed and sealed by the profession which is so authorized by Florida Statutes, (Board of Professional Regulation):~~

- ~~(a) Boundary Survey by a licensed surveyor or registered engineer;~~
- ~~(b) Traffic statement or study by a registered engineer;~~
- ~~(c) A landscape plan by a registered landscape architect;~~
- ~~(d) A site plan by a registered architect, a landscape architect, or registered engineer;~~
- ~~(e) Preliminary and Final Engineering Plans by a registered engineer~~
- ~~(f) Photometric plans shall be signed and sealed by a licensed professional knowledgeable in lighting design. [Amd. Ord. 41-08-11/3/08]~~

~~(2) **Exceptions.**~~

- ~~(a) **General.** Exceptions to the above sign and seal requirement include the preparation of plans, when allowed, by owners and others, who are not registered professionals, pursuant to Florida State Statute.~~
- ~~(b) **Site plans.** A site plan to be recorded (certified as meeting conditions of approval) must be signed and sealed without exception. A site plan submission which is to be considered through the formal site plan review process shall be signed and sealed when the site planning involves the application of drainage, landscaping principles, building relationships, and traffic flow concepts. However, the Director may accept a site plan prepared by an owner, or other person, when the site plan is considered as a preliminary submission or when the essence of the review is to evaluate compliance with code requirements as opposed to application of design principles to the proposed development.~~

Sec. 2.4.4. General procedures pertaining to approval of land use and development applications.

The following provisions apply to various land development applications:

- ~~(A) **Initiation of applications.** Any person, firm, or corporation owning property within the City who desires to affect a change in the Comprehensive Plan, to change the designation on the Zoning Map, or to seek development approval pursuant to Section 2.4.5, or to obtain a permit or approval pursuant to Section 2.4.6, or to seek relief pursuant to 2.4.7 as it pertains to land under their ownership may make an application for such action. The Local Planning Agency and the City Commission may initiate a development application as it pertains to an amendment to the Comprehensive Plan or to the Official Zoning Map as it pertains to any property within the City.~~

(B) ~~**Findings upon approval.**~~ Prior to the approval of a development application, certain findings must be made in a form which is part of the official record. Article 3.1 sets forth such required findings.

(C) ~~**Imposition of conditions.**~~ In granting approval to any development application, the granting body may impose whatever conditions it deems necessary in order to insure:

- ~~The compatibility of the use with nearby existing and proposed uses.~~
- ~~Concurrency.~~
- ~~Consistency with objectives and policies of the Comprehensive Plan.~~
- ~~The fulfillment of requirements of these Regulations which should have or could have been fulfilled prior to the approval action but which were not, due to conditions beyond the control of the applicant.~~
- ~~The fulfillment of requirements of these Regulations which could have been fulfilled prior but remain outstanding; thus, providing that they will be accommodated in a later stage of processing.~~

~~However, neither a final subdivision plat nor an abandonment of a right of way or an easement shall be approved subject to conditions.~~

(D) ~~**Establishment of project.**~~ All approvals shall be considered established when it meets one of the following tests: [Amd. Ord. 38-08 9/16/08]

- (1) ~~Improvements representing 25 percent of the total cost of all improvements associated with the project approval. [Amd. Ord. 38-08 9/16/08]~~
- (2) ~~A certificate of occupancy has been issued for use of the property pursuant to the development approval.~~

(E) ~~**Expiration of approvals.**~~

~~Deleted (1) and Renumbered [Amd. Ord. 38-08 9/16/08]~~

(1) ~~**Conditional uses, site plans, site plan modifications, preliminary subdivision plats, zoning certificate of use and occupancy.**~~ All approval expiration dates for Conditional Use, Site Plan, Site Plan Modification, Preliminary Subdivision Plat, and Zoning Certificate of Use and Occupancy shall be determined as follows: [Amd. Ord. 38-08 9/16/08]; [Amd. Ord. 11-06 3/21/06]; [Amd. Ord. 25-05 5/3/05]; [Amd. Ord. 11-05 3/15/05] (Ord. No. 24-18, § 3, 11-27-18)

- (a) ~~Approvals of Class IV and V Site Plans, Conditional Uses, and Major Conditional Use Modifications shall be valid for a period of 24 months. Class I-III Site Plan Modifications and Minor Conditional Use Modifications to an approved and established project, shall be considered a new approval and have an additional 24-month approval period. Class I-III Site Plan Modifications and Minor Conditional Use Modifications to an approved, yet unestablished project, shall be valid until the expiration date for the original Site Plan and/or Conditional Use approval. [Amd. Ord. 38-08 9/16/08] (Ord. No. 24-18, § 3, 11-27-18)~~

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- (b) ~~Approval of a Zoning Certificate of Use and Occupancy shall be valid for a period of 60 calendar days from the date of approval by the Director. If a Business Tax Receipt application is not submitted prior to the expiration date, a new Zoning Certificate of Use and Occupancy must be requested, and a new fee will be required. (Ord. No. 24-18, § 3, 11-27-18)~~
- (2) ~~**Certificates of appropriateness.** Certificates of Appropriateness approvals associated with a Site Plan, Site Plan Modification and/or Conditional Use application shall follow timelines provided in Section 2.4.4(E)(1). All approval expiration dates for Certificates of Appropriateness not associated with a Site Plan, Site Plan Modification, or Conditional Use shall be determined as follows: [Amd. Ord. 38-08-9/16/08]~~
- (a) ~~New Certificates of Appropriateness approvals or any revision as defined by Section 4.5.1(E)(2) of an approved and established project shall be valid for a period of 24 months. Any major revision, as defined by Section 4.5.1(E)(2), of an approved, yet unestablished Certificate of Appropriateness, shall be considered a new approval and have an additional 24 month approval period. Any minor revision, as defined by Section 4.5.1(E)(2), of an approved, yet unestablished Certificate of Appropriateness shall be valid for the original Certificate of Appropriateness approval period. [Amd. Ord. 38-08-9/16/08]~~
- (3) ~~**Extensions.** Extensions of approved applications may be granted pursuant to LDR Section 2.4.4(F). [Amd. Ord. 38-08-9/16/08]~~
- (4) ~~**Relief from parking requirements, waivers, adjustments.** These approvals, associated with a specific development application, shall remain valid for the same period as said development application, do not run with the land, nor are they transferable to another development proposal. [Amd. Ord. 38-08-9/16/08]~~
- (5) ~~**Abandonments, final plats, variances.** [Amd. Ord. 38-08-9/16/08]; [Amd. Ord. 46-95-9/5/95]~~
- (a) ~~Once approved by the City Commission, the final plat must be recorded within 18 months. If the final plat is not recorded within 18 months, the approval expires. [Amd. Ord. 46-95-9/5/95]~~
- (b) ~~A final plat may be vacated by action of the City Commission [See Section 2.4.5(L)]. [Amd. Ord. 46-95-9/5/95]~~
- (c) ~~Abandonments, Final Plats, and Variances are final actions which run with the land. [Amd. Ord. 38-08-9/16/08]~~
- (6) ~~**Master development plans.** Master Development Plans approved either by the Planning and Zoning Board or the Historic Preservation Board shall be valid for a period of two years. [Amd. Ord. 23-09-5/19/09]~~

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- (7) ~~**Murals.** Mural permits shall be valid for a period of 12 months from the approval date. The installation of an approved mural shall be completed and inspected no later than 12 months from the approval date. (Ord. No. 22-20, § 4, 8-26-20)~~
- (F) ~~**Extensions.** Extensions may be granted to a project approval listed under Sections 2.4.4(E)(1) and (2) pursuant to the following: [Amd. Ord. 38-08-9/16/08]~~
- (1) ~~**General.**~~
- ~~(a) A written request for an extension must have been received by the City at least 45 days prior to the expiration date;~~
 - ~~(b) The letter must set forth the basis and reason for the extension;~~
 - ~~(c) The extension shall be considered by the same body which granted the original approval;~~
 - ~~(d) The extension, if granted, shall be for 18 months unless otherwise stated;~~
- (2) ~~**Construction has commenced.** When there are substantial improvements on the site but the 25 percent establishment standard is not met, the granting agency shall consider the diligence and good faith of the developer to actually commence and complete construction. In this case, an extension to the originally approved project without change or without evaluation pursuant to subsection (3), which follows, shall be granted to enable the developer to complete the project as opposed to allowing a continuing approval in order to more readily sell the land and/or project. In considering "diligence and good faith", the granting body shall consider: [Amd. Ord. 38-08-9/16/08]~~
- ~~(a) When the construction commenced (construction which is commenced immediately preceding expiration generally indicates a lack of good faith);~~
 - ~~(b) The extent to which construction has proceeded;~~
 - ~~(c) The extent to which there has been a bonafide continuous effort to develop but because of circumstances beyond the control of the developer, it was not possible to meet the 25 percent standard.~~
- (3) ~~**No construction.** When the project has not commenced construction, or construction has not been deemed substantial, the request for extension shall be considered pursuant to the following:~~
- ~~(a) The project shall be evaluated pursuant to the land development regulations in effect at the time of consideration of the extension request and shall comply with such current requirements;~~
 - ~~(b) Additional submittal information including a new application and copies of previously submittal material may be required;~~
 - ~~(c) The granting body must make findings pursuant to Section 2.4.4(B);~~

(d) ~~The granting body may impose additional conditions of approval pursuant to 2.4.4(C) to insure compliance with any applicable changes to regulations or changes in circumstances which have occurred since the previous approval.~~

(4) ~~**Litigation preventing construction.** When a lawsuit is filed against the City, a developer, owner or applicant challenging the granting of a development approval by the City as listed under Subsection 2.4.4(E)(2), an extension of the development approval shall be granted without further review. The extension of time shall be effective until the litigation is concluded. Provided, however, in no event shall the extension of time exceed seven years from the initial date of approval of the development application. If the litigation is not resolved within a maximum of seven years from the initial date of approval, the developer, owner or applicant shall be required to follow Section 2.4.4(F)(1), (2) or (3). The litigation shall be deemed to be concluded after all appeals have been exhausted and a Final Order/Decision from the Court having jurisdiction over the matter has been entered. This subsection does not apply to lawsuits filed by the developer, owner or applicant against some other party, nor does it apply in any way to allow the developer, owner or applicant to extend the 24 month deadline because of financial issues. [Amd. Ord. 24-09 5/19/09]; [Amd. Ord. 10-02 3/5/02]; [Amd. Ord. 59-01 12/4/01]~~

~~However, in order to be eligible for an extension of time, the developer, owner or applicant seeking an extension must send written notification and documentation that shows ongoing litigation to the City within 30 days of the service of the suit, unless the City is a party to the suit. Except that, Subsection 2.4.4(F)(4) shall also apply to those development applications that were approved by the City prior to the adoption date of this ordinance, which approval is still valid in that the approval period has not expired, but construction has not commenced as litigation over the approval of the development application has prevented the commencement of construction. In order to qualify under this exception provided for in this paragraph, the developer, owner or applicant must provide the required notification/documentation to the City within 30 days of the adoption of this ordinance. [Amd. Ord. 10-02 3/5/02]; [Amd. Ord. 59-01 12/4/01]~~

Sec. 2.4.5. Procedures for obtaining development approvals.

(A) ~~**Amendments to the Comprehensive Plan.** Amendments to the Comprehensive Plan shall be processed pursuant to F.S. 163.3184 through 163.3253, as may be amended. (Ord. No. 38-17, § 2, 11-7-17)~~

(B) ~~**Developments of Regional Impact (DRI).**~~

(1) ~~**Rule.** When a development application is for a project which is at a presumptive threshold or up to 20 percent above a numerical threshold in guidelines and standards in F.S. 380 or administrative rules promulgated thereunder, the applicant shall be required to submit and receive a determination from the Department of Community Affairs as to whether or not such development is a development of regional impact as~~

defined by F.S. 380.06. When such a determination has been made that the DRI process pursuant to F.S. 380.06 must be followed or for a DRI where the applicant has waived the right to request a binding letter, then any development application sought from the City for such DRI shall be accompanied by and filed simultaneously with an application for development approval (ADA) seeking development of regional impact review pursuant to F.S. 380.06.

- (2) ~~**Procedure.**~~ The ADA shall be processed simultaneously with the development application. Procedures which are established for the categories of development application shall be followed. No final action shall be taken by the City on any City development application for the project until the City is in a position to concurrently act upon the application for development approval (ADA).

~~(C) **Annexation of territory.**~~

- (1) ~~**Rule.**~~ The owner of land may seek the annexation of contiguous property, under his ownership. The City may initiate an annexation of private property if said right has been delegated via provisions of a water service agreement or other agreement to that end. Further, the City may initiate annexation of property pursuant to Florida Statutes. [Amd. Ord. 2-95 1/17/95]
- (2) ~~**Required information.**~~ A request for voluntary annexation shall be in the form of a Petition to the City Clerk in which a request for annexation is made. The Petition must identify the property to be annexed by legal description and must state the desired zoning. A voluntary annexation petition must be accompanied by a zoning application. In addition to information required for the zoning action, an exhibit, prepared by a licensed surveyor, which shows the points of contiguity shall be provided. Requirements for non-voluntary annexations are pursuant to applicable sections of Florida Statutes Chapter 171. [Amd. Ord. 2-95 1/17/95]
- (3) ~~**Procedure.**~~ The voluntary annexation petition shall be considered with the zoning application and shall be subject to the zoning procedures. For voluntary annexations, prior to second reading of the enacting ordinance by the City Commission, notice of the annexation shall be published pursuant to 2.4.2(B)(1)(a)(2). Non-voluntary annexations require a recommendation of the Planning and Zoning Board, and shall be processed pursuant to applicable requirements of Florida Statutes Chapter 171. [Amd. Ord. 2-95 1/17/95]
- (4) ~~**Findings.**~~ The City Commission must make findings that the annexation is consistent with Objective NDC 3.3 of the Neighborhoods, Districts, and Corridors Element, and complies with F.S. Chapter 171. [Amd. Ord. 2-95 1/17/95] (Ord. No. 23-20, § 7, 9-10-20)

~~(D) **Change of zoning district designation.**~~

- (1) ~~**Rule.**~~ The City Commission, by ordinance, after review and recommendation for approval by the Planning and Zoning Board may amend the Official Zoning Map.
- (2) ~~**Required information.**~~ Standard application items pursuant to 2.4.3(A) shall be provided. Traffic information prepared in accordance with Section 2.4.3(E) and which

addresses the development of property under reasonable intensity pursuant to the existing and proposed zoning shall be provided. In addition, a statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning include:

- ~~That the zoning had previously been changed, or was originally established, in error;~~
- ~~That there has been a change in circumstance which makes the current zoning inappropriate;~~
- ~~That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.~~

(3) ~~**Procedure.**~~ A zoning petition shall be processed through the following sequence:

- (a) ~~Receipt and certification as complete;~~
- (b) ~~Consideration at a public hearing before the Planning and Zoning Board;~~
- (c) ~~Forwarding of a recommendation for approval to the City Commission and consideration at first reading of the enacting ordinance;~~
- (d) ~~Public hearing before the City Commission and adoption or rejection at second reading.~~

(4) ~~**Conditions.**~~ A zoning action may be conditioned in such a way to limit the intensity of development when such a limitation is necessary in order to provide for concurrency or to mitigate against the violation of an adopted level of service standard.

(5) ~~**Findings.**~~ In addition to provisions of Chapter Three, the City Commission must make a finding that the rezoning fulfills at least one of the reasons listed under Subsection (2).

(6) ~~**Limitations of rezonings.**~~ Whenever the City Commission has denied an application for a change in zoning designation of property, the City Commission shall not thereafter:

- (a) ~~Consider any further application for the same zoning change on any part or all of the same property for a period of 12 months from the date of such action;~~
- (b) ~~Consider an application for any other kind of zoning on any part or all of the same property for a period of six months from the date of such action.~~

The time limits stated above may be waived by three affirmative votes of the City Commission when such action is found and deemed necessary to prevent injustice or to facilitate the proper development of the City (173.887). Further, the above limitations shall not apply to a petition which expires during processing or denied in a manner deemed as "without prejudice"

(E) ~~**Establishment of a conditional use.**~~

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- (1) ~~**Rule.**~~ The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a conditional use.
- (2) ~~**Required information.**~~ Standard application items pursuant to 2.4.3(A) shall be provided. In addition, if establishment of the use requires new improvements on a site or substantial changes to existing improvements, a sketch plan showing the extent of those improvements shall be provided. At its discretion, the Planning and Zoning Board may require submission of a site plan prepared pursuant to Section 2.4.3(B). At the applicant's discretion, a simultaneous site plan application and conditional use application may be filed.
- (3) ~~**Procedure.**~~ A conditional use request shall be processed through the following sequence:
- (a) ~~Receipt and certification as complete;~~
 - (b) ~~Consideration at a public hearing before the Planning and Zoning Board;~~
 - (c) ~~Forwarding of a recommendation to the City Commission;~~
 - (d) ~~Action by motion of the City Commission to either approve, approve subject to conditions, or deny.~~
- (4) ~~**Conditions.**~~ Conditions may be imposed pursuant to Section 2.4.4(C). In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.
- (5) ~~**Findings.**~~ In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:
- (a) ~~Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;~~
 - (b) ~~Hinder development or redevelopment of nearby properties.~~
- (6) ~~**Abandonment of a conditional use.**~~ When a conditional use is discontinued or abandoned for a continuous period of 180 days, or an intervening use is established, the conditional use may not be reestablished without a new application for said conditional use being filed, reviewed, and approved pursuant to this Subsection (E).
- (7) ~~**Modification of a conditional use approval.**~~ An approved Conditional Use may be modified. If the modification involves only the implementation or compliance with conditions of approval, the modification may be approved by the Director. If the modification involves intensity of use or hours of operation, the modification must be approved by The Planning and Zoning Board. If the Board finds that the requested modification is significant, then the modification must be heard as a new Conditional Use application. Any request for a modification may be denied.
- (F) ~~**Site and Master Development Plans (MDP).**~~ [Amd. Ord. 50 97 11/18/97] (Ord. No. 24 18, § 4, 11 27 18)
- (1) ~~**Rule.**~~ Site plans are divided into five classifications. Class I—Class IV are modifications to site plans which include exterior site or building improvements and

additions, as further described in Section 2.4.5(G). A Class V Site Plan is an application for new development of vacant land, or modification of a property originally developed as a single-family residence or duplex and which requires full review of Performance Standards found in Section 3.1.1. A Master Development Plan is a plan required for properties within certain zoning districts or for projects which are phased. A Zoning Certificate of Use and Occupancy is a request for a change of use or occupancy to a permitted use where no exterior site improvements are required. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 4, 11-27-18)

(2) ~~**Required information.**~~ The following information must be presented in a site and development plan or a Master Development Plan (MDP) submittal: [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 4, 11-27-18)

(a) ~~Standard Application Items pursuant to Section 2.4.3(A); (Ord. No. 24-18, § 4, 11-27-18)~~

(b) ~~Standard Site Plan Items pursuant to Section 2.4.3(B); (Ord. No. 24-18, § 4, 11-27-18)~~

(c) ~~Standard Landscaping Plan Items pursuant to Section 2.4.3(C); [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 4, 11-27-18)~~

(d) ~~Preliminary Engineering Plans pursuant to Section 2.4.3(D); (Ord. No. 24-18, § 4, 11-27-18)~~

(e) ~~Traffic Statement, Study, Report pursuant to Section 2.4.3(E); and, (Ord. No. 24-18, § 4, 11-27-18)~~

(f) ~~Standard Architectural Elevation Items pursuant to Section 2.4.3(G); [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 4, 11-27-18)~~

(3) ~~**Procedure.**~~ A Class V site plan or Master Development Plan application shall be processed through the following sequence: (Ord. No. 24-18, § 4, 11-27-18)

(a) ~~Receipt and certification as complete; (Ord. No. 24-18, § 4, 11-27-18)~~

(b) ~~Administrative review for technical compliance; (Ord. No. 24-18, § 4, 11-27-18)~~

(c) ~~Consideration at a public meeting before the Planning and Zoning Board, the Site Plan Review and Appearance Board, or the Historic Preservation Board as appropriate, at which time action may be taken. (Ord. No. 24-18, § 4, 11-27-18)~~

(d) ~~For Class V site plan applications that include a request under the CBD's Incentive Program (see Section 4.4.13(H)): final action on the Class V site plan shall be taken by the City Commission after receiving a recommendation from the Site Plan Review and Appearance Board. [Amd. Ord. 03-15 02/24/2015] (Ord. No. 24-18, § 4, 11-27-18)~~

(e) ~~Certification by the Director, or designee, of final approved plans. (Ord. No. 24-18, § 4, 11-27-18)~~

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- ~~(4) **Conditions.** Conditions may be imposed by the appropriate Board for Class V site plans and Master Development Plans pursuant to Section 2.4.4(C). (Ord. No. 24-18, § 4, 11-27-18)~~
- ~~(5) **Findings.** In addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the Class V site plan or MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values. (Ord. No. 24-18, § 4, 11-27-18)~~
- ~~(6) **Master Development Plans, Special Provisions.** (Ord. No. 24-18, § 4, 11-27-18)~~
- ~~(a) A Master Development Plan (MDP) for property not located within a designated historic district and not located on an individually listed property shall be approved by the Planning and Zoning Board. A MDP shall be the guide for any subsequent site plan or subdivision action. A site plan shall be required for any phase or the entire area encompassed by a MDP. Individual site plans shall be processed pursuant to Section 2.4.5(G), (H), and (I) with approval authority of the Site Plan Review and Appearance Board. [Amd. Ord. 23-09 5/19/09]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 4, 11-27-18)~~
- ~~(b) A Master Development Plan (MDP) for property located within a designated historic district or on an individually listed property shall be approved by the Historic Preservation Board. A MDP shall be the guide for any subsequent site plan, subdivision, and/or certificate of appropriateness, individual applications for which shall be approved by the Historic Preservation Board. [Amd. Ord. 23-09 5/19/09] (Ord. No. 24-18, § 4, 11-27-18)~~
- ~~(c) Variances and waivers to the requirements of base district standards and supplemental district regulations, referred to herein, may be granted by the Planning and Zoning Board concurrent with approval of the Master Development Plan without the requirement of a public hearing. (Ord. No. 24-18, § 4, 11-27-18)~~
- ~~(d) Upon approval of a MDP, the approved MDP shall be stamped and certified by the Director. Subsequent to approval of a MDP, all further submissions for review and permits shall conform in every respect with the MDP except as it maybe officially modified pursuant to Section 2.4.5(G). (Ord. No. 24-18, § 4, 11-27-18)~~
- ~~(G) **Modifications to site plans and Master Development Plans.** (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(1) **Rule.** No change of use or modification to an approved site and development plan or a Master Development Plan shall be made unless application has been made and the change of use or modification approved. Change of uses and modifications to such plans shall be classified as follows: [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(a) **Zoning Certificate of Use and Occupancy.** Approval of a change of use for permitted uses which do not require any exterior site improvements or~~

modifications as required for a Class I to IV; these certificates do not require Board action. (Ord. No. 24-18, § 5, 11-27-18)

- ~~(b) **Class I.** Approval of items listed in Section 2.4.5(I)(1) such as but not limited to: walls, fences, slabs, dumpster enclosures, sheds, etc. which do not require Board action; and changes in architectural elevations which require Board action. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(c) **Class II.** Approval of a modification to a site plan (other than Class I applications) which requires no review of Performance Standards found in Section 3.1.1, but which requires action by a Board. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(d) **Class III.** A modification to the site plan which represents either a change in intensity of use, or which affects the spatial relationship among improvements on the land, requiring partial review of Performance Standards found in Section 3.1.1. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(e) **Class IV.** A modification to a site plan which represents either a significant change in the intensity of use or significant changes which affect the spatial relationship among improvements on the land, requiring full review of Performance Standards found in Section 3.1.1. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(2) **Required information.** The following information, along with the appropriate application, must be presented for the following: (Ord. No. 24-18, § 5, 11-27-18)~~
 - ~~(a) **Zoning Certificate of Use and Occupancy.** Completed application along with a site survey, an exhibit showing the business floor plan, any additional documentation requested by the Planning and Zoning Division based upon the proposed use, and the application fee set by Resolution of the City Commission. (Ord. No. 24-18, § 5, 11-27-18)~~
 - ~~(b) **Class I and II.** Completed Application along with an exhibit showing that portion of the site plan which is to be changed in its present condition and an exhibit depicting the requested change. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
 - ~~(c) **Class III and IV.** Completed Application, and Required Information as applicable pursuant to Section 2.4.3(A), (B), (C), (D), (E), and (G) shall be provided along with a copy of the original site plan upon which the proposed changes are depicted. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(3) **Procedure.** A certificate of use and occupancy or site and development plan modifications shall be processed as follows: [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
 - ~~(a) **Zoning Certificate of Use and Occupancy.** Receipt and acceptance of the submittal; administrative review for compliance with the LDRs, Building Code, and Fire Code; confirmation that no current violations are on file with the Code~~

Enforcement Division; and, action by the Director, or designee, prior to application for a Business Tax Receipt. (Ord. No. 24-18, § 5, 11-27-18)

- ~~(b) **Class I and II.** Receipt and acceptance of the submittal, administrative review, and action by the Director, or designee, or appropriate Board if applicable. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(c) **Class III and IV.** Receipt and acceptance of the submittal and action by the appropriate Board. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(4) **Conditions.** Conditions may be imposed by the Director, or designee, or appropriate Board for Zoning Certificates of Use and Occupancy or Class I-IV site plan modifications pursuant to Section 2.4.4(C). (Ord. No. 24-18, § 5, 11-27-18)~~
- ~~(5) **Findings.** Formal findings are not required for a Class I or II modification. Class IV modification is subject to the same findings required of a new submittal. [Amd. Ord. 50-97 11/18/97] (Ord. No. 24-18, § 5, 11-27-18)~~

~~(H) **Landscaping plans.**~~

~~(1) **Rules.**~~

- ~~(a) The Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve, approve subject to conditions or deny a landscape plan for other than single family residences and duplexes.~~
- ~~(b) The Chief Building Official, or his designee, shall approve, approve subject to conditions, or deny a landscape plan which applies to lot by lot single family construction.~~
- ~~(2) **Required information.** The following information is required for consideration of a landscape plan:~~
 - ~~(a) Standard Submittal Items pursuant to 2.4.3(A).~~
 - ~~(b) Landscape Plan Items pursuant to 2.4.3(C).~~
 - ~~(c) Single family residence or duplex plans shall be sufficiently detailed to address the minimum landscape requirements, but are not required to comply with (a) and (b).~~
- ~~(3) **Procedure.** A landscape plan required for a single family residence is specifically exempt from review by the Site Plan Review and Appearance Board. A landscape plan for other than single family residences shall be processed through the following sequence:~~
 - ~~(a) Receipt and certification of the application as complete;~~
 - ~~(b) Consideration at a public meeting before the Site Plan Review and Appearance Board or the Historic Preservation Board at which time action may be taken;~~

~~For any site plan which is to be acted on, a preliminary landscaping plan may accompany the site plan. Comments made at that time would be addressed in the preparation of a landscape plan pursuant to 2.4.3(C).~~

For any site plan which falls under the purview of the Planning and Zoning Board, the applicant may appear before the Site Plan Review and Appearance Board with the approved site and development plan and seek direction as to compliance with the landscaping criteria of the Board prior to preparing and submitting a landscape plan pursuant to 2.4.3(C).

(4) ~~**Conditions.**~~ Conditions may be imposed pursuant to Section 2.4.4(C).

(5) ~~**Findings.**~~ At the time of action on a landscape plan, the approving body shall make finding with respect to the proposed plan's relationship to the following:

(a) ~~Objectives of landscaping regulations Section 4.6.16;~~

(d) ~~Site and landscape design standards pursuant to Section 4.6.16;~~

An overall determination of consistency with respect to the above items is required in order for a landscaping plan to be approved.

(I) ~~**Architectural (appearance) elevations.**~~

(1) ~~**Rules.**~~

(a) ~~The Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve, approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit. Exception to this rule include single family residences, which are not a part of a planned residential community; or for any development within the single family zoning districts; or for items maintained on a list of exempted items promulgated by the Director. [Amd. Ord. 27 93 4/13/93]~~

(b) ~~The Chief Building Official, or his designee, is hereby delegated the authority to approve, approve subject to conditions, or deny any building permit for the following items which would otherwise be subject to (1)(a), above, other than when such items are associated with initial approval of a development proposal subject to site and development plan action:~~

- ~~• Features and exterior color changes which are not significantly visible from the public street system, facade changes which do not significantly alter the style or image of a structure, fences, walls, sheds, gazebos, flagpoles, screen enclosures, changes of roof material, changes of roof color, public enclosures, site lighting, awnings, canopies, construction trailers, decks, handrails (balcony railings), permanent hurricane shutters, changes in exterior wall openings to accommodate or alter overhead garage doors, doors, windows, dumpster enclosures, and attendant lot landscaping. [Amd. Ord. 27 93 4/13/93, Amd. Ord. 2 91 1/29/91]~~

(2) ~~**Required information.**~~ The following information is required for consideration of an architectural plan which goes before a Board for approval:

(a) ~~Standard Submittal Items pursuant to 2.4.3(A);~~

(b) ~~Architectural Items pursuant to 2.4.3(G). Other items which require review and action by the Chief Building Official, or his designee, shall be as required by that office.~~

(3) ~~**Procedure.** An architectural plan submission which must go before a Board shall be processed through the following sequence:~~

(a) ~~Receipt and certification as complete;~~

(b) ~~Consideration at a public meeting before the Board at which time action may be taken.~~

~~For any site plan which is to be acted on by a Board, preliminary architectural plans may accompany the site plan in lieu of formal drawings. Comments made at that time would be addressed in the preparation of a formal submittal pursuant to Section 2.4.3(G).~~

~~For other situations in which architectural control is exercised by the Chief Building Official, appropriate action shall be taken concurrently with the processing of the associated building permit.~~

(4) ~~**Conditions.** Conditions may be imposed pursuant to Section 2.4.4(C).~~

(5) ~~**Findings.** At the time of action on architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, Section 4.6.18.~~

~~An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.~~

(J) ~~**Major subdivision (platting).**~~

(1) ~~**Rule.** The major subdivision process shall involve both the Planning and Zoning Board and the City Commission. Action on a preliminary plat shall rest with the Planning and Zoning Board. The City Commission shall be the final authority in the subdivision review process. The City Commission may approve or deny a final plat.~~

(2) ~~**Required information.** The following information must be presented in a subdivision (plating) submittal:~~

(a) ~~**Preliminary plat.**~~

- ~~• Standard Application Items pursuant to Section 2.4.3(A);~~
- ~~• Standard Preliminary Plat pursuant to Section 2.4.3 (H);~~
- ~~• Preliminary Engineering Plans pursuant to Section 2.4.3(D);~~
- ~~• Traffic Statement, Study, Report pursuant to Section 2.4.3(E).~~

(b) ~~**Final plat.**~~

- ~~• Standard Application Items pursuant to Section 2.4.3(A);~~
- ~~• Standard Final Plat Items pursuant to Section 2.4.3(H);~~

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- ~~Final Engineering Plans pursuant to Section 2.4.3(F);~~
 - ~~Receipted copies of applications for all permits required for water, sewer, drainage, and public street improvements which must be permitted by agencies other than the City;~~
 - ~~Preliminary cost estimates for the construction of public improvements.~~
- (3) ~~**Procedure.**~~ A major subdivision plat shall be processed through the following sequence:
- (a) ~~**Preliminary plat.**~~
- ~~Receipt and certification as complete;~~
 - ~~Consideration at a public meeting before the Planning and Zoning Board at which time action may be taken.~~
- (b) ~~**Final plat.**~~
- ~~Receipt and certification as complete;~~
 - ~~Consideration by the Planning and Zoning Board for the purpose of certifying that the final plat is in compliance with the approved preliminary plat;~~
 - ~~Consideration by the City Commission at which time the final plat may be approved or denied;~~
 - ~~Upon receipt of the financial guarantee required to assure installation of public improvements, the Mayor shall execute the plat on behalf of the City;~~
 - ~~After execution by the City, the plat shall be recorded pursuant to procedures as set forth by the City Clerk.~~
- (4) ~~**Conditions.**~~
- (a) ~~Conditions may be imposed pursuant to Section 2.4.4(C) on a preliminary plat.~~
- (b) ~~A final plat may receive a conditional certification by the Planning and Zoning Board but said conditions shall apply only to items which cannot be immediately obtained from other agencies by the applicant. Otherwise, a final plat shall be in final form and ready for execution when forwarded to the City Commission.~~
- (c) ~~A final plat shall not be approved subject to conditions.~~
- (5) ~~**Findings.**~~ The Planning and Zoning Board must make findings pursuant to Chapter 3 on a preliminary plat. The City Commission must make a finding that the Final Plat is consistent with the findings associated with the preliminary plat.
- (K) ~~**Minor subdivision (boundary plat, lot split).**~~
- (1) ~~**Rule.**~~ The platting of a minor subdivision shall involve only the City Commission. The City Commission shall be the final authority in this subdivision process. The City Commission may approve or deny the final plat.

(2) ~~**Required information.**~~ The following information must be presented for a minor subdivision submittal:

- ~~Standard Application Items pursuant to Section 2.4.3(A);~~
- ~~Standard Final Plat Items pursuant to Section 2.4.3(H);~~
- ~~Final Engineering Plans pursuant to Section 2.4.3(F);~~
- ~~Receipted copies of applications for all permits required for water, sewer, drainage, and public street improvements which must be permitted by agencies other than the City;~~
- ~~Preliminary cost estimates for the construction of public improvements.~~

(3) ~~**Procedure.**~~ A minor subdivision plat shall consist of only a final plat which shall be processed through the following sequence:

- ~~Receipt and certification as complete;~~
- ~~Consideration by the City Commission at which time the final plat may be approved or denied;~~
- ~~Upon receipt of the financial guarantee required to assure installation of public improvements, the Mayor shall execute the plat on behalf of the City;~~
- ~~After execution by the City, the plat shall be recorded pursuant to procedures as set forth by the City Clerk.~~

(4) ~~**Conditions.**~~ A final plat for a minor subdivision shall not be approved subject to conditions.

(5) ~~**Findings.**~~ No specific findings are necessary for the approval of a final plat for a minor subdivision except that when it is a boundary plat for a single parcel which is to be developed pursuant to an approved site and development plan, a finding must be made by the City Commission that the final plat is consistent with the findings made upon approval of the site and development plan.

(L) ~~**Vacation of recorded plats.**~~ [Amd. Ord. 46-95 9/5/95]

(1) ~~**Rules.**~~

(a) ~~**Vacation.**~~ A plat, or any part of, a plat may be vacated by the owner of the land at any time prior to the sale of any lot therein provided that the vacating is approved by the City Commission. When lots have been sold, a plat may be vacated only if all the property owners join in written execution of such in writing. [Amd. Ord. 46-95 9/5/95]

(2) ~~**Required information.**~~ The following information must be submitted in order to vacate a recorded plat:

- ~~Proof of ownership pursuant to Section 2.4.3(A)(3);~~
- ~~A certified copy of the plat which is to be vacated; [Amd. Ord. 46-95 9/5/95]~~

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- ~~A petition, by letter, stating the action which is sought and the basis therefore;~~
 - ~~The legal instrument which is to effectuate the vacation. [Amd. Ord. 46-95 9/5/95]~~
- (3) ~~**Procedures.** A request for vacation of a recorded plat shall be accomplished in the following manner:~~
- (a) ~~Submission of required information received and certified as being complete;~~
 - (b) ~~Review by the Planning and Zoning Board with respect to appropriateness of the proposed action and its implications on the public's rights in any of its public uses, improvements, streets, etc.; [Amd. Ord. 46-95 9/5/95]~~
 - (c) ~~Review of the proposed legal instrument which will affect the vacation with respect to form by the City Attorney; [Amd. Ord. 46-95 9/5/95]~~
 - (d) ~~Consideration by the City Commission at which time the request may be approved or denied;~~
 - (e) ~~Recording of the legal instrument pursuant to procedures as set forth by the City Clerk. [Amd. Ord. 46-95 9/5/95]~~
- (4) ~~**Conditions.** A vacation instrument may not be conditionally approved; however, said instrument may contain provisions which require the applicant to mitigate adverse impacts associated with the vacation. [Amd. Ord. 46-95 9/5/95]~~
- (5) ~~**Findings.** Prior to approving a vacation of a recorded plat, the City Commission must find that the abandonment of any affected public interest which had been created by the plat or any public improvement which was to have been provided in implementation of the plat, but which would not now be required, shall not have a significantly adverse impact upon the City's ability to obtain, retain, or maintain public facilities or tests of concurrency. [Amd. Ord. 46-95 9/5/95]~~
- (M) ~~**Amendment to the Land Development Regulations.** [Amd. Ord. 50-97 11/18/97]~~
- (1) ~~**Rule.** Amendments to the LDR may be initiated by the City Commission, Planning and Zoning Board, City Administration, or by a member of the public. Members of the public may request an amendment pursuant to the following procedures: [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~
- (a) ~~At least one member of the City Commission shall sponsor the proposed amendment at a public meeting in order to present the request at a City Commission Workshop for consideration. (Ord. No. 25-21, § 4, 8-10-21; Ord. No. 04-23, § 3, 3-6-23)~~
 - (b) ~~At the workshop meeting, at least three Commissioners must support the request. (Ord. No. 04-23, § 3, 3-6-23)~~
 - (c) ~~Applications for a privately initiated amendment shall only be accepted by the Development Services Department after consideration and support at a City Commission Workshop and must be submitted within 90 days of the City~~

Commission Workshop where the amendment was sponsored. (Ord. No. 25-21, § 4, 8-10-21; Ord. No. 04-23, § 3, 3-6-23)

- (d) ~~Requests shall not significantly deviate from the amendment considered by the City Commission at the Workshop by including additional unrelated amendments or development standards, proposing higher density or intensity, adding uses that were not discussed or understood to be part of the initial request, etc. (Ord. No. 25-21, § 4, 8-10-21; Ord. No. 04-23, § 3, 3-6-23)~~
- (2) ~~**Required information.** The following information must be submitted for an amendment to the LDR: [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~
 - (a) ~~Submission of an application; and [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~
 - (b) ~~A draft of the proposed ordinance, submitted in both hardcopy and electronic format approved by the City that includes the appropriate whereas clauses and amendments, such as but not limited to text with deletions shown by strikethrough and additions shown by underline, graphics, maps, or other information; and [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~
 - (c) ~~An analysis of the amendment and its potential impacts or benefits, including supporting documentation such as exhibits, graphs, similar regulations from other municipalities, etc.; and [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~
 - (d) ~~Submission of the processing fee pursuant to LDR Section 2.4.3(K). [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~
- (3) ~~**Procedure.** An amendment to the LDR shall be processed through the following sequence: [Amd. Ord. 50-97 11/18/97] (Ord. No. 04-23, § 3, 3-6-23)~~
 - (a) ~~Receipt and certification as complete; [Amd. Ord. 50-97 11/18/97]~~
 - (b) ~~Consideration at a public hearing before the Planning and Zoning Board; [Amd. Ord. 50-97 11/18/97]~~
 - (c) ~~Forwarding of a recommendation to the City Commission and consideration at first reading of the enacting ordinance; [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97]~~
 - (d) ~~Public hearing before the City Commission and adoption or rejection at second reading. [Amd. Ord. 50-97 11/18/97]~~
- (4) ~~**Conditions.** The proposed text, graphics, maps, or other information for the amendment to the LDR may be revised by the Planning and Zoning Board or the City Commission. [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~
- (5) ~~**Findings.** In addition to the provisions of Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.~~

~~[Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~

~~(6) **Limitations of amendments.** Except for City initiated amendments, whenever the City Commission has denied an application for an amendment to the LDR, the City Commission shall not thereafter consider any further application for the same type of individually initiated amendment for a period of 12 months from the date of such action. [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 4, 8-10-21)~~

~~(a) The time limit stated above may be waived by three affirmative votes of the City Commission when such action is found and deemed necessary to prevent injustice or to facilitate the proper development of the City. (Ord. No. 25-21, § 4, 8-10-21)~~

~~(b) The above limitation shall not apply to a petition that expires during processing or denied in a manner deemed as "without prejudice." (Ord. No. 25-21, § 4, 8-10-21)~~

~~(N) **Determination of similarity of use.** [Amd. Ord. 50-97 11/18/97]~~

~~(1) **Rule.** A determination of Similarity of Use shall be made only by the Planning and Zoning Board. [Amd. Ord. 50-97 11/18/97]~~

~~(2) **Required information.** The appropriate processing fee along with a letter in which: [Amd. Ord. 50-97 11/18/97]~~

~~(a) The requested use is identified and described; [Amd. Ord. 50-97 11/18/97]~~

~~(b) The appropriate zoning designation is identified; [Amd. Ord. 50-97 11/18/97]~~

~~(c) Rationale is provided as to why the use should be deemed similar to other uses already allowed in the identified zoning district. [Amd. Ord. 50-97 11/18/97]~~

~~(3) **Procedure.** Upon receipt of the request, the Director shall cause it to be distributed to the City Manager, the City Commission, and the Chief Building Official and advise them of when the item will be before the Planning and Zoning Board. The request shall be placed on the next available agenda of the Planning and Zoning Board at which time action will be taken on it.~~

~~(4) **Conditions.** The imposition of conditions is not appropriate as this item is an interpretation of the zoning code.~~

~~(5) **Findings.** Prior to approving a requested determination of similarity of use, the Planning and Zoning Board must find that the requested use is, indeed, similar to other uses so allowed in the zoning district and is in keeping with the stated purpose of the district.~~

~~(O) **In-Lieu of parking and public parking fee request.** [New Subsection Enacted by Ord. 80-06 1/2/07]~~

~~(1) **Rule.** An in-lieu of parking or public parking fee request must be approved by City Commission with recommendations from the Parking Management Advisory Board and other Boards as deemed appropriate.~~

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- (2) ~~**Required information.**~~ The following information must be submitted for an In Lieu of Parking or Public Parking Fee request:
- (a) ~~Sketch Plan including current and proposed square footage.~~
 - (b) ~~Scope of work (i.e. expansion of use, change of use, new construction, etc.).~~
 - (c) ~~Application and appropriate fee.~~
 - (d) ~~Current parking required and provided.~~
 - (e) ~~Parking required and parking provided to facilitate proposal.~~
 - (f) ~~For public parking fee requests: Adjacent rights of way and proposed parking to be constructed.~~
- (3) ~~**Procedure.**~~ Subject to Staff review and the provision of any additional information that shall be required an in-lieu of parking or public parking fee request shall be processed in the following manner:
- (a) ~~Receipt and certification is complete.~~
 - (b) ~~Request must comply with Sections 4.6.9(E)(3) or 4.6.9(E)(4). [Amd. Ord. 21-11 8/2/11]~~
 - (c) ~~Consideration by Parking Management Advisory Board and other Boards as deemed appropriate.~~
 - (d) ~~Approval by City Commission.~~
- (4) ~~**Conditions.**~~ Conditions may be imposed pursuant to, but not limited to, Sections 4.6.9(E)(3) and/or 4.6.9(E)(4). [Amd. Ord. 21-11 8/2/11]
- (5) ~~**Findings.**~~ The City Commission find that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies. For In-lieu requests, an additional finding must be made that adequate public parking options are available. For Public Parking Fee requests, an additional finding must be made that adequate public parking will be available pursuant to the requirements of Section 4.6.9(E)(4). [Amd. Ord. 21-11 8/2/11]
- (P) ~~**Murals.**~~ (Ord. No. 22-20, § 5, 8-26-20)
- (1) ~~**Rule.**~~ Murals may not be erected, hung, placed, posted, painted, displayed, or maintained in the City except as authorized by the City through the issuance of a "mural permit." A mural permit is a Board Order issued by the Public Art Advisory Board or Historic Preservation Board. If a mural is appealed and acted on by the City Commission, then the mural permit is in the form of a Resolution. The Board Order or the Resolution shall contain the date of approval and vote and include the mural as an attached exhibit. (Ord. No. 22-20, § 5, 8-26-20)
 - (2) ~~**Required information.**~~ A property owner or applicant shall complete and submit a Mural application, application fee as set by Resolution of the City Commission, and supportive documentation including a dimensioned elevation of the wall where the mural is to be located showing: (Ord. No. 22-20, § 5, 8-26-20)

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- ~~(a) The height and width of the wall; (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(b) The location of any doors, windows, or architectural elements; (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(c) A depiction of the proposed artwork, including color; and (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(d) Compliance with signage and commercial message restrictions imposed by this section. (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(3) **Procedure.** Upon submission of a complete Mural application, the Public Art Advisory Board and/or Historic Preservation Board shall review and evaluate the mural application to determine conformity with Section 8.5.3, Murals, and any applicable sections of the Florida Building Code. The Board shall act on the mural application at the next available meeting. (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(4) **Enforcement.** Enforcement of this section shall be by Title 3, Chapter 37, of the City's Code, or any other remedies as provided by law and as further stated herein. (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(a) A mural permitted by the City prior to the adoption of this section shall remain valid, and the owner or artist is not required to re-apply for approval following the adoption of Ordinance No. 22-20 on August 11, 2020. (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(b) In the event that a mural is erected without permit, the applicant will be charged three times the application fee. (Ord. No. 22-20, § 5, 8-26-20)~~
 - ~~(c) In the event of a violation of the terms of this section, the City may employ all penalties and remedies set forth in Title 3, Chapter 37, "Delray Beach Code Enforcement," and in addition, may rescind any mural permits at the property found to be in violation. This provision is supplemental to all other remedies and penalties provided by law. If a permittee fails to timely remove any mural on a property found to be in violation within 30 days of the decision being made final, the city may enter onto the property and remove any mural on the property, and may assess costs of such removal on the permittee. (Ord. No. 22-20, § 5, 8-26-20)~~

~~Sec. 2.4.6. Procedures for obtaining permits and approvals.~~

~~The following procedures shall be followed in obtaining various permits and approvals as indicated by subsection headings.~~

- ~~(A) **General.** The following items must be complied with prior to the issuance of any permits under this Section.~~
 - ~~(1) **License prerequisite.** No permit for erection, construction, installation, or maintenance of any structure, or component thereof, shall be issued unless the person in control of the premises upon which the improvement is to be placed shall have first procured from the City of Delray Beach an occupational license to engage in the business associated with the permit. The fee for an occupational~~

license will be collected and a temporary license issued in the event another agency, such as the Health Department, has not finished final approvals.

- (2) ~~**Permits issued to responsible party.**~~ All permits must be issued to a duly licensed contractor, except that this shall not be construed to prevent an owner or lessee of property from erecting certain items as contained within these regulations on his own property.
- (3) ~~**Payment of fees.**~~ No work which requires a permit shall be undertaken without its associated fee being paid. The fees shall be paid as a part of the permit application process. Where work is begun without a permit, the fees provided in Section 2.4.3(K) shall be tripled. The payment of such fee shall not relieve any persons from fully complying with the requirements of these regulations nor from any penalties which may be appropriate.
- (4) ~~**Reinspection requirements.**~~ Permit fees include the cost of inspecting the work to be done under a permit; however, if additional inspection trips are required, an additional inspection fee [per Section 2.4.3(K)] shall be charged. For example, and not in limitation of the foregoing, reasons necessitating additional inspection fees include, but are not limited to the following:
 - (a) ~~The work, or correction to previously inspected work, does not meet code requirements~~
 - (b) ~~An incorrect address is on the application by action of the applicant~~
 - (c) ~~The work, or correction to previously inspected work, is not ready for reinspection at the time specified in the application for inspection.~~
- (B) ~~**Building permits.**~~ A building permit is required for all items as set forth in the 2001 Florida Building Code and Chapter 7 of these Land Development Regulations, as amended. A building permit shall be sought via application through the Development Services Department on an application form as promulgated by the Chief Building Official. [Amd. Ord. 5-03 4/15/03] (Ord. No. 30-22, § 3, 11-1-22)
- (1) ~~**Drawings and specifications.**~~ [Amd. Ord. 5-03 4/15/03]
 - (a) ~~All drawings and specifications shall bear the appropriate seal of engineer or architect as required by State Statute Chapter 471 for engineers and State Statute Chapter 481 for architects and Chapter 553 for threshold buildings. [Amd. Ord. 5-03 4/15/03]~~
 - (b) ~~Green building certification documents, if required by Section 7.11.1. (Ord. No. 30-22, § 3, 11-1-22)~~
- (2) ~~**Plot diagram.**~~ [Amd. Ord. 5-03 4/15/03]
 - (a) ~~Before a building permit shall be issued, the building department shall be supplied with the following: [Amd. Ord. 5-03 4/15/03]~~
 - (i) ~~Drawings to scale showing the location of the proposed building or structure and existing building or structure on the site or lot.~~

Building permit applicants for developments having had either conditional use or site and development plan approval shall submit two copies of the approved site plan. [Amd. Ord. 5-03 4/15/03]

- (ii) ~~A certified sketch prepared by a Florida registered land surveyor or a Florida registered engineer, showing the boundary line survey of said lot or site and existing building and/or structure, if any. [Amd. Ord. 5-03 4/15/03]~~

~~(3) **Permits.** [Amd. Ord. 5-03 4/15/03]~~

- ~~(a) Work to be done by either a general contractor, residential contractor or building contractor as appropriate, holding a current Florida State registration or certification and registered with the City of Delray Beach, Florida. Nothing hereby shall prohibit homeowners from doing this work in accordance with Section 7.1.1. [Amd. Ord. 5-03 4/15/03]~~

~~(4) **Conditions of the permit.** [Amd. Ord. 5-03 4/15/03]~~

- ~~(a) The Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction, or violations of this code. Any permit issued shall become invalid (1) unless the work authorized shall have been commenced within six months after its issuance, or (2) if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. [Amd. Ord. 5-03 4/15/03]~~
- ~~(b) One or more extensions of time, for periods not exceeding 90 days each, may be allowed in writing by the Chief Building Official, pursuant to LDR Section 2.4.4(F). However, only one extension shall be allowed for any permits issued for construction occurring in a single family district as set forth in Subsection 4.4.3(A). All construction shall be completed within 18 months of issuance of the building permit; unless evidence is presented that a shortage of materials or an Act of God has caused the delay in which case the owner/contractor may request an extension of time, from the Chief Building Official, not to exceed six months. In addition to the other penalties herein provided, failure to complete construction within the time allotted or any extension thereof shall result in a penalty equivalent to 100 percent of the original building permit fee, which shall be paid prior to the granting of a Certificate of Occupancy. [Amd. Ord. 30-06 7-11-06]; [Amd. Ord. 5-03 4/15/03]~~

~~(5) **Schedule of permit fees.** [Amd. Ord. 5-03 4/15/03]~~

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- (a) ~~On all buildings, structures, or alterations requiring a building permit, a fee for each building permit shall be paid as required at the time of filing application, in accordance with the schedule as established herein. [Amd. Ord. 5-03 4/15/03]~~
 - (b) ~~For new buildings, the value of construction for the purposes of calculating permit fees shall be established by the Building Department from recognized sources, such as the latest edition of the Means Cost Estimating Publications. [Amd. Ord. 5-03 4/15/03]~~
 - (c) ~~For additions, remodeling, or partial contracts, the Building Department will accept signed contracts between the owner and contractor as evidence of construction costs or in lieu thereof will determine costs using Means Cost Estimating Publications. [Amd. Ord. 5-03 4/15/03]~~
 - (d) ~~The permit fees to be charged shall be based upon the total cost of the work being performed, including equipment, labor, and material costs required to complete the work as illustrated by the permit drawings. [Amd. Ord. 5-03 4/15/03]~~

~~(C) **Certificate of occupancy.** A Certificate of Occupancy is required prior to the establishment of use on any site or occupancy of a structure. An occupancy permit shall be sought via application through the Building Department on an application form as promulgated by the Chief Building Official. Prior to issuance of an occupancy permit, the Chief Building Official shall certify that all conditions of approval affixed to an associated development approval and provisions of the 2001 Florida Building Code and Chapter 7 of the Land Development Regulations, as amended, are met. A certificate of occupancy will not be issued for any building or structure or portion thereof which fails to meet all applicable development standards and zoning requirement. [Amd. Ord. 5-03 4/15/03]~~

~~A conditional Certificate of Occupancy may be issued when all conditions of development or permit approval are not met but the Chief Building Official has assurance, to his satisfaction, that they will be met and that occupancy will not present a danger to the public's health, safety, or general welfare. A failure to comply with conditions as imposed by the Chief Building Official shall be cause for vacation of use or the structure. [Amd. Ord. 5-03 4/15/03]~~

~~Subsections (D) Permits for Individual Signs and (E) Permits for Master Sign Programs deleted in their entirety and Relettered. [Amd. Ord. 14-04 6/22/04];~~

~~(D) **Site clearing permit.**~~

- ~~(1) **Rule.** It shall be unlawful for any person, without first obtaining a permit, to clear real property of shrub vegetation.~~
- ~~(2) **Required information.** An application form, and attendant fee, shall be completed and delivered to the Chief Building Official, or his designee. The application form shall be as promulgated by the Chief Building Official.~~

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- (3) ~~**Procedure.**~~ Upon acceptance of the application, the Chief Building Official shall cause the site to be visited and a report made which provides the status of trees in excess of two inches in diameter at four and one-half feet above the ground. The report shall identify what measures must be taken with respect to tree protection and removal (4.6.19) and erosion control (4.6.17).
- (4) ~~**Issuance of permit.**~~ Upon acceptance of the report by the Chief Building Official, a permit shall be issued. The permit shall require compliance with the report, a copy of which shall be provided with the permit. The permit shall be valid for a period of 180 days.
- (E) ~~**Tree removal permit.**~~ [This Section repealed in its entirety by Ord 37-06-9/19/06]
- (F) ~~**Temporary use permit.**~~ A temporary use shall be required for any of the uses listed below. The granting authority of each use is as shown.
1. ~~Circuses or Carnivals~~ — City Commission
 2. ~~Uses under a Tent~~ — City Commission or Chief Building Official [Amd. Ord. 41-11-11/15/11]
 3. ~~Sales Offices and Models at a Residential Development Site~~ — Chief Building Official
 4. ~~Construction Trailers and Compounds~~ — Chief Building Official
 5. ~~City Operated Facilities~~ — City Commission [Amd. Ord. 75-91-11/19/91]
 6. ~~Seasonal Farmer's Market~~ — City Commission [Amd. Ord. 45-96-10/15/96]
 7. ~~Temporary Parking Lots~~ — City Commission [Amd. Ord. 13-98-3/17/98]
 8. ~~Horse Drawn Carriage Rides, Ice Skating Rink, Carousel, and Other Related Holiday, Seasonal/Temporary Uses~~ — City Commission [Amd. Ord. 41-03-11/4/03]
- (1) ~~**Rule.**~~ No temporary use shall be allowed except as provided in this Subsection (H) or as otherwise provided for in these regulations.
- (2) ~~**Required information.**~~ A request for a temporary use shall be made via letter to the granting authority. The letter shall contain the following information, as applicable to the use being requested:
- (a) ~~Name of petitioner;~~
 - (b) ~~Name of property owner and consent therefrom;~~
 - (c) ~~Location of site;~~
 - (d) ~~Purpose, activity to be conducted;~~
 - (e) ~~Period of use;~~
 - (f) ~~Proof of ability to connect temporary electric services (see Article 7.2);~~

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- ~~(g) Proof of ability to provide toilet facilities for both men and women on the premises, subject to approval of the County Health Department;~~
 - ~~(h) How foodstuffs are to be handled; In addition, for circuses and carnivals, the following is required:~~
 - ~~(i) The nature of the advertising or promotion activity to be conducted for the circus or carnival;~~
 - ~~(j) Proof of whether or not the applicant, or the individual identified as having the management authority or supervision of the circus or carnival, has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense;~~
 - ~~(k) If specifically required, copies of all printed advertising proposed to be used in promoting the use;~~
 - ~~(l) If specifically required, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.~~

~~(3) **Regulations and restrictions.**~~

~~(a) **Uses under a tent.**~~

- ~~1. The use of a tent, or tents, shall only be as follows: [Amd. Ord. 45-96 10/15/96]~~
 - ~~a. The sale of seasonal items which, when protected from the sun, provides for a less hazardous product for public use (i.e. Christmas tree sales); [Amd. Ord. 45-96 10/15/96]~~
 - ~~b. Assembly occupancies to protect the public from the elements. Tents for these uses can be approved for up to three days by the Chief Building Official. Requests for more than three days up to a maximum of seven days requires City Commission approval. [Amd. Ord. 41-11 11/15/11]; [Amd. Ord. 45-96 10/15/96]~~
 - ~~c. The use of tents for retail sales or other commercial use is prohibited, except as otherwise permitted in this section. [Amd. Ord. 45-96 10/15/96]~~
- ~~2. The tent and site shall comply with the following: [Amd. Ord. 45-96 10/15/96]~~
 - ~~a. The tent shall be approved by the Fire Marshall for fire resistance. [Amd. Ord. 45-96 10/15/96]~~
 - ~~b. Adequate fire protection equipment, in a type and capacity as approved by the Fire Marshall, shall be provided on the premises at all times. [Amd. Ord. 45-96 10/15/96]~~

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- c. — Payment of a permit fee [2.4.3(K)] and a deposit of \$50.00 which shall be returned upon determination by the Chief Building Official that all debris resulting from the use has been removed from the site. [Amd. Ord. 45-96 10/15/96]
 - d. — Obtaining of permits for electrical and health and sanitation facilities, as applicable. [Amd. Ord. 45-96 10/15/96]

~~(b) — *Circuses and carnivals.*~~

- 1. — An investigation of the applicant's business reputation shall be conducted by the City and the request shall not be approved if such investigation discloses tangible evidence that the conduct of the circus or carnival would pose a substantial threat to the public health, safety, morals, or general welfare. [Amd. Ord. 45-96 10/15/96]
- 2. — Permits for electrical and health and sanitation facilities, as applicable, shall be obtained. [Amd. Ord. 45-96 10/15/96]

~~(c) — *Seasonal farmer's market.*~~ [Amd. Ord. 45-96 10/15/96]

- 1. — A farmer's market may be permitted within that portion of the City's Transportation Concurrence Exception Area that is west of the Intracoastal Waterway, for the purposes of downtown revitalization, subject to the following restrictions: [Amd. Ord. 45-96 10/15/96]
 - a. — The market must be sponsored by the Community Redevelopment Agency, the Downtown Joint Venture, or other agency which is formulated for the purposes of economic development as approved by the City Commission. [Amd. Ord. 45-96 10/15/96]
 - b. — Operation of the market is to be limited to the growing season (generally, November through May), but not more than one day per week, unless specifically authorized by the City Commission. The Commission shall establish the specific days and hours of operation, as well as the duration of the temporary use permit. [Amd. Ord. 45-96 10/15/96]
 - c. — Products to be sold shall consist of agricultural produce, plants and flowers; baked goods; and cheeses. The Commission may also at its discretion approve the limited sale of related products such as handmade crafts, prepared foods, and promotional items bearing the name of the City and the market. The sale of such additional items, if approved, shall be limited to a specific number or percentage of the total vendors. [Amd. Ord. 45-96 10/15/96]

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- d. — The Commission may approve the design elements of the market (i.e. site layout, types of tents/booths to be erected, etc.), or may defer such elements to the Site Plan Review and Appearance Board (SPRAB) or the Historic Preservation Board (HPB) as appropriate. All elements must comply with applicable health, safety and fire codes. [Amd. Ord. 45-96 10/15/96]
- e. — Permits for electrical and health and sanitation facilities, as applicable, shall be obtained. [Amd. Ord. 45-96 10/15/96]

(d) — ~~Horse drawn carriage rides, ice skating rink, carousel, and other related holiday, seasonal/temporary uses.~~ [Amd. Ord. 41-03 11/4/03]

1. — The horse drawn carriage rides, ice skating rink, carousel, and other related holiday, seasonal/temporary uses must be sponsored by the City, Community Redevelopment Agency, the Downtown Joint Venture, or other agency which is formulated for the purposes of economic development as approved by the City Commission. The owner/operator of the horse drawn carriage rides must have a license agreement approved by the City Commission prior to commencing the use. [Amd. Ord. 41-03 11/4/03]
2. — In addition to the holiday, seasonal, and temporary uses referred to in Section 2.4.6(H)(3)(d)(1) above, horse drawn carriage rides are also permitted for certain special events under the terms and for the times permitted in a license agreement. Horse drawn carriage special event rides not governed by Section 2.4.6(H)(3)(d)(1) above, are only permitted between 6:00 p.m. and 10:00 p.m. from June 1 through November 1, except for weddings, which may also occur between the hours of 8:00 a.m. and 12:00 noon from June 1 through November 1. [Amd. Ord. 49-04 11/16/04]

(e) — ~~Temporary parking lots.~~ [Amd. Ord. 41-03 11/4/03]; [Amd. Ord. 13-98 3/17/98]

1. — A temporary parking lot may be permitted within the following areas: [Amd. Ord. 41-11 11/15/11]; [Amd. Ord. 13-98 3/17/98]
- a. — the portion of the Central Business District (CBD) and Community Facilities (CF) District which is bounded by Swinton Avenue on the west, the Intracoastal Waterway on the east, N.E. 2nd Street on the north, and S.E. 2nd Street on the south; [Amd. Ord. 13-98 3/17/98]
- b. — the portion of the CBD District which is bounded by N.E. 2nd Avenue on the west, the FEC Railway on the east, N.E. 2nd Street on the south, and N.E. 4th Street on the north; [Ord. No. 03-15 2/24/17] [Amd. Ord. 13-98 3/17/98]

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- c. ~~the portion of the CBD located east of the Intracoastal Waterway; [Amd. Ord. 13-98 3/17/98]~~
 - d. ~~the non-residential zoning districts bounded by Swinton Avenue on the east, I-95 on the west, N.W. 1st Street on the north, and S.W. 1st Street on the south. [Amd. Ord. 13-98 3/17/98]~~
- 2. ~~Temporary parking lot spaces shall not be used to fulfill minimum off-street parking requirements for new development or redevelopment. Temporary lots may be used to supplement required parking. [Amd. Ord. 13-98 3/17/98]~~
 - 3. ~~Prior to issuance of the temporary use permit, the applicant shall submit a site plan which includes proposed grade elevations, landscaping and other information which addresses the regular maintenance of the parking surface and irrigation of the landscaped areas. [Amd. Ord. 13-98 3/17/98]~~
 - 4. ~~The City Engineer shall approve the grading plan for the parking lot. The site plan shall be reviewed and recommended for approval by the Parking Management Advisory Board prior to submission to the City Commission for consideration. [Amd. Ord. 13-98 3/17/98]~~
 - 5. ~~Permits for temporary parking lots shall be issued for a one-year period. Permits may be renewed annually to a maximum of three years upon review and positive recommendation by the Parking Management Advisory Board. [Amd. Ord. 13-98 3/17/98]~~
 - 6. ~~The temporary parking lot shall be monitored for compliance with the approved plan. Should the City Manager find that the operation of a lot is not in compliance or if the lot has an adverse effect on surrounding properties, and the applicant is unable or unwilling to rectify the problem the permit may be reviewed by the City Commission for possible revocation. [Amd. Ord. 13-98 3/17/98]~~
 - 7. ~~Within 30 days of expiration of the permit, all rock or gravel surfaces shall either be removed or covered with top soil. The site shall then be sodded or landscaped as determined acceptable by the Planning and Zoning Department. [Amd. Ord. 13-98 3/17/98]~~
 - 8. ~~A temporary parking lot shall be constructed to the following specifications: [Amd. Ord. 13-98 3/17/98]~~
 - a. ~~The parking lot surface shall be brought to grade with a dust-free surface of one of the following materials over soil which has been compacted to 95 percent maximum density per AASHTO T-180: [Amd. Ord. 41-11 11/15/11]; [Amd. Ord. 13-98 3/17/98]~~

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1. ~~four inches of crushed limerock or shellrock coated with a prime coat per FDOT "Standard Specifications for Road and Bridge Construction", latest edition; [Amd. Ord. 13-98 3/17/98]~~
 2. ~~four inches of pearock, gravel or river rock; or [Amd. Ord. 13-98 3/17/98]~~
 3. ~~six inches of mulch. [Amd. Ord. 13-98 3/17/98]~~
- b. ~~If the lot is not operated on a 100 percent valet basis, wheel stops shall be provided as a means to indicate individual spaces. The size of the parking spaces, maneuvering areas and aisle widths shall be subject to the standards of Section 4.6.9(D)(4). In addition, the parking lot shall meet the requirements of the "Florida Accessibility Code for Building Construction". [Amd. Ord. 13-98 3/17/98]~~
 - c. ~~If the lot is operated on a 100 percent valet basis, then wheel stops shall be provided at the edge of the parking surface. [Amd. Ord. 13-98 3/17/98]~~
 - d. ~~The lot shall meet the requirements of Section 4.6.9(D)(3) for access to the street system. Driveway aprons between the edge of pavement and the right of way line shall be constructed of asphalt or concrete. [Amd. Ord. 13-98 3/17/98]~~
 - e. ~~The parking lot perimeter shall be buffered with a minimum three feet wide landscape strip, screened with a minimum two feet high hedge or four feet high opaque fence. Water for irrigation shall be available within 50 feet of all landscaped areas. [Amd. Ord. 13-98 3/17/98]~~
 - f. ~~If the parking lot is to be utilized at night, the applicant shall contract with FPL to install supplementary lighting on adjacent power poles where possible. The applicant may, as an option, provide alternative on-site lighting for the parking lot. [Amd. Ord. 13-98 3/17/98]~~
 - g. ~~Trees of four inches or greater diameter at four and one half feet above the ground shall not be removed. [Amd. Ord. 13-98 3/17/98]~~

~~(4) **Procedures.** Upon receipt of all required information, the granting authority shall take the request under consideration and upon assurance that all applicable regulations and requirements will be met, the authority shall issue a temporary use permit for a period of time as specified in the permit.~~

~~(G) **Permit to construct in a flood hazard area.**~~

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- ~~(1) **Rule.** A permit to construct in a flood hazard area (see Chapter 10) must be issued by the Chief Building Official. (Ord. No. 37-17, § 5, 11-7-17)~~
- ~~(2) **Required information.** An application for a permit to construct in a flood hazard area shall be made to the Chief Building Official on forms furnished by him.~~
- ~~(a) **General data.** Duplicative plans which are drawn to scale and which contain the following data are required:~~
- ~~• Nature, location, boundary, and general elevations of the territory under consideration;~~
 - ~~• Existing and proposed structures;~~
 - ~~• Fill areas, storage areas, drainage facilities;~~
 - ~~• The elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;~~
 - ~~• Elevation, in relation to mean sea level, to which a nonresidential structure has been flood-proofed;~~
 - ~~• Certification from a registered professional engineer, or architect, that the nonresidential flood-proofed structure meets the flood-proofing criteria in Chapter 10; (Ord. No. 37-17, § 6, 11-7-17)~~
 - ~~• A description of the extent to which any water course will be altered or relocated as a result of the proposed development.~~
- ~~(b) **Construction stage of development.** At appropriate stages of construction in a flood hazard area, the following information must be provided as a part of the flood permit requirements:~~
- ~~• The floor elevation for flood-proofing certification after the lowest floor is complete, or in the instance where the structure is subject to the regulations applicable to Coastal High Hazard Area, after placement of the horizontal structure members of the lowest floor;~~
 - ~~• The above elevation shall be prepared by, or under the direction of, a registered land surveyor or professional engineer and certified by same.~~
- ~~(3) **Procedures.**~~
- ~~(a) **Pre-construction.** The general data material may be provided as a part of a site plan and/or preliminary engineering plans which are submitted as a part of a site plan or plat submittal. However, a separate submission is required when not so associated. A separate submission shall be processed concurrent with review of the building permit application.~~
- ~~(b) **Construction certification.** Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it~~

shall be the duty of the permit holder to submit to the Chief Building Official a certification of the lowest floor, flood-proof elevation, or elevation of the lowest portion of the horizontal structural member of the lower floor, whichever is applicable, in relation to mean sea level. When flood-proofing is certified for a particular building, said certification shall be prepared by, or under, the direct supervision of a professional engineer and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Chief Building Official shall review the floor elevation survey data submitted, and any discrepancies detected by said review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to correct deficiencies or to submit the survey shall be cause to issue a stop-work order.

~~(H) Certificate of appropriateness for individually designated historic structures and all properties located within historic districts. [Amd. Ord. 38-07 2/05/08]~~

- ~~(1) Rule.~~** A Certificate of Appropriateness shall be required for the following activities which occur on a designated historic site, designated historic interiors, or within designated historic districts:

~~Deleted (a) and relettered [Amd. Ord. 38-07 2/05/08]~~

- ~~(a) Any development application which is processed under these regulations for which action is required by the Site Plan Review and Appearance Board or the Board of Adjustment; and in such case, the Historic Preservation Board shall act in lieu of such Board.~~
- ~~(b) Any building, structure, appurtenance, improvement, or landscape feature, which will be erected, altered, restored, renovated, excavated, relocated, or demolished and which regards any exterior architectural features (and interior architectural features in the case of designated historic interiors), landscape features, or site improvements, except for those items specifically exempted by a list promulgated by the Director.~~
- ~~(c) Any material change in existing walls, fences, sidewalks, hardscape features, and changes of color. [Amd. Ord. 38-07 2/05/08]~~

~~A Certificate of Appropriateness is not required for general, occasional maintenance of any historic building, interior, structure, or site, or any building or structure within a historic district or in kind replacement of materials or colors. General, occasional maintenance shall include, but not be limited to lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the building or structure. General, occasional maintenance shall not include any of the activities described and defined in divisions (1)(a) through (1)(c) of this Section. A Certificate of Appropriateness will not be required for construction, reconstruction, restoration, renovation, or demolition for any interior alteration (except for designated historic interiors). General, occasional maintenance and repair shall also include any ordinary maintenance~~

which does not require a building permit from the City. [Amd. Ord. 38-07 2/05/08]

~~(2) **Required information.**~~

~~(a) **Application.** When an item goes before the Historic Preservation Board or is reviewed administratively and it is not associated with any land development application, the following information in the form of photographs or plans shall be provided, as applicable: [Amd. Ord. 38-07 2/05/08]~~

- ~~1. Site plan and/or survey;~~
- ~~2. Building elevations, and/or architectural drawings, and/or artistic sketches or renderings;~~
- ~~3. Landscaping plan;~~
- ~~4. Floor plan(s);~~
- ~~5. Samples of building materials and color chips;~~
- ~~6. Engineering reports; [Amd. Ord. 38-07 2/05/08]~~
- ~~7. Demolition Plans; [Amd. Ord. 38-07 2/05/08]~~
- ~~8. Window and door schedule providing specifications, to include but not be limited to, window type, material, configuration, dimensions, and profile drawings; [Amd. Ord. 38-07 2/05/08]~~
- ~~9. Photographs of all existing elevations of the subject property, labeled with cardinal direction and address; [Amd. Ord. 38-07 2/05/08]~~
- ~~10. Other materials as may be requested by the Planning and Zoning Department or Historic Preservation Board. [Amd. Ord. 38-07 2/05/08]~~

Also, a standard COA application form, accompanied by payment of a processing fee per Section 2.4.3(K), must be provided. [Amd. Ord. 38-07 2/05/08]

~~(b) **Class I—Class V Site Plan applications.** Applications for Class I—Class V Site Plans shall be submitted in accordance with Section 2.4.3 in conjunction with the applicable information required for a COA provided in (a), above. [Amd. Ord. 38-07 2/05/08]~~

~~(3) **Procedure.**~~

~~(a) **Applications reviewed by the Historic Preservation Board.** An application for a COA that requires Board approval, as provided in the COA approval matrix set forth in the Delray Beach Historic Preservation Design Guidelines, as amended from time to time, shall be scheduled for review and action at the next available meeting of the Historic Preservation Board, at which time an action of approval, denial, or approval of a modified application, continuance with direction, or denial may be taken. The Historic Preservation Board shall~~

~~apply applicable ordinances, Delray Beach Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation. [Amd. Ord. 38-07 2/05/08]~~

~~(b) **Administratively Reviewed Applications:** An application for a COA which does not require approval by the Historic Preservation Board as provided in the COA approval matrix, as amended from time to time, set forth in the Delray Beach Historic Preservation Design Guidelines may be approved administratively in accordance with applicable ordinances, Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation. [Amd. Ord. 38-07 2/05/08]~~

~~(4) **Conditions.** Conditions may be imposed pursuant to Section 2.4.4(C) and to insure compliance with the Standards contained in Section 4.5.1.~~

~~(5) **Findings.** Prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the adopted Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation. [Amd. Ord. 38-07 2/05/08] (Ord. No. 23-20, § 8, 9-10-20)~~

~~(I) **Acceptance of traffic statements and studies.** Whenever a land use application will add use area or establish a new use which will increase traffic at the site by 201 or more trips per day (net ADT) is submitted, it shall be accompanied by a traffic study. Exemptions from the need to provide a traffic study and the contents of a traffic statement are found in Section 2.4.3(E). [Amd. Ord. 9-97 2/18/97]~~

~~(1) **Rule.** Whenever a traffic statement is required, it must be formally accepted by the City Engineer. Whenever a traffic study is required, it must be formally accepted by the City Engineer and forwarded to the County Traffic Division for review.~~

~~(2) **Required information.**~~

~~(a) A traffic statement prepared pursuant to Section 2.4.3(E); or [Amd. Ord. 9-97 2/18/97]~~

~~(b) A traffic study prepared pursuant to the Palm Beach County Traffic Performance Standards Ordinance.~~

~~(3) **Procedures.**~~

~~(a) **Statement.** A traffic statement shall be submitted as a part of the development application when the development generates 200 or less ADT (Average Daily Trips). A traffic statement may be provided separately to the City Engineer prior to submission of a full development application. [Amd. Ord. 9-97 2/18/97]~~

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- (b) ~~**Study.** A traffic study, when needed, shall be submitted as a part of the development application. Within ten days of its receipt, it shall be either rejected or accepted by the City Engineer. If rejected, processing of the development application may cease until an acceptable study is received.~~

~~If accepted, the City Engineer shall forward the traffic study along with his comments and recommendations to the Palm Beach County Traffic Division for further review, comment, and possible appeal pursuant to the Palm Beach County Traffic Performance Standards Ordinance.~~

- (4) ~~**Conditions.** Conditions are not appropriate with respect to acceptance of a traffic study; however, conditions of approval of the development application may be established based upon the results of the traffic study. The conclusions of the traffic study, as prepared by the applicant's consultant, may be modified by the City Engineer and/or the Palm Beach County Traffic Division.~~

~~(J) **Approval of drainage plans.**~~

- ~~(1) **Rule.** Prior to approval of a plat, certification of a site plan, or issuance of a building permit, as is appropriate, the City Engineer shall certify that the associated drainage plan(s) is acceptable.~~

- ~~(2) **Required information.** The following information is required in order to certify the acceptance of a drainage plan:~~

- ~~(a) A copy of the drainage plan prepared pursuant to Section 2.4.3(D) or 2.4.3(F), as appropriate, by a qualified individual, signed and sealed.~~
- ~~(b) A standard application prepared for the South Florida Water Management District, the Lake Worth Drainage District, or the City of Delray Beach, as appropriate.~~
- ~~(c) A permit issued by the South Florida Water Management District or the Lake Worth Drainage District, as appropriate or a letter of exception from them.~~

~~(3) **Procedures.**~~

- ~~(a) Preliminary Plans and/or Small Scale Projects: Such drainage plans shall be provided as a part of the development application and shall be processed as are other portions of such submission. These plans do not need to be certified.~~
- ~~(b) Final Drainage Plans: A final drainage plan which requires approval by either South Florida Water Management District or the Lake Worth Drainage District shall be submitted to them under separate application with a copy of the submission, clearly noted as such, provided to the City prior to, or concurrent with, a final plat or a request for certification of a site plan.~~

~~A project which does not require review and approval by the above entities shall be submitted directly to the City Engineer for approval.~~

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- (4) ~~**Findings.** Prior to certifying any drainage plan, the City Engineer must find that the drainage plan:~~
- ~~(a) Has been approved by the either South Florida Water Management District or Lake Worth Drainage District, as appropriate and if necessary;~~
 - ~~(b) Is in compliance with general engineering practice as exercised by the City of Delray Beach; and,~~
 - ~~(c) Is consistent with and compatible to the approved site plan, landscaping plan, and/or associated plat.~~

~~(K) **Approval of water and/or sewer plans.**~~

- ~~(1) **Rule.** Prior to approval of a plat, certification of a site plan, or issuance of a building permit, as is appropriate, the City Engineer shall certify that the associated water and sewer plans are acceptable.~~
- ~~(2) **Required information.** The following information is required in order to certify the acceptance of water and sewer plans:~~
 - ~~(a) A copy of the plans prepared pursuant to Section 2.4.3(D) or 2.4.3(F), as appropriate, by a qualified individual, signed and sealed.~~
 - ~~(b) A standard application prepared for the County Department of Health and Rehabilitative Services (H.R.S.) or the City of Delray Beach, as appropriate.~~
 - ~~(c) A permit issued by the H.R.S. or a letter from the City Director of Utilities stating that such a permit is not required.~~

~~(3) **Procedures.**~~

- ~~(a) **Preliminary plans and/or small scale projects.** Such plans shall be provided as a part of the development application and shall be processed as are other portions of such submission. These plans do not need to be certified.~~
- ~~(b) **Final plans.** Final water and sewer plans which require H.R.S. approval shall first be submitted to the City's Utilities Department for review and approval prior to forwarding to H.R.S. Such plans must be provided to the City prior to, or concurrent with, a final plat or a request for certification of a site plan.~~

~~A project which does not require review and approval by the H.R.S. shall be submitted directly to the City Utilities Department for approval. Upon approval, the Director of Utilities shall notify the City Engineer of such action.~~

- ~~(4) **Findings.** Prior to certifying any water or sewer plan, the City Engineer must find that the plan:~~
 - ~~(a) Has been approved by the either H.R.S. or the Director of Utilities, as appropriate;~~

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- (b) ~~Is in compliance with general engineering practice as exercised by the City of Delray Beach; and,~~
 - (c) ~~Is consistent with and compatible to the approved site plan, landscaping plan, and/or associated plat.~~

~~(L) **Approval of work in the public right-of-way or a public easement.**~~

- ~~(1) **Rule.** A work permit shall be required for construction, excavation, or repair work in public rights of way or public easements, including bicycle paths and sidewalks and for work owned by the City or dedicated to the City. Such permits shall be required for:~~
 - ~~(a) Work which includes, but is not limited to, water and sewer systems, street paving, bridges, sidewalks, driveways, swales, curbs, median paving, overhead and underground structures and cable systems, or any other underground installation;~~
 - ~~(b) And for routes for moving houses, buildings, or heavy equipment;~~
 - ~~(c) And use of rights of way for purposes other than for which they were intended;~~

~~Infrastructure improvements which are being done pursuant to an approved plat or certified site plan do not require a separate work permit.~~

~~(2) **Required information.** The following information is required when seeking a work permit:~~

- ~~(a) An "application for work permit" as promulgated by the City Engineer;~~
- ~~(b) Agreements, per standard format, which address liability and restoration matters;~~
- ~~(c) Two sets of plans depicting the proposed work;~~
- ~~(d) Processing fee per Section 2.4.3(K).~~

~~(3) **Procedures.** An application shall be delivered directly to the City Engineer who shall be responsible for its processing. The City Engineer is hereby authorized to approve, deny, or approve with conditions such an application.~~

~~(4) **Compliance requirements and conditions.**~~

- ~~(a) The applicant must agree to inform the City Engineer of commencement of work, allowing sufficient time for establishing field control points and orders providing for traffic control.~~
- ~~(b) The applicant must agree to assume full responsibility for any injury to persons, and for any damage to property of existing facilities that may arise as a result of the work for which a permit is obtained.~~
- ~~(c) The applicant must agree to immediately restore all property which is disturbed or damaged in connection with the work for which the permit was~~

issued; and further agree that if he fails to do so, the City may proceed to do so and all costs thereof, including a reasonable attorney's fee and court costs shall be borne by the applicant.

- ~~(d) Work under the permit shall be discontinued on Saturdays, Sundays, or legal holidays except in cases where the work must proceed in order to protect the public health, safety or welfare and for which permission must be first obtained from the City Engineer.~~
- ~~(e) If the City Engineer determines that there is a likelihood of damage, he may require the applicant to post a bond or other equivalent security in an amount which shall be set by the City Engineer and in a form with surety and conditions approved by the City Attorney.~~
- ~~(5) **Findings.** Upon satisfaction of the above, the City Engineer shall issue a work permit which is not transferable and which shall be void after 60 days from the date of issuance unless work has been started.~~

~~(M) **Abandonment of rights-of-way.**~~

- ~~(1) **Rule.** Public right of way may be abandoned (returned) to the fee description of adjacent property to the same degree in which it was originally obtained, i.e. property dedicated exclusively from a single parcel shall be returned to that parcel; property dedicated through subdivision shall be divided at the center line and returned equally to abutting parcels. Abandonment of right of way may be granted by a formal resolution enacted by the City Commission.~~
- ~~(2) **Required information.**~~
 - ~~(a) An application form as promulgated by the City Engineer~~
 - ~~(b) A survey of the property which is to be abandoned with said survey showing all improvements (including utility locations) which are within or immediately adjacent to the property to be abandoned; and including adjacent property lines and identification of property owners and business located thereon.~~
 - ~~(c) A mailing list containing the information described in Section 2.4.2(B)(1)(m). [Amd. Ord. 8-97 2/18/97]~~
- ~~(3) **Procedure.** Upon receipt of the above information, the following procedures shall be followed under the direction of the City Engineer:~~
 - ~~(a) Certification that the submittal is complete and accurate;~~
 - ~~(b) Distribution of the application and survey to all utilities who have or may have facilities within the easement or adjacent to it;~~
 - ~~(c) Distribution to appropriate City departments who may have an interest in the property, e.g. Fire Department, Police Department, Parks and Recreation Department;~~
 - ~~(d) Notification pursuant to Section 2.4.2(B)(1)(i). [Amd. Ord. 8-97 2/18/97]~~

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- ~~(e) Upon receipt of all review comments, the application with the recommendation of the City Engineer shall be forwarded for review at an advertised public hearing before the Planning and Zoning Board. The recommendation of the Planning and Zoning Board shall be forwarded to the City Commission; [Amd. Ord. 8 97 2/18/97]~~
 - ~~(f) If approved, the abandonment shall be evidenced by a resolution of the City Commission. After adoption, the resolution shall be recorded in the public records of Palm Beach County. Where deemed necessary by the City Engineer, an abandonment shall be consummated through the filing of a boundary plat, or replat, of the property to be abandoned and the receiving properties. [Amd. Ord. 8 97 2/18/97]~~
 - ~~(4) **Conditions.** Conditions may be imposed upon an abandonment to:~~
 - ~~(a) Insure timely consummation;~~
 - ~~(b) Insure compliance with required findings;~~
 - ~~(c) Require enhancement of the (to be) former right of way in order to accomplish certain objectives and policies of the Comprehensive Plan e.g., street beautification;~~
 - ~~(d) Require replacement easements and/or relocation of existing utilities, as may be appropriate;~~
 - ~~(e) Cause reversion or voiding of the abandonment in the event of a failure to comply with other conditions.~~
 - ~~(5) i Prior to granting an abandonment the City Commission must make the following findings:~~
 - ~~(a) That there is not, nor will there be, a need for the use of the right of way for any public purpose; [Amd. Ord. 8 97 2/18/97]~~
 - ~~(b) That the abandonment does not, nor will not, prevent access to a lot of record;~~
 - ~~(c) That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.~~

~~(N) **Abandonment of public easements.**~~

- ~~(1) **Rule.** A general utility easement dedicated to the City or to the Public may be abandoned. Abandonment of such easements may be granted by a formal resolution enacted by the City Commission.~~
- ~~(2) **Required information.**~~
 - ~~(a) An application form as promulgated by the City Engineer.~~
 - ~~(b) A survey of the property within the easement which is to be abandoned with said survey showing all improvements (including utility locations) which are within or immediately adjacent to the easement.~~

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- ~~(c) A copy of the original plat, or portion thereof, or a copy of the original instrument which created the easement.~~
 - ~~(3) **Procedure.** Upon receipt of the above information, the following procedures shall be followed under the direction of the City Engineer:~~
 - ~~(a) Certification that the submittal is complete and accurate.~~
 - ~~(b) Distribution of the application and survey to all utilities who have or may have facilities within the easement or adjacent to it.~~
 - ~~(c) Upon receipt of all review comments, the application with the recommendation of the City Engineer shall be forwarded to the City Commission for action.~~
 - ~~(d) If approved, the abandonment shall be consummated through the recordation of the enacting resolution.~~
 - ~~(4) **Conditions.** Conditions may be imposed upon an abandonment to:~~
 - ~~(a) Insure timely consummation;~~
 - ~~(b) Require replacement easements and/or relocation of existing utilities, as may be appropriate.~~
 - ~~(5) **Findings.** Prior to granting an abandonment the City Commission must make the following finding:~~
 - ~~(a) That the abandonment will not result in detriment for the provision of utility services to adjacent properties or the general area.~~

~~Subsection (Q) Determination of Similarity of Use deleted in its entirety. [Amd. Ord. 50-97 11/18/97]~~

~~Sec. 2.4.7. Procedures for obtaining relief from compliance with portions of the Land Development Regulations.~~

- ~~(A) **Variances.** A variance is a relaxation of the terms of these land development regulations where such variance will not be contrary to the public interest and where owing to the conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.~~
 - ~~(1) **Rule.** A variance shall be granted only by the Board of Adjustment, or the Historic Preservation Board, and only for relief from regulations listed in Section 2.2.4(D), Powers of the Board of Adjustment. The Historic Preservation Board shall act on all variance requests within a Historic District or on a Historic Site, which otherwise would be acted upon by the Board of Adjustment. [Amd. Ord. 01-12 8/21/12]~~
 - ~~(2) **Required information.** The following information including the appropriate processing fee must be provided for consideration of a variance:~~
 - ~~(a) Standard Application Items pursuant to Section 2.4.3(A);~~

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- (b) ~~A petition or application setting forth the requirements, with reference to code section, for which the variance is sought along with the basis for the associated hardship (a standard form petition issued by the Chief Building Official shall be used for requests heard by the Board of Adjustment and a Variance Application from the Planning and Zoning Department shall be used for requests heard by the Historic Preservation Board.) [Amd. Ord. 01-12-8/21/12]~~
- (3) ~~**Process.** A request for a variance shall be processed in the following manner:~~
- (a) ~~Receipt and certification as to completeness; [Amd. Ord. 01-12-8/21/12]~~
- (b) ~~Consideration at a public hearing before the Board of Adjustment or Historic Preservation Board; [Amd. Ord. 01-12-8/21/12]~~
- (c) ~~All actions are final unless an appeal is filed. Appeals to actions of the Board of Adjustment may be filed with the Circuit Court of Palm Beach County. Appeals to actions of the Historic Preservation Board may be filed with the City Commission. [Amd. Ord. 01-12-8/21/12]~~
- (4) ~~**Conditions.** The reviewing Board may prescribe appropriate conditions and safeguards, in conformity with existing regulations, to provide mitigation of any adverse impacts associated with a required finding. Violations of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of existing ordinances and punishable under Section 1.4.4. [Amd. Ord. 01-12-8/21/12]~~
- (5) ~~**Findings.** The following findings must be made prior to approval of a variance: [Amd. Ord. 01-12-8/21/12]~~
- (a) ~~That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);~~
- (b) ~~That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;~~
- (c) ~~That the special conditions and circumstances have not resulted from actions of the applicant;~~
- (d) ~~That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;~~
- (e) ~~That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,~~

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- (f) ~~That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.~~
- (6) ~~**Alternative findings of the Historic Preservation Board.** The Board may be guided by the following to make findings as an alternative to the criteria above: [New Section added by Ord. 01-12-8/21/12]~~
- (a) ~~That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.~~
- (b) ~~That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.~~
- (c) ~~That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.~~
- (d) ~~That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.~~
- (e) ~~That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.~~
- (B) ~~**Waivers.** A waiver involves the granting of partial or total relief from a specific development regulation.~~
- (1) ~~**Rule.**~~
- (a) ~~**General.** A waiver may be granted to the procedural and substantive provisions of these regulations. A waiver may be granted only for those substantive items within these regulations for which such provision is made. A waiver to substantive provisions may be granted only by the Board or body which has the authority to approve or deny the related development application.~~
- (b) ~~**Special power to the City Commission.** Notwithstanding, the City Commission may grant a waiver to any provision of these regulations when there is no other avenue for relief available in these regulations. However, waivers shall not be considered with respect to:~~
- (i) ~~Matters which pertain to the use of land or structures;~~
- (ii) ~~A requirement for a public hearing or providing notice that an item will be considered by a development board;~~

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- (iii) ~~A regulation for which it is stated that there shall be no waiver and/or variance provided.~~
- (2) ~~**Required information.** The following information including the appropriate processing fee must be provided in order for a waiver to be considered: [Amd. Ord. 50-97 11/18/97]~~
- ~~• A formal letter of request within which the regulation which is to be waived, with reference to section number, is described along with justification for granting the waiver.~~
- (3) ~~**Procedure.** A request for waiver may be considered concurrently with the development application with which it is associated. If a waiver request is made after review by an advisory body has been completed, the waiver request must first be reviewed by that body prior to action by the approving body.~~
- (4) ~~**Conditions.** Conditions may be imposed upon the granting of a waiver to the extent that they are directly related to mitigating any adverse effect which may be created by the waiver of a specific development regulation.~~
- (5) ~~**Findings.** Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:~~
- ~~(a) Shall not adversely affect the neighboring area;~~
 - ~~(b) Shall not significantly diminish the provision of public facilities;~~
 - ~~(c) Shall not create an unsafe situation; and,~~
 - ~~(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.~~
- (C) ~~**Internal adjustments.** An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land.~~
- (1) ~~**Rule.** An adjustment shall only be considered during the site and development plan review process and shall be only for requirements which do not pertain to, or affect, standards that apply to the perimeter of an overall development proposal (plan). An adjustment may be granted by the body or board which is empowered to approve or deny the site and development plan.~~
- (2) ~~**Required information.** The following information including the appropriate processing fee must be provided in order for an adjustment to be considered: [Amd. Ord. 50-97 11/18/97]~~
- ~~• A formal letter of request within which the affected regulations, with reference to section number, are described along with justification for granting of the adjustment.~~
- (3) ~~**Procedure.** A request for adjustment shall be considered concurrently with the development application with which it is associated. If a request is made after review~~

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- by an advisory body has been completed, the request must first be reviewed by that body prior to action by the approving body.
- (4) ~~**Conditions.**~~ Conditions are not appropriate to the granting of an adjustment because the basis for granting the adjustment is that it provides a superior product than if the project were to comply with the letter of the regulations.
- (5) ~~**Findings.**~~ Concurrent with granting relief from a development standard or regulation, the granting body must find that such relief does not diminish the practical application of the affected regulation (requirement) and that by granting such relief a superior development product will result.
- (D) ~~**Administrative relief.**~~ Administrative relief is the method whereby relief is granted from development regulations by an administrative official.
- (1) ~~**Rule.**~~ Administrative relief can be granted only for instances in which it is specifically allowed. The Director of Planning and Zoning, or City Manager when specifically designated under applicable LDR sections, are the only administrative officials who are empowered to grant administrative relief. [Amd. Ord. 76-94 10/18/94]
- (2) ~~**Required information.**~~ The following information must be provided in order for administrative relief to be considered:
- A formal letter of request within which the affected regulations, with reference to section number, are described along with justification for granting of the relief.
- (3) ~~**Procedure.**~~
- (a) ~~When Associated With A Site Plan Review:~~ A request for relief shall be considered concurrently with the development application with which it is associated and shall be acted upon by the Administrative Official prior to consideration of the site plan. If the request for relief is denied, it may be considered again when the site plan is acted upon.
- (b) ~~When Not Associated With Site Plan Review:~~ A request for relief shall be considered on its own merit pursuant to administrative processing requirements.
- (4) ~~**Conditions.**~~ Conditions may be applied only as they relate to insuring that the situation under which the relief is sought does not, or will not, change.
- (5) ~~**Findings.**~~ Prior to granting administrative relief, the administrative official shall find:
- (a) ~~That the relief sought is consistent with the specific authorization provided for in these regulations;~~
 - (b) ~~That the intent of the affected regulation is preserved; and,~~
 - (c) ~~That the action will not be detrimental to the public health, safety, or welfare.~~
- (E) ~~**Appeals.**~~ An appeal is a request for a review and reversal of any action which if not appealed is final. An appeal shall be conducted as a new evidentiary hearing in accordance with the City's quasi-judicial procedures. [Amd. Ord. 49-06 9/19/06] (Ord. No. 12-17, § 2, 5-2-17)

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- (1) ~~**Rule.** An appeal may be made of an administrative interpretation or a decision made by an approving body. The appeal of an administrative interpretation shall be made to the board for which such power has been granted; an appeal of an approving board's action shall be made to the City Commission. All such actions are appealable unless an appeal is expressly prohibited. Only the applicant and the City Commission may appeal a decision to the City Commission. (Ord. No. 12-17, § 2, 5-2-17)~~
- (2) ~~**Required information.** Except for an appeal initiated by the City Commission, an appeal must be made in writing, directed to the City Clerk, and must provide the following information: [Amd. Ord. 50-97 11/18/97] (Ord. No. 12-17, § 2, 5-2-17)~~
- ~~• The name of the appellant; (Ord. No. 12-17, § 2, 5-2-17)~~
 - ~~• Identification of the action being appealed;~~
 - ~~• Identification of who took the action and when it was made;~~
 - ~~• The basis of the appeal.~~
- (3) ~~**Procedure.** The following procedures shall be adhered to in the processing of any appeal:~~
- ~~(a) The appellant shall submit a letter, accompanied by the appropriate fee, to the City Clerk within ten business days of the decision or action being appealed. (Ord. No. 12-17, § 2, 5-2-17)~~
 - ~~(b) If the appeal is initiated by the City Commission, a motion to appeal the action shall be made at the Commission meeting at which the Board's action is reported. (Ord. No. 12-17, § 2, 5-2-17)~~
 - ~~(c) The hearing shall be held no more than 60 calendar days from date of the City Clerk's receipt of the request to appeal or, in the case of an appeal initiated by the City Commission, no more than 60 days after the meeting at which the decision to appeal was made, unless both the appellant and the City Commission or the board hearing the appeal mutually agree to postpone the hearing. (Ord. No. 12-17, § 2, 5-2-17)~~
 - ~~(d) Upon the request of the appellant, the City Commission or the board hearing the appeal may grant a one-time postponement of the hearing upon a showing of good cause. All requests for postponement must be considered at the meeting prior to the scheduled appeal hearing. All postponement requests shall be submitted in writing to the City Clerk at least ten days prior to the meeting upon where the postponement request will be considered. In no case shall a postponement exceed 60 calendar days. (Ord. No. 12-17, § 2, 5-2-17)~~
 - ~~(e) At the hearing, the subject of the appeal may be granted, granted with conditions, denied, or set for further consideration. (Ord. No. 12-17, § 2, 5-2-17)~~
- (4) ~~**Conditions.**~~
- ~~(a) The granting of an appeal of an interpretation or application of regulations is not subject to conditions.~~

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- (b) ~~The granting of an appeal pertaining to a decision on a development application may be conditioned in the same manner as the development application may have been conditioned originally.~~
- (5) ~~**Standard of review.** (Ord. No. 12-17, § 2, 5-2-17)~~
- (a) ~~The appeal of an administrative interpretation may be granted upon a finding that the administrative officer's interpretation was plainly erroneous or inconsistent with the City's ordinances and regulations. (Ord. No. 12-17, § 2, 5-2-17)~~
- (b) ~~The appeal of a decision made by an approving body shall be subject to de novo review and shall not be limited to the record below. The appellant may offer or submit additional evidence and testimony at the hearing. (Ord. No. 12-17, § 2, 5-2-17)~~
- (6) ~~**Stay of previous action.**~~
- (a) ~~**General.** Whenever an appeal is filed, the action being appealed shall be stayed i.e. the development application or appealed part thereof shall be considered neither approved or denied.~~
- (b) ~~**Proceeding at risk.** If an appeal is filed for an action that is precedent for another action (e.g. site plan approval preceding plat approval), the applicant may proceed with the submittal and processing of further development applications but only at his or her own risk.~~
- (F) ~~**Special provisions.** The following special provisions for obtaining relief from compliance with a portion of the Land Development Regulations have been created to handle a singular and unique circumstance and shall be applied accordingly.~~
- (1) ~~**Congress Avenue widening impacts.** The City Commission has determined that the widening of Congress Avenue from two to six lanes in the years 1988 and 1989 has created unusual impacts upon previously developed properties and that in order to provide a vehicle for the equitable and efficient processing and approval of development orders, it is necessary and appropriate to establish a special land use review and approval procedure for such impacted properties.~~
- (a) ~~**Locational criteria.** The provisions of this subsection (F) shall be applicable to any property, the boundaries of which were impacted by a taking of right-of-way or by physical improvements associated with the widening of Congress Avenue as undertaken by Palm Beach County in the calendar years of 1988 and 1989; and which meet the other eligibility criteria of this subsection.~~
- (b) ~~**Impact prerequisite.** The property must have been impacted by the widening project in such a way as to have created a nonconforming situation or to have made an existing nonconforming situation greater. The provisions of this subsection shall not apply to the following:~~
- ~~• Establishment or continuation of uses.~~
 - ~~• Property which was vacant and which is proposed for new development.~~

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- ~~Property which will be totally redeveloped through the removal of existing improvements and the construction of new facilities and improvements. For the purpose of this subsection, "totally redeveloped" shall mean that demolition or removal of existing improvements shall be of a value equal to or greater than 50 percent of their value prior to demolition or removal.~~
 - ~~Variances or development review for modifications to existing structures which do not involve a nonconforming situation.~~
- (c) ~~**Expanded powers to the Planning and Zoning Board.** For property eligible under this subsection, the Planning and Zoning Board may exercise the following powers and authority in lieu of the Board of Adjustment and the Site Plan Review and Appearance Board:~~
- ~~Section 2.4.7(A) Power to Grant Variances;~~
 - ~~Section 2.4.5(F) Approval of Site Plans;~~
 - ~~Section 2.4.5(H) Approval of Landscape Plan;~~
 - ~~Section 2.4.5(I) Approval of Elevations.~~
- (d) ~~**Combination of review procedures.** Whenever review is permitted or required by the Planning and Zoning Board, pursuant to this subsection, said review shall be combined with the procedures established for site plan review [Section 2.4.5(F)]. However, individual applications forms, submittal materials, and processing fees as required for Board of Adjustment and Site Plan Review and Appearance Board review and action are required and shall be provided concurrent with the site and development plan application.~~
- (e) ~~Sunset Provisions: Unless extended by action of the City Commission through modification of this subsection, the provisions of this subsection (F) shall become void on June 1, 1994.~~
- Note: "Automatic Sunset" Deleted per Assistant City Attorney's Memorandum of April 7, 1993.
- (G) ~~**Requests for accommodation.** [New Section Created by Ord. 26-07 9/04/07] (Ord. No. 03-17, § 2, 1-24-17)~~
- (1) ~~**Purpose.** The purpose of this section is to implement a procedure for processing requests for reasonable accommodation to the City's Code of Ordinances, Land Development Regulations, Rules, Policies, and Procedures for persons with disabilities as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et. seq.) ("FHA") and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. Section 12131, et. seq.) ("ADAA"). For purposes of this section, a "disabled" person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the City's Land Development Regulations, Code of Ordinances, rules, policies, practices and/or procedures as provided by the FHA and~~

the ADA pursuant to the procedures set out in this section. [Amd. Ord. 04-12 2/21/12]
(Ord. No. 03-17, § 2, 1-24-17)

- (2) ~~**Notice to the public of availability of accommodation.**~~ The City shall display a notice in the City's public notice bulletin board (and shall maintain copies available for review in the Planning and Zoning Department, the Building Department, and the City Clerk's Office), advising the public disabled individuals (and qualifying entities) may request a reasonable accommodation as provided herein.
- (3) ~~**Application.**~~ A request by an Applicant for reasonable accommodation under this section shall be either oral or written. A written request may be submitted by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the Department of Planning and Zoning ("P&Z"). The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in Subsection 2.4.7(G)(8), below.
- (a) ~~**Confidential information.**~~ Should the information provided by the disabled individual to the City include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual, such individual may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the disabled individual. The City shall thereafter endeavor to provide written notice to the disabled individual, and/or their representative, of any request received by the City for disclosure of the medical information or documentation which the disabled individual has previously requested be treated as confidential by the City. The City will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the City shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual.
- (b) ~~**Fee.**~~ There shall be no fee imposed by the City in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the City Council, and the City shall have no obligation to pay a requesting party's (or an appealing party's, as applicable) attorney's fees or costs in connection with the request, or an appeal.
- (c) ~~**City assistance.**~~ The City shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure the process is accessible.

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- (4) ~~**Findings for reasonable accommodation.**~~ In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they or the occupants of the housing for which this request is made are protected under the Fair Housing Act and/or the Americans With Disabilities Act by demonstrating that they or the residents of the proposed housing are people with disabilities, as defined in these LDRs. (Ord. No. 25-17, § 2, 7-18-17)
- (a) ~~The requesting party shall demonstrate that the proposed reasonable accommodations sought are reasonable and necessary to afford the subject individual(s) with disabilities an equal opportunity to use and enjoy the housing that is the subject of this request. (Ord. No. 25-17, § 2, 7-18-17)~~
- (b) ~~A request for reasonable accommodation to permit more than ten unrelated individuals to occupy a community residence shall be granted only when the requesting party also meets the standards for community residences promulgated in Section 4.3.3 (1)(4) of these LDRs. (Ord. No. 25-17, § 2, 7-18-17)~~
- (c) ~~The foregoing shall be the basis for a written decision with findings of fact upon a reasonable accommodation request made by the City Manager or designee, or by a Special Magistrate in the event of an appeal. (Ord. No. 25-17, § 2, 7-18-17)~~
- (5) ~~**Notice of proposed decision.**~~ The City Manager, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation. When a reasonable accommodation request form has been completed and submitted to the Planning and Zoning Department, it will be referred to the City Manager, or his/her designee, for review and consideration. The City Manager, or his/her designee, shall issue a written determination within 45 calendar days of the date of receipt of a completed application and may, in accordance with federal law, (1) grant the accommodation request, (2) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request, or (3) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state the grounds therefore. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested or hand delivery, receipt signed by the recipient. If reasonably necessary to reach a determination on the request for reasonable accommodation, the City Manager, or his/her designee, may, prior to the end of said 45 calendar day period, request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have 15 calendar days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the 45 calendar day period to issue a written determination shall no longer be applicable, and the City Manager, or his/her designee, shall issue a written determination within 30 calendar days after receipt of the additional information. If the requesting party fails to provide the requested additional information within said 15 calendar day period, the City Manager, or his/her designee, shall issue a written notice advising that the requesting party had failed to timely submit the additional information and therefore the request for reasonable

accommodation shall be deemed abandoned and/or withdrawn and no further action by the City with regard to said reasonable accommodation request shall be required. [Amd. Ord. 34-10 10/19/10] (Ord. No. 03-17, § 2, 1-24-17)

(6) ~~**Appeal.** Within 30 calendar days after the City Manager's, or his/her designee's, determination on a reasonable accommodation request has been rendered and transmitted to the requesting party, which may be accomplished via hand delivery with signed confirmation of delivery, email with confirmation of delivery, certified mail, or overnight courier service with signature confirmation, the applicant may appeal the decision. All appeals shall contain a statement containing sufficient detail of the grounds providing the basis for the appeal. Appeals shall be filed with the City Manager and shall be to the Special Magistrate who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable within 60 calendar days after the date on which the appeal was filed. An appeal from a decision of the Special Magistrate shall be handled exclusively in the Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida, and such appeal shall be taken by filing a petition for writ of certiorari within 30 days from the date of filing of the written order with the City Clerk or designee. (Ord. No. 03-17, § 2, 1-24-17; Ord. No. 25-17, § 3, 7-18-17)~~

(7) ~~**Stay of enforcement.** While an application for reasonable accommodation, or appeal of a determination of same, is pending before the City, the City will not enforce the subject zoning ordinance, rules, policies, and procedures against the Applicant.~~

(8) ~~**Request form for reasonable accommodation.** (Ord. No. 03-17, § 2, 1-24-17)~~

(a) ~~**Contents of reasonable accommodation request form.** (Ord. No. 03-17, § 2, 1-24-17)~~

- ~~1. Name and contact information of the Applicant; [Amd. Ord. 04-12 2/21/12] (Ord. No. 03-17, § 2, 1-24-17)~~
- ~~2. Information regarding property at which reasonable accommodation is requested, including the address and legal description of such location as well as ownership of the subject property; [Amd. Ord. 04-12 2/21/12] (Ord. No. 03-17, § 2, 1-24-17)~~
- ~~3. Describe the accommodation and the specific regulation(s) and/or procedure(s) from which accommodation is sought; [Amd. Ord. 04-12 2/21/12]; [Amd. Ord. 05-10 1/19/10]~~
- ~~4. Reasons the accommodation may be necessary for the Applicant or the individuals with disabilities seeking the specific accommodation, and if relating to housing, why the requested reasonable accommodation is necessary to use and enjoy the housing; [Amd. Ord. 04-12 2/21/12]; [Amd. Ord. 05-10 1/19/10]~~
- ~~5. Describe qualifying disability or handicap,;~~

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6. ~~Other relevant information pertaining to the disability or property that may be needed by the City in order for it to be able to evaluate the request for reasonable accommodation; [Amd. Ord. 04-12 2/21/12]~~
 7. ~~All certified recovery residences must provide proof of satisfactory, fire, safety, and health inspections as required by Section 397.487, Fla. Stats., as amended from time to time; (Ord. No. 03-17, § 2, 1-24-17)~~
 8. ~~Signature of applicant; [Amd. Ord. 04-12 2/21/12] (Ord. No. 03-17, § 2, 1-24-17)~~
 9. ~~If on-site supervisor or manager, provide the name and contact information (phone and email) for each; (Ord. No. 03-17, § 2, 1-24-17)~~
 10. ~~Date of application; (Ord. No. 03-17, § 2, 1-24-17)~~
 11. ~~Disclosure of ownership interests of property; (Ord. No. 03-17, § 2, 1-24-17)~~
 12. ~~Owner's consent for application. (Ord. No. 03-17, § 2, 1-24-17)~~
- (b) ~~**Reasonable accommodation.** An applicant who seeks a reasonable accommodation to house more than ten unrelated individuals in a community residence shall also complete and submit the form the City requires of all applicants to establish a community residence. (Ord. No. 25-17, § 4, 7-18-17)~~
- (9) ~~**Expiration of approvals.** Approvals of requests for reasonable accommodation shall expire within 180 days if not implemented. [Amd. Ord. 04-12 2/21/12]~~
- (10) ~~**Recertification.** All reasonable accommodation requests approved by the City Manager or his/her designee and implemented by the Applicant pursuant to this Section, 2.4.7(G), "Requests for Accommodation", are valid for no more than one year and shall require annual recertification each year on or before April 1st. Failure to recertify annually shall result in the revocation of the approved reasonable accommodation. Recertification requests shall follow the same requirements as Section 2.4.7(G), "Requests for Accommodation", and review of recertification requests shall follow the same procedures as outlined in Subsection 2.4.7(G)(5), "Notice of Proposed Decision", with the same appellate opportunities afforded to the applicant as provided under Subsection 2.4.7(G)(6), "Appeal" except the recertification notice will be sent annually by regular mail or hand delivered. (Ord. No. 03-17, § 3, 1-24-17)~~
- (a) ~~To be recertified, a community residence for which a reasonable accommodation was granted to locate in Delray Beach must provide verifiable evidence that it is currently licensed or certified by the State of Florida to operate at its present location. (Ord. No. 25-17, § 5, 7-18-17)~~
- (b) ~~A community residence for which a reasonable accommodation was granted to locate in Delray Beach that is not currently licensed or certified by the State of Florida to operate at its present location shall obtain licensure, certification or recertification from the designated state entity before the April 1 reasonable accommodation recertification deadline. Failure to obtain state certification or a required state license, or failure to maintain state certification or a required state~~

license, shall result in revocation of the reasonable accommodation and cessation of operations within 60 days of termination of the license or certification. (Ord. No. 25-17, § 5, 7-18-17)

- (11) ~~**Severability.** If any part, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 2.4.7(G), "Requests for Accommodation", is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 2.4.7(G), "Requests for Accommodation". (Ord. No. 03-17, § 4, 1-24-17)~~

Sec. 2.4.8. Processing schedules.

This Section sets forth basic requirements for insuring the timely and due process for review and action on development applications and other matters set forth in these regulations.

- (A) ~~**General requirements.** The following items pertain to the processing of any development application or other item which requires an action under these regulations:~~
- (1) ~~**Timely submission required.** A failure of an applicant to file an application or formal request for action prior to a deadline date, established herein, shall be cause for the item to be considered in the subsequent round of processing or meeting of a Board and approval body.~~
 - (2) ~~**Full submission required.** A failure of an applicant to file a complete development application shall be cause for deferring its consideration to the subsequent round of processing.~~
 - (3) ~~**Prerequisite actions.** When an action of one Board, or approval body, is dependent upon the action of another Board, it is necessary that the dependent action not be taken until the prerequisite action is completed. Examples of prerequisite actions include: [Changed Bullets Ord. 36-07 9/18/07]~~
 - (a) ~~Granting of a variance prior to site plan approval~~
 - (b) ~~Obtaining a certificate of appropriateness prior to approval of a site plan~~
 - (c) ~~Obtaining administrative relief prior to site plan approval.~~
 - (d) ~~Approval of a rezoning prior to action on a conditional use or site plan.~~
- (B) ~~**Internal review procedures.** The following provides a minimum requirement for the administrative review of a development application. More detailed procedures shall be promulgated in written form by the Director of Planning. [Changed Bullets Ord. 36-07 9/18/07]~~
- (1) ~~Each development application shall be formally receipted within one week of its submission. At that time a determination shall be made that it is accepted for processing, tentatively accepted, or rejected. An application which is tentatively~~

~~accepted shall have listed items which must be provided for full acceptance and a date by which such information must be provided.~~

- ~~(2) An accepted or tentatively accepted application shall be distributed to appropriate administrative units within the City for review and comment. Reviewers include:~~
- ~~(a) Engineering.~~
 - ~~(b) Code Enforcement.~~
 - ~~(c) Public Utilities.~~
 - ~~(d) Planning.~~
 - ~~(e) Fire.~~
 - ~~(f) Horticulturist.~~
 - ~~(g) Building.~~
 - ~~(h) Police.~~
- ~~(3) Public hearing notice shall be made. Also, a description of the application shall be provided to external agencies, as appropriate, for review and comment.~~
- ~~(4) Review comments on applications for rezonings, conditional uses, site plans, and plats shall be provided in writing, consolidated by the Planning Division, and transmitted to the project agent.~~
- ~~(5) A written report shall be presented to the review and approval bodies in which an assessment of the application is made and a recommendation is provided. The recommendation shall address findings which are required prior to action.~~
- ~~(C) **Deadlines for submittals.** The following deadlines for the receipt of a development application shall be observed. Late submittals may be accepted only through special exceptions granted by the Director.~~
- ~~(1) Items which require Planning and Zoning Board review are to be submitted on the first Friday of a month in order to be considered at the Board's regular meeting of the subsequent month (normally the third Monday).~~
- ~~(2) Items which require Site Plan Review and Appearance Board review are to be submitted prior to a regular meeting date as follows:~~
- ~~(a) Site Plans: five weeks~~
 - ~~(b) Architectural Elevations: one week~~
 - ~~(c) Final Landscape Plans: five weeks~~
 - ~~(d) Preliminary Landscape Plan: one week~~
 - ~~(e) Master Sign Programs: two weeks~~
- ~~(3) Items which require Board of Adjustment consideration are to be submitted prior to a regular meeting date as follows:~~

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- ~~(a) Items Which Require Public Notice: four weeks~~
 - ~~(b) Other Items: two weeks~~
 - ~~(4) Items which require Historic Preservation Board consideration are to be submitted prior to a regular meeting date as follows:~~
 - ~~(a) Variances: four weeks~~
 - ~~(b) Certificate of Appropriateness: two weeks~~
 - ~~(c) Other Items: two weeks unless when acting in lieu of the Site Plan Review and Appearance Board in which case the standards for that Board apply.~~
 - ~~(5) Development applications which must be acted upon by the City Commission shall be forwarded from the recommending Board to the Commission so as to be considered at the Commission meeting subsequent to the Board action, provided however, that the Board's action occurs prior to the establishment of the agenda for that City Commission meeting. When an application is conditioned upon certain items being completed prior to consideration by the City Commission, documentation that such items are completed prior to the establishment of the agenda for that City Commission must be provided.~~
 - ~~(6) Other items which are to go before Land Development Boards shall be submitted in sufficient time to provide for appropriate notice and to be included on the published and posted agenda for the Board's meeting.~~
 - ~~(7) Items which are required to be in compliance with the Beach Property Owners Design Manual are to be submitted for review in sufficient time to allow up to 30 days for issuance of a letter of compliance with the Beach Property Owners Design Manual. [Amd. Ord. 36-07 9/18/07]~~

~~Sec. 2.4.9. Certification of actions taken.~~

~~This Section sets forth responsibilities with respect to insuring that an action taken by the City on a development application is understood by the applicant; and sets forth the procedures for obtaining a certified copy of any such action.~~

~~(A) **Responsibilities of the applicant.** It is the responsibility of an applicant, or his agent, to keep abreast of the status of his development application. Correspondence from the City to a designated agent is the only act required by the City with respect to notification of status. Actions of a review Board or the approving body are not required to be provided to the applicant or agent. However, upon written request a certified copy of minutes or a letter of certification shall be provided.~~

~~(B) **Certification of plans.**~~

- ~~(1) **Site and development plan.** When a site and development plan has been approved, or approved subject to conditions: upon receipt of a revised plan which includes all required modifications, the Director, or his designee, shall have the site plan stamped "Approved" and affix his signature. One such copy shall be~~

provided to the agent, one to the Building Department, and one shall be retained in the Planning Division's project file. All subsequent development activity shall be carried out pursuant to a certified site plan.

~~(2) **Landscaping plan:** When such plans have been approved, or approved subject to conditions: upon receipt of a revised plan which includes all required modifications, the City Horticulturist shall have the landscaping plan stamped "Approved" with an affixed signature. One such copy shall be provided to the agent, one to the Planning Division for the Project File, and one retained by the City Horticulturist. All landscaping shall be carried out pursuant to a certified landscape plan.~~

~~(3) **Architectural elevations:** Architectural elevations shall be certified and distributed in the same manner as is a site and development plan.~~

~~(C) **Recording of plats:** [Amd. Ord. 46-95 9/5/95]~~

~~(1) **Financial guarantee required:** Upon approval of the final plat for a subdivision, a reproducible mylar of the plat shall be executed by the Mayor and other appropriate officials. The signed mylar shall be retained by the City Engineer until the recording fee [2.4.3(K)] and a financial guarantee (2.4.10) for the installation and/or warranty of public improvements has been filed. [Amd. Ord. 46-95 9/5/95]~~

~~(2) **Plat recording:** Upon release by the City Engineer, the City Clerk shall cause the final plat to be recorded in the public records. Building permits shall not be issued for structures until such time as the plat has been recorded. [Amd. Ord. 46-95 9/5/95]~~

~~(D) **Recording other documents:** Whenever documents are to be recorded as a condition of approval, the applicant is responsible for recordation and providing certified copies of the recorded document to the City Clerk in a number as prescribed by the Clerk. Recordation of official City documents (e.g. a Resolution of Abandonment of an Easement) shall be made under the auspices of the City Clerk. [Amd. Ord. 46-95 9/5/95]~~

Sec. 2.4.10. Financial guarantees.

This Section sets forth the parameters and procedure associated with providing a financial guarantee to insure the timely and proper installation of public improvements which are required to support the proposed development.

~~(A) **Items which require a financial guarantee.** Any improvement for which the City will assume responsibility or which is necessary to adequately provide service to, or on, a site shall have provisions for guaranteeing its installation and that it properly functions. Such improvements include, but are not limited to:~~

- ~~• Water mains and fire hydrants;~~
- ~~• Sewer mains and lift stations;~~
- ~~• Drainage systems whether publicly or privately maintained Street improvements whether on public or private street systems;~~

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- ~~Street lighting;~~
 - ~~Traffic signal installation;~~
 - ~~Any improvement which is to be located in a public right-of-way;~~
 - ~~Street trees;~~
 - ~~Landscaping pursuant to Subsection (G).~~
- (B) ~~**Required in lieu of improvements.** A financial guarantee may be provided in lieu of installation of infrastructure improvements in situations where a developer desires to have a final plat recorded or a site plan certified prior to installation of such improvements. Such financial guarantee must be provided to the City Engineer, in a proper form (Subdivision Forms), prior to the City Engineer releasing an approved plat for recording or prior to the City Engineer releasing a certified site plan to the Building Department pursuant to the building permit approval process. [Amd. Ord. 46-95 9/5/95]~~
- (C) ~~**Required for warranty.** A financial guarantee shall be required as a part of an agreement between the City and the developer to defray all expenses incurred by the City because of defects in materials or workmanship used in the required improvements. The guarantee shall be for a minimum period of one year after acceptance of the improvement.~~
- (D) ~~**Amount.** The amount of a financial guarantee required in lieu of improvements shall be equal to 110 percent of the cost of the improvements as estimated by the developer and concurred with by the City Engineer. A financial guarantee for a warranty not associated with an in-lieu situation shall be for ten percent of the cost of original installation.~~
- (E) ~~**Forms.** A financial guarantee may take any of the following forms. However, each individual document must be approved by the City Attorney as to form.~~
- (1) ~~Surety Bond, or other equivalent security instrument, conditioned to secure the construction of the required improvements in a satisfactory manner within a one-year time period. The bond shall be executed by a surety company authorized to do business in Palm Beach County. No such bond shall be acceptable unless it is enforceable by, or payable to, the City. The surety bond shall be in the form provided in the Subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~
 - (2) ~~Deposit with the City in the form of cash, cash placed in escrow, a cashier's check, or a certified check.~~
 - (3) ~~Letter of Credit established with a financial institution wherein the City has access to funds in the event it becomes necessary for the City to complete installation and/or maintenance of the improvements. the letter of credit shall be in the form provided in the Subdivision Forms. [Amd. Ord. 46-95 9/5/95]~~
- (F) ~~**Release of funds.** The City Engineer shall release all funds at the time of acceptance of improvements with the exception of an amount of ten percent which shall be retained~~

~~for a period of one year after acceptance of all improvements. This amount may be used by the City if it becomes necessary to provide for the repair or maintenance of the improvement within that one-year period. Upon request and at the time of acceptance of a specific improvement, the City Engineer may release any funds which are provided by deposit or letter of credit to the extent that they were provided for the improvement being accepted.~~

~~(G) **Landscaping bond.**~~

- ~~(1) If the landscaping requirements of this Section have not been met at the time that a Certificate of Occupancy could be granted and is requested, the owner or his agent must post with the Building Department a bond of 110 percent covering the costs of materials, labor and other costs incidental to the installation of the required landscaping.~~
- ~~(2) A landscape bond will only be accepted in extreme hardships where the landscape plant materials are not available due to drought or freeze, or similar conditions occur that would warrant acceptance of the bond as determined by the Chief Building Official.~~

~~**Sec. 2.4.11. Developer's agreements.**~~

~~[Amd. Ord. 12-07 3/20/07]~~

~~Developer's Agreements shall be allowed if the City determines in its sole and absolute discretion that entering into such an agreement is in the best interests of the city. All Developer's Agreements shall conform to the provisions set forth in Florida Statutes §§ 163.3220 through 163.3243.~~