



Cover Memorandum/Staff Report

File #: 20-072

Agenda Date: 1/16/2020

Item #: 7.E.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: January 16, 2020

RESOLUTION 37-20: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE INTENTION OF THE CITY TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CITY CODE RELATING TO THE REGULATION OF APPURTENANCES; INVOKING THE PENDING ORDINANCE DOCTRINE; PROVIDING THAT FROM JANUARY 16, 2020 AND DURING THE PENDENCY OF CONSIDERATION, THE CITY WILL CONTINUE TO DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR APPURTENANCES INCONSISTENT WITH THE CODE OF ORDINANCES; DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT TO ADOPT SUCH ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommended Action:

Motion to Approve Resolution 37-20.

Background:

This Resolution invokes the pending ordinance doctrine as applied to appurtenances providing rooftop terrace access above the maximum height limitations of single family, duplex, and multifamily residences within the Single Family Residential and Medium Density Residential zoning districts.

If Resolution 37-20 is adopted, City staff will defer its processing of site plans containing appurtenances providing rooftop terrace access above the maximum height limitations of single family, duplex, and multifamily residences within the Single Family Residential and Medium Density Residential zoning districts. Staff has been reviewing the subject matter and potential Code changes related to same and requests 180 days to prepare amendments to the Code of Ordinances for consideration by the City Commission.

City Attorney Review:

Approved as to form and legal sufficiency.