



## Cover Memorandum/Staff Report

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**File #:** 23-1557

**Agenda Date:** 11/14/2023

**Item #:** 9.H.

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**TO:** Mayor and Commissioners  
**FROM:** Lynn Gelin, City Attorney  
**DATE:** November 14, 2023

**ORDINANCE NO. 51-23:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY REPEALING SECTION 3.14, "PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT," SUBSECTION (B), "BOARD OF ADJUSTMENT"; PROVIDING FOR A REFERENDUM ON MARCH 19, 2024; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommended Action:**

Motion to approve Ordinance 51-23.

**Background:**

The City of Delray Beach Charter requires the City to create and maintain a Board of Adjustment. This Ordinance would repeal this provision, no longer requiring a board of adjustment to consider appeals to the Land Development Regulations and variances.

On October 17, 2023, the City Commission adopted Ordinance 31-23, providing a more efficient and consistent development application review process. This Ordinance furthers the direction of the Commission to streamline board review of development applications.

Because a revision of the Charter is required in order to repeal the Board of Adjustment, the Question set forth in this Ordinance must be put to a vote of the electorate at the next municipal election on March 19, 2024. Should the electorate approve this referendum, the duties and responsibilities of the Board of Adjustment would be conferred to the Planning and Zoning Board.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Timing of Request:**

The next municipal election is scheduled for March 19, 2024. According to the Supervisor of Elections, the deadline to place municipal items on the ballot is December 15, 2023.

It should be noted that if this item is deferred, the next opportunity for the electorate to consider this Charter revision would not be until 2025.

