



## Legislation Text

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**File #: 18-761, Version: 1**

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**TO: Mayor and Commissioners**  
**FROM: Timothy Stillings, Development Services Department**  
**THROUGH: Mark R. Lauzier, City Manager**  
**DATE: November 27, 2018**

ORDINANCE NO. 24-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", ARTICLE 2.1, "DEVELOPMENT MANAGEMENT SERVICES GROUP," SECTION 2.1.2, "ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITIES," BY ADDING APPROVAL OF ZONING CERTIFICATE OF USE AND OCCUPANCY AS A RESPONSIBILITY OF THE PLANNING AND ZONING DIRECTOR; AMENDING ARTICLE 2.4, "GENERAL PROCEDURES", SECTION 2.4.4, GENERAL PROCEDURES PERTAINING TO APPROVAL OF LAND USE AND DEVELOPMENT APPLICATIONS", BY AMENDING SUBSECTION (E), "EXPIRATION OF APPROVALS", TO PROVIDE AN EXPIRATION DATE FOR A ZONING CERTIFICATE OF USE AND OCCUPANCY; AMENDING SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", BY AMENDING SUBSECTION (F), "SITE AND DEVELOPMENT AND MASTER DEVELOPMENT PLANS (MDP)," TO DEFINE AND CLARIFY THE APPROVAL PROCESS FOR A CLASS V SITE PLAN AND MASTER SITE DEVELOPMENT PLAN; AMENDING SUBSECTION (G), MODIFICATIONS TO SITE AND DEVELOPMENT PLANS," TO FURTHER CLARIFY SITE AND MASTER DEVELOPMENT PLANS, AND ADD A PROCESS FOR ZONING CERTIFICATE OF USE AND OCCUPANCY; AMENDING APPENDIX A, "DEFINITIONS," BY ADDING "ZONING CERTIFICATE OF USE AND OCCUPANCY," PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

### **Recommended Action:**

Motion to approve Ordinance No. 24-18 to amend Land Development Regulations Section 2.1.2, 2.4.5(F), 2.4.5(G), to provide a new process for Zoning Certificate of Use and Occupancy, and clarify review requirements associated with Site Plans and Master Development Plans, by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M), as presented.

### **Background:**

The proposed amendments primarily provide a new process (Zoning Certificate of Use and Occupancy) for the approval of a use change in an existing tenant space which does not require site or building improvements. The current process requires submittal of a Class III Site Plan Modification, 8 copies of associated exhibits such as a site survey, site plan, floor plan, and a fee of \$1,500. Class III Site Plan Modifications go through a technical compliance review with City of Delray Beach (City) Staff, then are scheduled for Board action which can take six to eight weeks. The proposed process

is less onerous on the applicant or business owner which would be reviewed and approved administratively, thereby significantly reducing the approval time frame, and require a lower fee. A fee structure for the Zoning Certificate of Use and Occupancy will be before the City Commission via Resolution on the November 20, 2018 agenda.

The additional amendments provide clarification of existing processes for Site Plan and Master Development Plan requests, or corrective amendments in formatting.

At its meeting of September 17, 2018, the Planning and Zoning Board considered Ordinance No. 24-18 (Ordinance); a recommendation of approval (6-0 vote) conditioned on the inclusion an expiration date for the Zoning Certificate of Use and Occupancy approval. The Ordinance has been revised to specify that an approved request is valid for 60 days, and will expire if a Business Tax Receipt application is not submitted prior to the expiration date.

If adopted, the Development Services Department, in conjunction with Neighborhood and Community Services, the Downtown Development Authority, and the Delray Beach Chamber of Commerce, will actively promote the new change and educate business and property owners on the new process and application prior to the proposed January 1, 2019 implementation date.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

The proposed Zoning Certificate of Use and Occupancy process will eliminate the need for a change of use approval in the form of a Class III Site Plan Modifications which requires a fee of \$1,500. The current site plan modification application process is being revised and would eliminate the Class III Site Plan Modification requirement for changes in use not requiring exterior site improvements, or modifications to the building. The proposed fee for the Zoning Certificate of Use and Occupancy is \$50.00 for a change in tenant with no change in use, and \$150.00 for a change in tenant/occupancy and use.

**Timing of Request:**

The proposed start date for the Certificate of Use process/application is January 1, 2019.