



Legislation Details (With Text)

File #: 24-881 **Version:** 1 **Name:**

Type: Ordinance **Status:** Agenda Ready

File created: 6/18/2024 **In control:** City Commission

On agenda: 7/16/2024 **Final action:**

Title: ORDINANCE NO. 21-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.6, "NOTICE REQUIREMENTS," SECTION 2.6.3, "REQUIRED PUBLIC NOTICE," BY ENACTING A NEW SUBSECTION (H), "WAIVERS" TO ADD PUBLIC NOTICE REQUIREMENTS FOR WAIVER REQUESTS THAT REQUIRE CITY COMMISSION APPROVAL, PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Staff Report, Waiver Notice Requirements, 3. Ord. No. 21-24 Notice Requirements for Waivers, 4. Business Impact Estimate - Ord. No. 21-24, 5. Simple Legal Review Approval Ord 21-24

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: July 16, 2024

ORDINANCE NO. 21-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.6, "NOTICE REQUIREMENTS," SECTION 2.6.3, "REQUIRED PUBLIC NOTICE," BY ENACTING A NEW SUBSECTION (H), "WAIVERS" TO ADD PUBLIC NOTICE REQUIREMENTS FOR WAIVER REQUESTS THAT REQUIRE CITY COMMISSION APPROVAL, PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommended Action:

Consider Ordinance No. 21-24, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 2.6.3 to add public notice requirements for waiver requests that require City Commission approval.

Background:

The proposed amendment is in response to City Commission direction at its May 7, 2024 meeting to add public notice requirements to the Land Development Regulations (LDR) for waivers requiring Commission approval.

Waivers can be approved by multiple boards with responsibilities for the implementation and application of the LDR; waivers requiring Commission approval are assumed to have a greater potential for a negative impact on property owners. The amendment language references Section 2.6.2 (A), (B), (C), and (D). These references correspond with mailed notice, posted property notice, posting of the agenda, and posting to the City web page.

The attached Planning and Zoning Board staff report summarizes waiver types and approving boards, as well as the type of public notice that would be required.

The Planning and Zoning Board reviewed the amendment at its June 17, 2024 meeting and voted 5-0 to recommend approval.

City Attorney Review:

Ordinance No. 21-24 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 21-24 would be effective immediately if adopted at second reading.