



## Legislation Text

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File #: 21-1130, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: Anthea Giannotes, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: October 19, 2021**

ORDINANCE NO. 21-21: 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, BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.4, "THE BOARD OF ADJUSTMENT," SECTION 2.2.4, "THE BOARD OF ADJUSTMENT," TO REVISE THE BOARD COMPOSITION REQUIREMENTS AND DUTIES OF THE BOARD OF ADJUSTMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommended Action:**

Consider Ordinance No. 21-21, a City-initiated request to amend Section 2.2.4 of the Land Development Regulations (LDRs) for the purpose of modifying board composition requirements and duties for the Board of Adjustment.

**Background:**

The Board of Adjustment (BOA) has the power to consider appeals to determinations made by the Chief Building Official, and to grant 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"* (LDR Section 2.4.7(A)).

The current Board composition requirement is five regular members and two alternate members. Three of the regular members must be filled by the specified professional; two may be filled by an at-large member. Four members is a quorum, and a supermajority vote is required to grant a variance or overturn a ruling by the Chief Building Official. The proposed amendment will elevate the alternate members to full board member status, eliminating the role of alternate members. The supermajority requirement remains unchanged, but the language was updated to clarify the supermajority and minimum vote requirement to five members. The amendment prohibits rescheduling of an item by the applicant if the applicant has been served a violation notice by Code Enforcement, and makes general changes to wording and sentence structure to simplify the reading and interpretation of LDR Section 2.2.4.

The Planning and Zoning Board voted 7-0 to recommend approval of Ordinance No. 21-21.

**City Attorney Review:**

Ordinance No. 21-21 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Second reading is anticipated for November 2, 2021.