



## Legislation Text

---

File #: 18-516, Version: 1

---

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning, and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** September 6, 2018

ORDINANCE NO. 13-18: A CITY-INITIATED AMENDMENT TO THE CODE OF ORDINANCES TO AMEND CHAPTER 100, "NUISANCES", AT TITLE 9. "GENERAL REGULATIONS" BY REPEALING SECTION 100.10 AND READOPTING IT WITH NEW TITLE, "BOARDING CERTIFICATE; REQUIREMENTS", TO PROVIDE FOR REGULATIONS REGARDING THE BOARDING AND SECURING OF VACANT BUILDINGS, STRUCTURES, OR DWELLINGS IN THE CITY. (FIRST READING)

### **Recommended Action:**

Motion to approve Ordinance No. 13-18 amending the Code of Ordinances to create new requirements and regulations regarding the boarding and securing of vacant buildings, structures, or dwellings in the City, by adopting the findings of fact and law and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in pursuant to LDR Section 2.4.5(M).

### **Background:**

The proposed ordinance was drafted by City staff in concert with the Historic Preservation Task Force (HPTF). The HPTF was formed by the City Manager at the City Commission's direction in November 2015. The group was tasked with strengthening historic preservation in Delray Beach, to fill in any gaps in resources, to protect & preserve properties and to create incentives. The City Commission reviewed the HPTF's recommendations in June 2017 and directed staff to move forward with their recommendations.

One of the HPTF's recommendations to the City Commission was to create new or updated ordinances and Land Development Regulations (LDR) that would add strength to the City's current regulations. Such amendments include new or revised LDR requirements relating to Affirmative Maintenance; Maintenance Requirements for Historic Sites and Buildings; Penalties; Undue Economic Hardship; Ad Valorem Tax Exemption Revocation Proceedings; and, Boarding.

The subject amendment is to amend the Code of Ordinances to provide for regulations regarding boarding and securing of vacant buildings, structures, or dwellings in the City. The amendment will provide for uniformity throughout the City by mandating specific forms of boarding on windows and doors of vacant structures. The new regulations will require a Boarding Certificate be approved by the Chief Building Official for a maximum 12 month period. Specific requirements relating to the method, installation and type of boarding is to be maintained in a separate procedure manual.

The related LDR amendments are being processed under separate cover via Ordinance No. 12-18.

**Review by Others**

The Historic Preservation Board reviewed the item as a discussion item at the January 7, 2018 meeting and was in support of the request. The Board asked for expanded definitions and clarifications to the ordinances, that improved communications be provided to the Board regarding Code Enforcement efforts and supported the process for boarding.

The Downtown Development Agency (DDA) reviewed the item at the April 9, 2018 meeting and voted unanimously in support of the proposed amendment.

The Pineapple Grove Mainstreet reviewed the item at the April 25, 2018 meeting and voted in support of the proposed amendment.

The West Atlantic Redevelopment Coalition (WARC) reviewed the item at the May 3, 2018 meeting and voted unanimously in support of the proposed amendment but noted concerns with:

- Enforcement on violations prior to adoption of new ordinances;
- How will public be informed of the new ordinances;
- The Economic Hardship Certificate should include more extensions;
- New ordinances regarding Affirmative Maintenance should be more stringent on developers; and,
- Clear boarding - want program to be put in place.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A