

I. PETITION DESCRIPTION

Petition Number: ZTA 2013-009, Ordinance 2014-23

Project Name: Land Development Regulations (LDR) Text Amendments-
Article 14 (ENFORCEMENT PROCEEDINGS AND
PENALTIES)

Applicant/Petitioner: Village of Wellington

Request: Adoption of Ordinance 2014-23 approving amendments to
Article 14 of the Land Development Regulations.

II. BACKGROUND:

Revisions to Article 14 were initially proposed in order to implement a secondary enforcement mechanism with regard to existing code violations and repeat code violators. Staff has reviewed the proposed ordinance in light of the objections raised by the public upon first reading and the legal opinion issued by the legal department and believes a more appropriate way to address the concerns raised is to revise and expand the provisions already contained in Sec. 5.1.13 *Suspension of Development Review Proceedings*. Sec. 5.1.13 authorizes staff to suspend any application for a development permit during the pendency of a code enforcement proceeding or for any code violation involving all or a portion of the land proposed for development.

Staff intends to revise this section to include a provision that would delay implementation of the suspension until the appeal period (30 days) has run and to include a mechanism for processing a development order during the pendency of an appeal where the property owner posts a bond or other security. Staff anticipates bringing this revision before the Planning, Zoning and Adjustment Board as soon as possible. Like the revisions previously proposed to Article 14, Sec. 5.1.13 provides a process for ensuring that Wellington property owners comply with the Code of Ordinances and Land Development Regulations. Staff believes these revisions will better reflect Council's intent. Accordingly, many of the revisions to Article 14 that were contained in the ordinance upon first reading have been eliminated and will be addressed in Article 5.

The remaining revisions include elimination of references to the Code Enforcement Board (Wellington has not had such a Board for over 10 years), changing references from Special Master to Special Magistrate, changing references to the Planning and Development Services

Department to the Planning, Zoning & Building Department, and repealing Section 14.4.2, which provisions are already containing in Chapter 1 of the Florida Building Code.

III. ANALYSIS:

The primary effect of the proposed amendment is to revise the language of the Code to more properly reflect the language used in Chapter 162, *Florida Statutes*.

IV. STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 2014-23 which amends Article 14 (ENFORCEMENT PROCEEDINGS AND PENALTIES) of the Land Development Regulations.

V. REVIEW PROCESS:

1. Planning Zoning and Adjustment Board

The **original version of this** ordinance was reviewed by the Planning Zoning and Adjustment Board: on May 7, 2014. The PZAB has recommended approval with no further revisions by a vote of 5-1.

2. Council

This ordinance was approved by Council on first reading at its July 8, 2014 meeting, subject to making substantial changes. Since that time staff has made the revisions to the proposed ordinance to comply with Council's direction and incorporate recommendations of the Village Attorney; and is bringing it back to Council for another reading the Council meeting of August 26, 2014..

VI. PUBLIC NOTIFICATION:

Public notification of this Zoning Text Amendment shall be accomplished by Newspaper Advertisement. Display advertisements were placed in The Palm Beach Post on:

- April 22, 2014 – Planning Zoning and Adjustment Board
- June 23, 2014- Council First Reading
- August 11, 2014- Adoption hearing