

I. PETITION DESCRIPTION:

Petition Number: ZTA 2014-038, Ordinance 2014-27

Project Name: Land Development Regulations (LDR) Text Amendments-
Article 5. Development Review Procedures, Chapter 5.
General Applicability, Section 5.1.13. Suspension of
Development Review Proceedings

Applicant/Petitioner: Village of Wellington

Request: Adoption of Ordinance 2014-27 amending Article 5.
Development Review Procedures, Chapter 5. General
Applicability, Section 5.1.13. Suspension of Development
Review Proceedings of the Land Development Regulations
authorizing the suspension of the processing and/or
consideration of development permit and/or use approval
applications for properties with open code enforcement
cases and/or outstanding code enforcement liens and/or
fines.

II. BACKGROUND:

Wellington is experiencing a growing issue with property owners continuing to apply for development permits for a property even when that property is subject to open code violations and unresolved liens and/or fines. The primary purpose of this amendment is to establish an additional provision in the Land Development Regulations to achieve compliance with Wellington's codes and to resolve code enforcement liens and fines.

III. PROPOSED ZONING TEXT AMENDMENT:

The proposed changes are all contained in Sec. 5.1.13 Suspension of development review proceedings. In addition, the following changes are recommended [text formatted with underline is to be added; text formatted with ~~strike-through~~ is to be deleted]:

Sec. 5.1.13. *Suspension of development review proceedings.*

Any application for a development permit, not including building permits, may be suspended or deemed ineligible for processing for any property having an open code enforcement case(s) or for any property with outstanding Code Enforcement liens and/or fines. Where such permit(s) are necessary to close such code enforcement case(s), the application processing and consideration shall be permitted. during the pendency of a Code enforcement proceeding or for any Code violation involving all or a portion of the land proposed for development, if it is demonstrated in writing by the withholding agency that continuation of development review processing could be adverse to the public interest.

An open code enforcement case exists when a property has been found by the Special Magistrate to be in violation of a Wellington Code provision(s) and such violation(s) has not been corrected and noted by the Wellington Code Compliance Division. The suspension and/or processing ineligibility shall be authorized after the 30-day appeal period of the Special Magistrate's order has expired. The processing and/or consideration of any development permit application(s), not including building permits, shall not be permitted until such case(s) is closed and all outstanding Code Enforcement liens and/or fines are satisfied.

Notwithstanding the foregoing, upon the timely filing of an appeal from a final order of the Special Magistrate finding the property in violation of the Wellington Code provision(s), the property owner may post a good and sufficient bond, or other security deemed appropriate by the Planning Director in an amount sufficient to pay all costs and expenses required to correct the code violation(s), together with the costs and fines imposed by the Special Magistrate, and the estimated fines accruing during the pendency of the appeal, in the event the order of the Special Magistrate for which the appeal was filed is not quashed, modified, or reversed. Upon the posting of such bond or other security, an application for a development permit shall be processed.

IV. ANALYSIS:

The primary effect of the proposed amendment is to authorize the suspension of pending applications for properties that have open code violations and/or unresolved code enforcement fines or liens or make them ineligible for applications until the violations, liens and/or fines are resolved. The amendments proposed will significantly improve Wellington's efforts to achieve a higher level of code compliance.

V. STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 2014-27 amending Article 5. Development Review Procedures, Chapter 5. General Applicability, Section 5.1.13. Suspension of Development Review Proceedings of the Land Development Regulations authorizing the suspension of the processing and/or consideration of development permit and/or use approval applications for properties with open code enforcement cases and/or outstanding code enforcement liens and/or fines.

VII. REVIEW PROCESS:

1. Planning, Zoning and Adjustment Board

This application was recommended for approval (4-2) by the Planning, Zoning and Adjustment Board on September 8, 2014, with Kenneth Kopp and Michael Drahos dissenting.

2. Council

This zoning text amendment was unanimously approved at first reading by the Council on November 25, 2014.

It is scheduled for second reading and adoption January 13, 2015.

VII. 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:

- August 24, 2014 – Planning Zoning and Adjustment Board
- November 10, 2014 – Village Council (1st reading)
- December 29, 2014 – Village Council (2nd reading)