



Meeting Name: Town Council
Meeting Date: January 24, 2024
Prepared By: F. Davila, CFM.
Item Title: Ordinance 781 – Demolition Permits 2nd Reading

DISCUSSION:

At its April 3rd Planning and Zoning Board meeting, the Board gave consensus to recommend that the Town Council direct staff to form an ordinance changing the code to require abutting properties being notified of any surrounding demolitions.

At the April 26th Town Council meeting, Council gave consensus to have staff draft an ordinance on changing the code to require abutting properties being notified of any surrounding demolitions.

At the May 24, 2023, Town Council meeting, Council reviewed and discussed Ordinance No. 764. During the discussion, the contents of Senate Bill 250 was reviewed as Ordinance No. 764 may not be able to be adopted on second reading due to it being construed as more restrictive and burdensome. However, Attorney Torcivia advised the Council that it was able to proceed with the first reading. Town Council unanimously passed proposed Ordinance No. 764 on first reading.

At the July 26, 2023, Town Council meeting, Staff informed Council that Senate Bill 250 was approved by Governor DeSantis. It was staff's opinion that Ordinance No. 764, as proposed on first reading, created a more restrictive or burdensome amendment to the Town's Land Development Regulations (Chapter 34), and that its implementation and enforcement creates a more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, and development permit, and that the implementation of the Ordinance would violate SB 250. Town Council unanimously denied proposed Ordinance 764 on second reading but had staff adopt a policy to notify neighboring homes of upcoming demolitions.

Staff is proposing Ordinance No. 781 for Town Council's review. The Ordinance provides for the following (same as proposed Ord. No. 764):

- Provides the creation of Code Section 6-111 – Demolition Permits;
- Provides for the preservation of native vegetation to the maximum extent practicable;
- Provides for the submittal of an erosion control plan, parking plan, construction screening plan and a truck logistics plan;
- Provides for the property to be sodded within 10 working days if construction does not commence within 30 days of the demolition; and

- Provides for the owner to submit an affidavit confirming that notice to owners of all properties within 300 feet of proposed demolition has been provided.

At the December 13, 2023, Town Council meeting, Council reviewed and discussed proposed Ordinance No. 781 on first reading and unanimously approved it to move forward to second reading.

RECOMMENDATION:

Staff recommends that the Town Council approve Ordinance No. 781 on second reading.

Attachment(s):

- Copy of proposed Ordinance No. 781