

ORDINANCE NO. 26-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, BY AMENDING ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS", SECTION 2.2.1, "GENERAL PROVISIONS", SUBSECTION (A), "QUALIFICATIONS"; SECTION 2.2.2, "THE PLANNING AND ZONING BOARD", SUBSECTION (C), "COMPOSITION"; SECTION 2.2.3, "THE SITE PLAN REVIEW AND APPEARANCE BOARD", SUBSECTION "B", "COMPOSITION AND SPECIAL QUALIFICATIONS"; SECTION 2.2.4, "THE BOARD OF ADJUSTMENT", SUBSECTION "B", "COMPOSITION"; AND SECTION 2.2.6, "THE HISTORIC PRESERVATION BOARD", SUBSECTION "B", "COMPOSITION AND SPECIAL QUALIFICATIONS", TO PROVIDE THAT MEMBERS OF BOARDS BE ELECTORS OF THE CITY, PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on August 15, 2016, and voted ____ to ____ to recommend that the changes be approved; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Article 2.2, "Establishment of Boards Having Responsibilities for Land

Development Regulations”, Section 2.2.1, “General Provisions”, Subsection (A), “Qualifications”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(A) **Qualifications:** A member shall ~~either be a resident or own property on the City, and/or own a business within the City as defined in Section 5.01 of the City Charter.~~ be an elector of, or own property on the City, and/or own a business within the City as defined in Section 5.01 of the City Charter. Additional qualifications may be established for individual boards.

Section 3. That Article 2.2, “Establishment of Boards Having Responsibilities for Land Development Regulations”, Section 2.2.2, “The Planning and Zoning Board”, Subsection (C), “Composition”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and same is hereby amended to read as follows:

(C) **Composition:**

(1) The Planning and Zoning Board shall consist of seven (7) members.

(2) Each of four seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, engineer, developer, general contractor, land planner or land use attorney. The remaining three seats shall be at large. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the professional qualifications described above, the appointing body may appoint a non-electror who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-electror.

Section 4. That Article 2.2, “Establishment of Boards Having Responsibilities for Land Development Regulations”, Section 2.2.3, “The Site Plan Review and Appearance Board”, Subsection (B), “Composition and Special Qualifications”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and same is hereby amended to read as follows:

(B) **Composition and Special Qualifications:**

(1) The Site Plan Review and Appearance Board shall consist of seven regular members.

(2) Each of five seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, sign contractor, land planner or interior designer. The remaining two seats shall be at large. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the

professional qualifications described above, the appointing body may appoint a non-elect
who meets the professional qualifications if, in its discretion, it determines that the City's
interest would best be served by appointing a non-elect.

Section 5. That Article 2.2, "Establishment of Boards Having Responsibilities for Land Development Regulations", Section 2.2.4, "The Board of Adjustment", Subsection (B), "Composition", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and same is hereby amended to read as follows:

(B) Composition:

(1) The Board of Adjustment shall consist of five regular members. In addition, there shall be two (2) alternate members. In the absence of a regular member, an alternative member shall be called to sit, and act in lieu of the regular member, by the Chairperson of the Board.

(2) Each of three seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, engineer, developer, general contractor, or land planner. The remaining two seats shall be at large. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the professional qualifications described above, the appointing body may appoint a non-elect who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-elect.

Section 6. That Article 2.2, "Establishment of Boards Having Responsibilities for Land Development Regulations", Section 2.2.6, "The Historic Preservation Board", Subsection (B), "Composition and Special Requirements", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and same is hereby amended to read as follows:

(B) Composition and Special Qualifications:

(1) The Historic Preservation Board shall consist of seven members.

(2) Each of five seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, architectural historian, preservationist, land planner or interior designer. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the professional qualifications described above, the appointing body may appoint a non-elect who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-elect. Lay persons of knowledge, experience, and

judgment who have an interest in historic preservation shall make up the balance of the Board. Lay persons may be considered if there ~~is a lack of applicants~~ are no applicants to fill the seats reserved for professionals. Preference should be given to professional and lay persons who own property within historic districts or whose property is individually listed in the Local Register of Historic Places.

Section 7. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 8. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 9. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2016.

ATTEST

MAYOR

City Clerk

First Reading_____

Second Reading_____