



Cover Memorandum/Staff Report

File #: 20-645

Agenda Date: 9/10/2020

Item #: 8.D.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: September 10, 2020

ORDINANCE NO. 23-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER ONE, "GENERAL PROVISIONS", ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.2, "AUTHORITY," AND ARTICLE 1.2, "EFFECT ON EXISTING LAW AND PREVIOUS DEVELOPMENT APPROVALS," SECTION 1.2.2, "PREVIOUS DEVELOPMENT APPLICATION APPROVALS"; CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.1, "THE DEVELOPMENT SERVICES MANAGEMENT GROUP," SECTION 2.1.2, "ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITIES," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.2, "THE PLANNING AND ZONING BOARD," SECTION 2.2.6, "THE HISTORIC PRESERVATION BOARD", ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SECTION 2.4.6, "PROCEDURES FOR OBTAINING PERMITS AND APPROVALS;" CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.1, "REQUIRED FINDINGS FOR LAND USE AND LAND DEVELOPMENT APPLICATIONS," SECTION 3.1.1, "REQUIRED FINDINGS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.1, "BASIS FOR DETERMINING CONSISTENCY", SECTION 3.2.2, STANDARDS FOR REZONING ACTIONS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS," AND SECTION 3.2.4, "STANDARDS FOR SPECIFIC AREAS OR PURPOSES," CHAPTER 4, "ZONING REGULATIONS," ARTICLE, 4.2, "ANNEXATION AND INITIAL ZONING," SECTION 4.2.1, "AUTHORITY FOR ANNEXATIONS," SECTION 4.2.3, "ZONING," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)", SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS", SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT", SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT", SECTION 4.4.10, "AUTOMOTIVE COMMERCIAL (AC) DISTRICT", SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT"; SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SECTION 4.4.16, "PROFESSIONAL AND OFFICE DISTRICT (POD), SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SECTION 4.4.21, "COMMUNITY FACILITIES (CF) DISTRICT", SECTION 4.4.22, "OPEN SPACE DISTRICT", SECTION 4.4.23 "CONSERVATION DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT", SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT", SECTION 4.4.27 "OPEN SPACE AND RECREATION (OSR) DISTRICT", ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," SECTION 4.5.6, "THE WEST ATLANTIC AVENUE OVERLAY DISTRICT," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.16, "LANDSCAPE REGULATIONS," SECTION 4.6.20, "TRANSFER

OF DEVELOPMENT RIGHTS," CHAPTER 5, "SUBDIVISION REGULATIONS," ARTICLE 5.1, "GENERAL PROVISIONS," SECTION 5.1.5, "COMPLIANCE WITH THE COMPREHENSIVE PLAN," CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS," ARTICLE 8.3, "WEST ATLANTIC AVENUE NEIGHBORHOOD IMPROVEMENT DISTRICT," SECTION 8.3.5, "AUTHORITY TO APPLY FOR AND RECEIVE GRANTS," TO PROVIDE UPDATED REFERENCES TO AND CLARIFICATIONS RESULTING FROM THE ADOPTION OF THE ALWAYS DELRAY COMPREHENSIVE PLAN, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommended Action:

Review and consider Ordinance No. 23-20 on Second Reading, City-initiated amendments to the Land Development Regulations to provide updated references to and clarifications resulting from the adoption of the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020.

Background:

The Land Development Regulations (LDR) refer to specific Goals, Objectives, and Policies (GOP) in the Comprehensive Plan to provide guidance on the intent of the regulations. The current LDRs reference the previous Comprehensive Plan, which was repealed in its entirety on February 4, 2020. With the adoption of the Always Delray Comprehensive Plan by Ordinance No.19-19, many regulations in the LDRs no longer appropriately reference the correct GOP; those GOPs that stayed the same between the previous plan and Always Delray need to be updated as well to reflect the numbering system in the new plan. The proposed LDR amendments update these references and provide clarification of the existing language, correct grammatical differences or errors, and add language with specific references to land use requirements. Section 163.3202 of the Florida Statutes requires that each county and each municipality adopt or amend and enforce LDRs that are consistent with and implement the adopted Comprehensive Plan within one-year of adoption of any Comprehensive Plan adoption or update.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies (GOP) of the Comprehensive Plan.*

The purpose of the proposed amendments is to provide consistency with the adopted Comprehensive Plan; the amendments remove inconsistencies by updating references to the Comprehensive Plan adopted on February 4, 2020.

The Planning and Zoning Board reviewed the proposed amendments at its meeting of July 20, 2020; a recommendation of approval was provided on a vote of 4-0.

City Attorney Review:

Approved as to legal form and sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The Land Development Regulations have been out of date since the adoption of the Always Delray

Comprehensive Plan on February 4, 2020.