



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Sponsorship of Privately-Initiated LDR Amendments

Meeting	File No.	Application Type
December 12, 2022	2023-004-LDR	Amendment to the Land Development Regulations

#### Request

Provide a recommendation to the City Commission on ~~Ordinance No. 42-22~~, Ordinance No. 04-23, a City-initiated request to amend Section 1.1.6 and Section 2.4.5(M) of the Land Development Regulations (LDR) to require that at least one Commissioner shall sponsor the placement of a privately-initiated amendment to the LDR on a Commission Workshop agenda, and at least three members of the City Commission shall support a privately-initiated amendment to the LDR at such Workshop prior to the submittal of an application for the request.

#### Background Information

At its meeting of March 25, 2021, the City Commission adopted the Local Rules of Procedure that specifies that workshops may be held to discuss Commissioner sponsorship of privately-initiated amendments to the City's LDR. Ordinance No. 25-21, adopted on August 10, 2021, codified the process to require sponsorship by one Commissioner prior to the submittal of a private request to amend the LDR.

Prior to the adoption of Ordinance No. 25-21, members of the City Commission did not become aware of privately-initiated requests to the amend the LDR until they are placed on an Advisory Board meeting agenda - subsequent to City Staff spending a significant amount of time evaluating the request, searching the LDR to ensure all appropriate Sections impacted by the amendment are included in the ordinance - particularly when a request represents a substantial deviation from City policy and practice.

Ordinance No. 25-21 has not provided the level of pre-screening that it was intended to provide. A significant number of privately initiated requests representing a substantial policy shift have been submitted since the process was codified. At the City Commission meeting on October 11, 2022, the Commission directed staff to revise the process to require a proposed amendment to receive the support of three Commissioners. The proposed amendment will codify the requested procedural shift.

#### Description of Proposal

The proposed LDR amendment, to require the support of three Commissioners (instead of one) at a Commission Workshop, is designed to provide a greater measure of control over proposed amendments that represent a substantial change in City policy, by requiring the support of more Commissioners earlier in the process. This procedural change will allow staff to dedicate more time to work on City-initiated amendments that support the goals, objectives, and policies of the City.

The proposed ordinance includes updates to the following sections:

- **Section 1.1.6, "Amendments"**

(B) Requests by a member of the public to amend the text, graphics, maps, or other information adopted as part of the LDR must be sponsored by at least one member of the City Commission at a regular meeting during the Comments or Inquiries on Non-Agenda Items section of the agenda in order to present the request at a City Commission workshop for consideration. At the workshop meeting at least three Commissioners must sponsor the item in order to allows the member of the public to prior to the submittal of an application to request the the privately initiated amendment. Privately initiated amendments to the LDR shall be made pursuant to the provisions of Section 2.4.5(M).

• **Section 2.4.5(M), “Amendment to the Land Development Regulations,” Subsection (1), Rule**

(1) **Rule.** Amendments to the LDR may be initiated by the City Commission, Planning and Zoning Board, City Administration, or by a member of the public. Members of the public may request an amendment pursuant to the following procedures:

(a) At least one member of the City Commission shall sponsor the amendment to the LDR at proposed amendment at a regular meeting of the City Commission during the Comments or Inquiries on Non-Agenda Items section of the agenda in order to present the request at a City Commission Workshop for consideration. in accordance with the adopted Rules and Procedures of the City Commission.

(b) At the workshop meeting at least three Commissioners must sponsor the item in order to allow the member of the public to submit the privately initiated amendment.

**Review and Analysis**

Pursuant to **LDR Section 1.1.6(A), Amendments**, *the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M).*

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings. The anticipated review dates are December 6, 2022 and December 13, 2022 (Public Hearing).

Pursuant to **LDR Section 2.4.5(M)(1)**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is City-initiated at the direction of City Commission.

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 the Comprehensive Plan.*

The Always Delray Comprehensive Plan does not contain Goals, Objectives, or Policies specific to the proposed amendments. However, the following Objective generally supports the proposed language.

**Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5, Update Land Development Regulations**

*Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The language from the Comprehensive Plan supports the proposed LDR amendments by providing an equitable and streamlined process for private amendments to the LDR to be requested. The current sponsorship process gives applicants the opportunity to receive significant input from Commission on proposed amendments prior to public hearing. However, the requirement that only one Commissioner must sponsor an amendment allows amendments to come through that request significant policy shifts without a consensus of support. The significant number of private amendments, that are ultimately not supported by the City, require a great deal of staff time, and make it difficult for Staff to devote sufficient time to the City-initiated amendments in support of the vision for the City adopted in the Comprehensive Plan.

**Alternative Actions**

A. Recommend **approval** to the City Commission of Ordinance No. 42-22, amending Section 1.1.6 and Section 2.4.5(M) of the Land Development Regulations to amend the Land Development Regulations (LDR) to require that at least one Commissioner shall sponsor the placement of a privately-initiated amendment to the LDR on a Commission Workshop agenda, and at least three members of the City Commission shall support a privately-initiated amendment to the LDR at such Workshop prior to the submittal

of an application for the request, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.

- B. Recommend **approval** to the City Commission of Ordinance No. 42-22, **as amended**, amending Section 1.1.6 and Section 2.4.5(M) of the Land Development Regulations to amend the Land Development Regulations (LDR) to require that at least one Commissioner shall sponsor the placement of a privately-initiated amendment to the LDR on a Commission Workshop agenda, and at least three members of the City Commission shall support a privately-initiated amendment to the LDR at such Workshop prior to the submittal of an application for the request, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 42-22, amending Section 1.1.6 and Section 2.4.5(M) of the Land Development Regulations to amend the Land Development Regulations (LDR) to require that at least one Commissioner shall sponsor the placement of a privately-initiated amendment to the LDR on a Commission Workshop agenda, and at least three members of the City Commission shall support a privately-initiated amendment to the LDR at such Workshop prior to the submittal of an application for the request, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

**Public and Courtesy Notices**

Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.