

## **PLANNING AND ZONING BOARD**

### **STAFF REPORT**

**MEETING DATE:** March 20, 2017

**AGENDA NO:** VII.C

**AGENDA ITEM:** EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE CITY OF DELRAY BEACH.

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### **ITEM BEFORE THE BOARD**

The action before the Board is making a recommendation to the City Commission on a proposed Ordinance ("Ordinance") approving statutorily mandated updates to the comprehensive plan as part of the evaluation and appraisal process required every seven (7) years by Florida Statute Section 163.3191. These amendments include the adoption (pending) if the new Interlocal Agreement with the School District and the County for Coordinated Planning.

### **BACKGROUND**

Section 163.3191 Florida Statutes requires that each local government evaluate its adopted comprehensive plan every seven (7) years to determine whether plan amendments are necessary to reflect changes that were made to Ch. 163, Part II, Florida Statutes ("Community Planning Act") since the last evaluation and appraisal cycle (2008 for Delray Beach). The City has determined that minor amendments are required to maintain the plan's consistency with the Act, and has prepared the attached amendments for transmittal to the Department of Economic Opportunity ("DEO") for its review.

DEO established a schedule that counties and municipalities must follow for transmitting evaluation and appraisal related amendments. Based upon this schedule, the City must transmit the amendments in advance of the full comprehensive plan update that is currently underway.

### **PROJECT DESCRIPTION**

The Ordinance makes minor revisions, predominantly of a housekeeping nature, to keep step with the Community Planning Act. A brief description of each amendment is provided below. In addition, the plan updates several elements due the pending adoption of the new Interlocal Agreement between the County, the School District and the Municipalities within the School District. This new agreement removed all references to Concurrency Service Areas (CSA) and instead looks at Planning Areas and intergovernmental coordination of planning related to school capacity.

Future Land Use Element:

- Policy A-1.7 is amended to acknowledge that comprehensive plans must provide a sufficient supply of available density to accommodate at least the medium population projections as

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published by the Office of Economic and Demographic Research for at least a ten (10) year period. Required by F.S. 163.3177(1)(f)(3).

- Policy D-3.9 is added to reflect the new Interlocal Agreement.

#### Transportation Element:

- Policy A-2.4 is amended to acknowledge that a developer may satisfy transportation concurrency upon entering into a binding agreement to pay for or construct its proportionate fair share of improvements made necessary by the project's impact. The policy is also reworded for clarity. Required by F.S. 163.3180(5)(h)(1).

#### Coastal Management Element:

- Objective A-1 is amended to encompass the required scope of a coastal management element pursuant to F.S. 163.3178.
- Policy D-1.3 is amended to add the appropriate statutory reference.
- Policy D-1.4 is amended, and Policies D-4.3 through D-4.6 are created to address "peril of flood" legislation pursuant to F.S. 163.3178(f).

#### Conservation Element:

- Policy E-1.1 is amended to require that the City address factors that affect energy conservation, as required in F.S. 163.3177(6)(d).

#### Intergovernmental Coordination Element:

Policy A-2.3 is amended to reflect the name change of an agency.

#### Capital Improvements Element:

- Policy A-3.4 is amended to reflect the required scope of the Capital Improvement Plan pursuant to F.S. 163.3177(3)(a)4.
- Table CI-CIP and SD-CIP are updated to reflect the current adopted Capital Budget for the City and the School District.

#### Public School Facilities Element:

- Policies A-3.1 is amended to reflect the correct statutory references and to remove all references to CSAs.
- Policies A-1.4, A-1.5 and A-1.9 are deleted as they relate to CSAs.
- Policy A-2.2 is amended to remove the reference to CSAs.
- Policy B-2.1 is amended to reflect the correct statutory references.
- Policy B-2.2 is amended to remove all references so Concurrency Service Areas
- Policy B-2.3 is amended to remove all references so Concurrency Service Areas
- Policy C-3.1 is amended to remove the reference to CSAs.
- Maps PS 1.1, PS 2.1 & PS 3.2 are hereby replaced with new maps to remove the reference to CSA's and are replaced with maps showing the Planning Areas.

No changes were needed to the other elements of the plan.

The proposed updates meet the minimum requirements for evaluation and appraisal based amendments identified in F.S. 163.3191.

### REQUIRED FINDINGS

The proposed amendments are required by law. The Board should make a finding that the proposed amendments are internally consistent with the comprehensive plan, and are suitable for review by the City Commission and for transmittal to DEO.

### REVIEW BY OTHERS

#### **Public Notices:**

Pursuant to Section 166.041 Florida Statutes and Land Development Code Subsection 2.4.2(B)(1)(h), a newspaper advertisement appeared in the Sun Sentinel newspaper on Thursday February 16, 2017 for the Local Planning Agency public hearing. An advertisement measuring two columns wide by 10 inches long will be published in the newspaper at least seven (7) days prior to first reading of the ordinance, and ten (10) days prior to second reading.

### ALTERNATIVE ACTIONS

- A. Recommend that the City Commission **adopt the Ordinance**, and finding that the Ordinance and approval thereof is consistent with the Comprehensive Plan.
- B. Recommend that the City Commission **adopt the Ordinance with changes** specified by the Board, and finding that the Ordinance, in amended form, is consistent with the Comprehensive Plan.
- C. Recommend that the City Commission **not adopt the Ordinance**.

### RECOMMENDED ACTION

Recommend that the City Commission **adopt** the Ordinance, and find that the Ordinance is consistent with the Comprehensive Plan.

*Attachments: Draft Ordinance 06-17*