



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Always Delray Comprehensive Plan LDR Amendments, Ordinance No. 23-20

Meeting	File No.	Application Type
March 16, 2020	2020-128-LDR	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission regarding a City-initiated request to amend and update the Land Development Regulations (LDR) to provide consistency with the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020.

Background Information

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. The LDRs currently refer to specific Goals, Objectives, and Policies in the previous Comprehensive Plan, which was repealed in its entirety on February 4, 2020.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 are no longer appropriately referenced. The amendments update these references and provide clarification of existing language, cleanup to grammatical differences or errors, and language with specific references to land use requirements.

Description of Proposal

The proposed amendment seeks to amend the LDRs as follows:

- Update and correct references to the Department of Economic Opportunity, previously the Department of Community Affairs;
- Specify that compliance is with the adopted Comprehensive Plan;
- Remove the word “future” from before “land use map” for consistency with the references of the Always Delray Comprehensive Plan;
- Correct and update names of Elements and references to any goals, objectives, or policies;
- Reference to implementation of the Historic Preservation Element under the Historic Preservation Board’s duties;
- Specify that consistency with the land use designation is required, and provide direct references to Table NDC-1 of the Neighborhood, Districts, and Corridors, which specifies the maximum density and intensity for each land use designation; and,
- Miscellaneous clarification, corrections, and grammatical or stylistic revisions.

Please note that while additional language in the LDRs needs revising for consistency and clarification purposes, the subject request is limited to those Sections where a reference to the Comprehensive Plan exists; additional revisions will be part of a larger effort. For example, only some of the zoning districts’ “Purpose and intent” descriptions identify the land use designation(s) consistent with that district, while others provide specific density limitations.

Review and Analysis

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.

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.

While there are no specific GOPs regarding the general purpose of the proposed LDR amendments, the purpose of the proposed amendments is to provide consistency with the adopted Comprehensive Plan; the amendment removes inconsistencies by updating references to the Comprehensive Plan adopted on February 4, 2020.

Review By Others

The **City Commission** will review the proposed LDR Amendments at the meetings of April 7, 2020 (First Reading) and April 21, 2020 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No.23-20, amending the Land Development Regulations to provide consistency with the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020, 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. 23-20, **as amended**, amending the Land Development Regulations to provide consistency with the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020, 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. 23-20, amending the Land Development Regulations to provide consistency with the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020, 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.