



Cover Memorandum/Staff Report

File #: 21-707

Agenda Date: 7/13/2021

Item #: 9.A.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: July 13, 2021

ORDINANCE NO. 25-21: 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 1, "GENERAL PROVISIONS," ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.1, "REFERENCE," AND SECTION 1.1.6, "AMENDMENTS," AND BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SUBSECTION 2.4.5(M), "AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS," TO REQUIRE AT LEAST ONE MEMBER OF THE CITY COMMISSION SPONSOR A PRIVATELY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS PRIOR TO THE SUBMITTAL OF AN APPLICATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommended Action:

Review and consider Ordinance No. 25-21 on First Reading, a City-initiated request to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately-initiated amendment to the LDR at a City Commission Workshop prior to the submittal of an application for such a request.

Background:

At its meeting of March 25, 2021, the City Commission adopted the Local Rules of Procedure that specify that privately-initiated amendments to the City's LDR require sponsorship by a City Commission, which would be considered at a workshop. The provision to require that at least one City Commissioner sponsor an LDR amendment does not become effective until an ordinance amending the regulations is adopted. The requirement to obtain Commissioner sponsorship is designed to introduce a measure of control over proposed amendments that represent a substantial change in City policy by introducing feedback early in the process. This procedural change will afford staff more time to work on City-initiated amendments that support the goals and objectives of City policy. City Commission sponsorship of privately-initiated amendments also provides applicants with a greater degree of predictability.

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 Planning and Zoning Board considered Ordinance No. 25-21 at its meeting of June 21, 2021. A recommendation of approval was made by a vote of 6 to 0 (Robert Long was absent). While no amendments to the ordinance were included in the motion, the Board discussion included support to increase the minimum requirement from at least one to two City Commissioners sponsoring of a private request to amend the LDR, and to review the application fee for LDR amendments to determine if the actual cost of such requests is adequately provided. The current fee for an amendment to the LDR is \$5,500 plus any fees incurred for required advertising.

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, Objective NDC 3.5, Update Land Development Regulations, supports the proposed language.

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 objective above provides an equitable and innovative development practice in how private amendments to the LDRs may be requested. The basis of the new provision is to provide the applicant more predictability regarding support for the request, and to provide the City Commission and the public, earlier awareness of such requests. Additionally, the City Commission, as a whole, will have the opportunity to provide input or suggestions on the proposal prior to public hearing, where significant input is often given to private applicants. It is important to note that prior to the Workshop meeting, such items will not have been reviewed or analyzed by staff for compliance with the applicable LDRs or Comprehensive Plan.

The requirement to obtain a sponsor from the governing body to petition for changes to an entity's development regulations is not uncommon. For example, the City of Boca Raton requires that one member of the City Council must introduce and sponsor items that require an ordinance or other action by the council. To obtain sponsorship, the applicant would be required to ask the City Manager to place the requested LDR amendment on the Workshop agenda and provide a presentation at the meeting. Proposed amendments to the LDRs that obtain at least one sponsor will be required to submit the complete application to the Development Services Department within 90 days of the workshop meeting. If the applicant fails to obtain at least one Commissioner to sponsor the request, then the proposed amendment could not move forward to an official request to amend the LDRs.

City Attorney Review:

Approved as to legal form and sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Second Reading is anticipated to occur on August 10, 2021.