



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Second Reading

**File created:** 4/3/2017      **In control:** City Commission

**On agenda:** 4/18/2017      **Final action:** 12/31/2023

**Title:** ORDINANCE NO. 06-17: EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH. (FIRST READING/PUBLIC HEARING)

**Sponsors:** Planning and Zoning Board

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 06-17 EAR amendments, 2. Planning and Zoning Board Staff Report - EAR amendments, 3. Capital Improvement Element edited 011617 REV 2.10.17 w ILA, 4. Coastal Management Element edited 011617, 5. Conservation Element edited 011617, 6. Future Land Use Element edited 011617 REV 2.10.17 w ILA.pdf, 7. Intergovernmental Coordination Element edited 011217 REV 2.10.17 w ILA, 8. Introduction and Summary edited 011217, 9. Open Space & Recreation Element edited 011617, 10. Procedures 0116217, 11. Public Facilities Element edited 011617, 12. Public Schools Facilities Element edited 011617 w ILA, 13. Transportation Element edited 011217

Date	Ver.	Action By	Action	Result
4/18/2017	1	City Commission	approved on first reading	Pass

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** April 18, 2017

ORDINANCE NO. 06-17: EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH. (FIRST READING/PUBLIC HEARING)

**Recommended Action:**

Motion to Approve and transmit Ordinance No. 06-17 to the Department of Economic Opportunity (“DEO”) for its review of the Evaluation and Appraisal Report (EAR) based amendments to the Comprehensive Plan of the City of Delray Beach, pursuant to Florida Statute Section 163.3191.

**Background:**

Florida Statute Section 163.3191 requires that at least once every seven years, the City is must evaluate the comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since its last update and notify the state land planning agency (DEO) as to its determination. The City notified DEO in December 2015 that the a complete update of the plan would be undertaken. The DEO assumed this to be in response

to the evaluation and thereby notified the City that the amendments needed to be adopted within one year (December 2016) or the City would be suspended from any future amendments until such time.

The Planning Department is working with the community and steering committee to update the plan. It is anticipated the update will be complete by Spring 2018. However, the Planning Department has determined that minor amendments are required to maintain the plan's consistency with Ch. 163, Part II, Florida Statutes ("Community Planning Act"), and has prepared the attached amendments to achieve the statute requirement and remove the suspension. 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 to include the recently adopted School Interlocal Agreement.

#### **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 published by the Office of Economic and Demographic Research for at least a 10-year period. Required by F.S. 163.3177(1)(f)(3).
- Policy D-3.9 is added to reflect the School 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.
- Capital Improvement Element: Policy A-3.7 is amended to update how the term concurrent

is used throughout the ordinance.

- Objective A-8 is amended to reflect that School District of Palm Beach County shall maintain minimum level of service standards for public school facilities, as defined in the Public School Facilities Element and in accordance with the Interlocal Agreement with School Board of Palm Beach County, Palm Beach County, and Municipalities of Palm Beach County for Coordinated Planning.
- Policy A-8.2 is amended to delete the reference to “concurrency service area (CSA)”.
- 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:**

- Policy 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 CSAs.
- Policy B-2.3 is amended to remove all references so CSAs.
- 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 CSAs 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. A complete analysis is provided in the attached Planning and Zoning Board Report.

At its meeting of March 20, 2017, the Planning and Zoning Board recommended approval of Ordinance No. 06-17 on a vote of 5 to 0 (Leslie Marcus and Neil Jones absent)

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

Second Reading and adoption of the Ordinance will occur following the 30-day review by the Department of Economic Opportunity.