



Legislation Details (With Text)

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On agenda:	3/6/2023	Final action:	3/6/2023		
Title:	ORDINANCE NO. 04-23: 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, CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.6, "AMENDMENTS," MODIFYING THE PROCEDURE FOR PRIVATELY INITIATED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SUBSECTION (M), "AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS," TO REQUIRE SPONSORSHIP BY A SINGLE COMMISSIONER IN ORDER TO APPEAR AT A COMMISSION WORKSHOP MEETING AND TO REQUIRE SUPPORT BY AT LEAST THREE MEMBERS OF THE CITY COMMISSION AT A WORKSHOP MEETING IN ORDER TO SUBMIT A PRIVATELY INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)				
Sponsors:	Development Services Department				
Indexes:					
Code sections:					
Attachments:	1. Agenda Cover Report, 2. Ordinance No. 04-23, 3. PZB Staff Report, 4. Legal Review, 5. Delray Beach Ord 04-23 Notice				

Date	Ver.	Action By	Action	Result
3/6/2023	1	City Commission	approved	Pass

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: March 6, 2023

ORDINANCE NO. 04-23: 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, CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.6, "AMENDMENTS," MODIFYING THE PROCEDURE FOR PRIVATELY INITIATED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SUBSECTION (M), "AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS," TO REQUIRE SPONSORSHIP BY A SINGLE COMMISSIONER IN ORDER TO APPEAR AT A COMMISSION WORKSHOP MEETING AND TO REQUIRE SUPPORT BY AT LEAST THREE MEMBERS OF THE CITY COMMISSION AT A WORKSHOP MEETING IN ORDER TO SUBMIT A PRIVATELY INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Review and consider 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 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:

Ordinance No. 25-21 was adopted on August 10, 2021 to require sponsorship by one Commissioner prior to the submittal of a private request to amend the LDR. This amendment provides the City Commission an opportunity to provide feedback on privately-initiated requests to the amend the LDR at the beginning of the process, which is particularly helpful to Staff when a request represents a substantial change in City policy or practice.

However, Ordinance No. 25-21, which requires only one commissioner sponsor an amendment, has not provided the level of pre-screening that was intended. The volume of privately initiated amendments continues to impact staff's ability to address City priorities and directives, therefore, at the October 11, 2022 City Commission meeting, the Commission directed staff to revise the process to require a proposed amendment to receive the support of at least three Commissioners. The proposed amendment in Ordinance No. 04-23 will codify the requested procedural shift.

The Planning and Zoning Board voted 6-0 to recommend approval of Ordinance No. 04-23 at its December 12, 2022 meeting. The City Commission voted 5-0 to approve the proposed amendment at first reading on January 10, 2023, and voted 5-0 to approve the ordinance on February 7, 2023. However, due to an issue with the legally required advertising, the agenda item is before the board as a repeat second reading.

City Attorney Review:

Ordinance No. 04-23 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 04-23 will take effect immediately.