



## Legislation Text

---

File #: 17-405, Version: 1

---

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

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

### **Recommended Action:**

Motion to Approve Ordinance No. 06-17 adopting 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 of Delray Beach (City) must evaluate the comprehensive plan (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 update of the Plan is underway. It is anticipated the update will be adopted in Spring 2018. However, these amendments are required to maintain the Plan's consistency with Ch. 163, Part II, Florida Statutes ("Community Planning Act"). The attached amendments achieve the statute requirement and remove the suspension. A brief description of each amendment is provided below. In addition, the Plan includes the amendments recently adopted to address the Public 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 to CSAs.

- Policy B-2.3 is amended to remove all references to 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).

At its meeting of April 18, 2017, the City Commission approved Ordinance No. 06-17 on First Reading and the amendments were transmitted to the DEO for review. The DEO reviewed the proposed amendments and found one objection and one comment which both have been addressed as follows:

- The source of the population data for the Future Land Use Element was clarified to show that the data is based on the adopted population projections used in the 2015 10-Year Water Supply Facility Work Plan. This data provides the needed planning horizon year going out to 2030.
- The title of the Future Land Use Map was updated to show the planning horizon year of 2030 to match the Future Land Use Element.
- The Coastal Management Element was updated to include language to address the Peril of Flood language as found in SB 1094.

None of the above mentioned changes impacted any of the Goals, Objectives or Policies. Therefore, the Ordinance adopting these changes did not need to be amended.

A copy of the DEO letter is attached.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

The amendments must be adopted within 180 days of notification from DEO.