



## Legislation Text

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File #: 17-784, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** October 17, 2017

ORDINANCE NO. 38-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; BY AMENDING ARTICLE 2.4 "GENERAL PROCEDURES", SECTION 2.4.5 "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", SUBSECTION 2.4.5(A) "AMENDMENTS TO THE COMPREHENSIVE PLAN" AND REPEALING CHAPTER 9, "THE COMPREHENSIVE PLAN" IN ITS ENTIRETY, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommended Action:**

Approve Ordinance No. 38-17 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 38-17, as presented.

**Background:**

The item before the City of Delray Beach ("City") City Commission is to consider a city-initiated amendment to the Land Development Regulations (LDRs) to amend LDR Section 2.4.5(A) to reference Florida Statutes Section 163.3184 through 163.3253 regarding the procedures for amending the comprehensive plan and to repeal Chapter 9, "The Comprehensive Plan" in its entirety.

Chapter 9, of the LDRs was created with the establishment of the LDRs in 1990 and provides general authority and direction regarding the adoption and maintenance of the Comprehensive Plan. This section was consistent with the "Local Government Comprehensive Planning and Land Development Regulation Act" adopted by the State of Florida in 1985 and codified as Florida Statutes Sections 163.3161-163.3243.

In 2011, the State of Florida House Bill 7207 was adopted and replaced the "Community Local Government Comprehensive Planning and Land Development Regulation Act" with the Community Planning ACT" codified in Florida Statutes Section 163.3161-163.3253. The purpose of this Act was to strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development consistent with the proper role of local government.

With respect to the procedure and process for Comprehensive Plan amendments, the adopted

State Law included the following changes:

- Removed the twice per year limitation on large scale comprehensive plan amendments (text and map amendments);
- Allowed local governments to follow an expedited state review process for comprehensive plan amendments including text and map changes except for small-scale plan amendment for which a separate small scale review process was established; and
- Required state coordinated review for (i) areas of critical state concern, (ii) propose a rural land stewardship area, (iii) propose a sector plan or an amendment to an adopted sector plan, (iv) updating the comprehensive plan based on an evaluation and appraisal, (v) propose a development that is subject to the state coordinated review process, (vi) new plans for newly incorporated municipalities.

The proposed amendments seek to update the LDRs to reflect changes to the Florida Statutes with respect to the procedures and processing of comprehensive plan amendments. The complete analysis of the proposed FLUM amendment is provided in the attached Planning and Zoning Board Staff Report from the meeting of September 18, 2017.

**Review by Others:**

At its meeting of September 18, 2017, the Planning and Zoning Board recommended approval of Ordinance No. 38-17 on a vote of 6 to 0.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

The proposed amendment is required to be compliant with state statute.