Legislation Text

File #: 22-1086, **Version:** 1

TO: **Mayor and Commissioners**
FROM: **Anthea Gianniotes, Development Services Department**
THROUGH: **Terrence R. Moore, ICMA-CM**
DATE: **September 19, 2022**

ORDINANCE NO. 27-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2022-23 TO FY 2026-27 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1. AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommended Action:
Review and consider Ordinance No. 27-22, adopting the 5-Year Capital Improvement Plan for FY 2022-23 through FY 2026-27 and the FY 2022- 23 Capital Improvement Budget into the Comprehensive Plan.

Background:
The City of Delray Beach is required by Florida Statutes 163.3177(3)(b) to update the 5-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan on an annual basis. The Capital Improvement Plan (CIP) is a listing of the projects with capital expenditures over $25,000, which the City plans to initiate over the next five fiscal years. The Capital Improvement Budget (CIB) is the first year of that plan, to which the City Commission will commit as part of the adopted annual budget.

Pursuant to Florida Statutes, modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed amendments to the Comprehensive Plan. First reading of Ordinance No. 27-22 is anticipated for September 6, 2022, and second reading on September 19, 2022 to coincide with the adoption of the City budget.

The Planning and Zoning Board (PZB), acting as the Local Planning Agency, has the responsibility to review the CIB and CIP annually, prior to their adoption by the City Commission and issue a statement of consistency with the Comprehensive Plan.

At its August 15, 2022 meeting, PZB voted 6-0 to that the proposed CIP and CIB, proposed for adoption through Ordinance No. 27-22, are consistent with the Comprehensive Plan. However, several members of the PZB expressed concern with plans to remove the Australian Pines at Atlantic Dunes Park.

The City Commission voted 5-0 to approve the proposed Ordinance No. 27-22 at its September 6,

2022 meeting.

City Attorney Review:
Ordinance No. 27-22 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:
Not applicable. The fiscal impact of the 5-Year Schedule of Capital Improvements is reviewed separately by the City Commission; the proposed ordinance adopts the CIP into the Comprehensive Plan.

Timing of Request:
Ordinance No. 27-22 will be effective upon adoption at second reading on September 19, 2022.