

Agenda Item 16 (Quasi-Judicial Hearing)

Land Development Code Text Amendment

DEV2018-088

Amending Article 2 and 9 of the LDC

STAFF REPORT

DATE: June 21, 2018

TO: Planning Board Members

FROM: Dennis Mrozek, AICP, Planning Director

AMENDMENT REQUEST

A request by Development and Administrative Services Department, Planning Division, to amend the Land Development Code, Article 2 § 2.11.I to adjust the quorum of the Board of Building Codes and Article 9 § 9.2.B to remove quorum requirements for open hearing and delete postponed hearing requirements.

PROPOSED LDC TEXT AMENDMENTS

Staff is requesting the LDC be amended as follows: [~~strikeout~~ indicated deleted text, indicates added text].

Article 2.11. Board of Building Codes.

I. Quorum and Necessary Vote.

1. Quorum. ~~Four~~ Three members of the Board of Building Codes shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

Article 9.2. International Property Maintenance Code and Local Amendments

B. Local Amendments to International Property Maintenance Code.

7. Section 111.4 of the International Property Maintenance Code is hereby amended to read as follows:

111.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. ~~A quorum shall consist of not less than two-thirds of the board membership.~~

8. Section 111.5 of the International Property Maintenance Code is hereby deleted in its entirety:

~~**111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

TEXT AMENDMENT REVIEW STANDARDS

The purpose of Section 3.4.B.1 is to provide a uniform means for amending the text of the Land Development Code whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. Pursuant to the LDC, Section 3.4.B.3, in determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

a. Is consistent with the comprehensive plan;

The proposed text amendments are consistent with the comprehensive plan.

b. Is in conflict with any provision of this Code or the Code of Ordinances;

The proposed amendments are in compliance with the LDC.

c. Is required by changed conditions;

Article 2 – Board of Building Codes

The City is challenged with adequate membership for the Board of Building Codes and the requirement for specific professional discipline has become burdensome. This amendment would allow the reduction in the minimum Board members present to constitute a quorum from four to three.

Article 9 – Local Amendments to International Property Maintenance Code

The proposed local amendments to the International Property Maintenance Code are necessary to remove the quorum section to provide for consistency with the LDC and to remove the postpone hearing section so that the Board will meet when a quorum is present.

d. Addresses a demonstrated community need;

The proposed text amendments demonstrate a community need by reducing the potential postponement of Board of Building Codes hearings because a quorum has not been met.

- e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;**

Not applicable

- f. Would result in a logical and orderly development pattern; and**

The proposed LDC text amendments are not anticipated to have any adverse impacts on the existing development patterns.

- g. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**

Staff does not anticipate any environmental impacts with the proposed amendments.

RECOMMENDATION

Based on staff analysis and review of the above standards, approval of the requested text amendments to Article 2 and 9 is recommended. A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.

ORDINANCE NO. 18-

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 2 § 2.11.I. TO ADJUST THE QUORUM OF THE BOARD OF BUILDING CODES; AMENDING SECTION 9.2.B., LOCAL AMENDMENTS TO *INTERNATIONAL PROPERTY MAINTENANCE CODE* TO REMOVE THE QUOROM AND POSTPONED HEARING SECTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, amendment to Article 2 § 2.11.I (Board of Building Codes) of the Land Development Code (“LDC”) has been proposed to adjust the quorum of the Board of Building Codes (“Board”); and

WHEREAS, local amendments to the *International Property Maintenance Code* are necessary to remove the quorum section to provide for consistency with the LDC and to remove the postpone hearing section so that the Board will meet when a quorum is present; and

WHEREAS, the Planning Board has reviewed the proposed amendments and recommends approval.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Land Development Code, Article 2 § 2.11.I is hereby amended to add the following [~~strikeout~~ indicates deleted text, underline indicates added text]:

Article 2.11. Board of Building Codes.

I. Quorum and Necessary Vote.

1. *Quorum.* ~~Four~~ Three members of the Board of Building Codes shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

SECTION 2. Section 9.2.B., of the LDC, *Local Amendments to International Property Maintenance Code*, is hereby amended to read as follows (deletions indicated by

~~strikeout~~; additions indicated by underline):

B. Local Amendments to International Property Maintenance Code.

7. Section 111.4 of the International Property Maintenance Code is hereby amended to read as follows:

111.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. ~~A quorum shall consist of not less than two-thirds of the board membership.~~

8. Section 111.5 of the International Property Maintenance Code is hereby deleted in its entirety:

~~**111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

SECTION 3. The City Commission has received the report of the Planning Board and hereby finds that the amendments are consistent with the City's Comprehensive Land Use Plan.

SECTION 4. A Public Hearing at p.m., , 2018, in Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, after notice published, is deemed to comply with the requirements of the LDC and state law.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This Ordinance shall take effect as provided by law.