

ORDINANCE NO. 51-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY REPEALING SECTION 3.14, "PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT," SUBSECTION (B), "BOARD OF ADJUSTMENT"; PROVIDING FOR A REFERENDUM ON MARCH 19, 2024; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Charter requires the Commission to create and maintain a board of adjustment whose decisions may be appealed by general law; and

WHEREAS, the City Commission desires to repeal this provision in the City Charter to be consistent with recent changes to the Land Development Regulations providing for consistency and efficiency in the development review process;

WHEREAS, this Ordinance proposes to repeal the provision of the Charter requiring the City to maintain a board of adjustment; and

WHEREAS, if repealed, the duties of the Board of Adjustment would be conferred to the Planning and Zoning Board; and

WHEREAS, the City Commission has decided to put the Question set forth in this Ordinance to a vote of the electorate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA:

Section 1. That Section 3.14, "Planning and Zoning Board and Board of Adjustment", of the City Charter of the City of Delray Beach is hereby amended to read as follows:

Section 3.14. – PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT.

(A) Planning and Zoning. The Commission has created and shall, in the interest of the public health, safety, order, convenience and general welfare, maintain by ordinance a Planning and Zoning Board to make recommendations to the Commission.

~~(B) Board of Adjustment. The Commission has created and shall maintain a Board of Adjustment, whose decisions may be appealed pursuant to general law.~~

Section 2. The Charter amendment proposed by this Ordinance shall be submitted to the electors of the City of Delray Beach at the regular election of March 19, 2024 and shall be deemed adopted upon the favorable vote of a majority of the City electors voting at that time upon the following question:

QUESTION NO. _____

CHARTER AMENDMENT – BOARD OF ADJUSTMENT

THE CITY CHARTER REQUIRES A BOARD OF ADJUSTMENT TO CONSIDER AND DECIDE APPEALS AND VARIANCES TO THE LAND DEVELOPMENT REGULATIONS. OTHER CITY BOARDS CAN PERFORM THESE DUTIES. THIS CHARTER AMENDMENT WOULD ELIMINATE THE BOARD OF ADJUSTMENT.

SHALL THE CHARTER AMENDMENT BE ADOPTED?

YES (FOR APPROVAL) _____

NO (AGAINST APPROVAL) _____

Section 3. That upon the approval of this ordinance by the electors as set forth above, all ordinances or parts of ordinances or Charter provisions or parts of Charter provisions in conflict herewith shall be and the same are hereby repealed as of the effective date of this ordinance.

Section 4. That if any clause, section or other part of this ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Section 5. That this ordinance shall become effective upon passage on second and final reading and in accordance with Section 2 herein.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2023.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney