

ORDINANCE NO. 32-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.1, "REVIEWING OFFICIALS AND AUTHORITIES," SECTION 2.1.1, "ADMINISTRATIVE OFFICIALS," SUBSECTION (B), "DIRECTOR," TO PROVIDE THE DIRECTOR OF DEVELOPMENT SERVICES THE AUTHORITY TO ADMINISTRATIVELY APPROVE REQUESTS TO ADJUST SETBACK REQUIREMENTS UP TO FIVE FEET WHEN RELATED TO A RIGHT-OF-WAY DEDICATION, AND BY AMENDING SECTION 2.1.2, "REVIEW AUTHORITIES," SUBSECTION (B), "DEVELOPMENT SERVICES MANAGEMENT GROUP (DSMG)," TO PROVIDE THE DEVELOPMENT SERVICES MANAGEMENT GROUP THE AUTHORITY TO APPROVE DEVIATIONS UP TO FIVE PERCENT FROM A DEVELOPMENT STANDARD, DUE TO UNIQUE SITE CONSTRAINTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDR") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, the LDR provides the Development Services Management Group ("DSMG") with the authority to grant adjustments to setback requirements for detached single-family and duplex structures resulting from right-of-way dedications, equal to the amount of the dedication, but no more than five feet; and

WHEREAS, the City Commission finds that DSMG's authority to grant adjustments to the setback requirements should be provided to the Director of Development Services with the ability to escalate to DSMG at his or her discretion; and

WHEREAS, the City Commission finds that DSMG should be provided the authority to grant deviations from a development standard, due to unique site constraints, including the location of existing buildings, exceptional specimen trees, or utility lines

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on June 15, 2026, and voted 6 to 0 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission has considered Ordinance No. 32-26 and the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City.

Section 3. Chapter 2, “Administrative Provisions,” Article 2.1, “Reviewing Officials and Authorities,” Section 2.1.1, “Administrative Officials,” Subsection (B), “Director,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

(B) **Director:** Responsibilities of the Director include, but are not limited to, the following:

- (1) Administering the Comprehensive Plan and ensuring its compliance with state laws.
- (2) Administering the Land Development Regulations and interpreting all Land Development Regulations unless specifically delegated to the City Engineer or Chief Building Official.
- (3) Certifying approved site plans, Subdivision Plans, and Certificates of Appropriateness.
- (4) Approving Level 1 and Level 2 Site Plan applications and Zoning Certificates of Use, with the sole discretion to elevate applications to board review with a written determination for the action.
- (5) Granting administrative relief as authorized in the LDR.
- (6) Maintaining the Official Zoning Map and the Land Use Map.
- (7) Designation as the City Preservation Officer.
- (8) Adjustments to setback requirements for detached single-family and duplex structures resulting from right-of-way dedications, up to five feet, or equal to the amount of the dedication, with the sole discretion to elevate applications to DSMG.

~~(8)~~(9) Responsibilities assigned as set forth throughout the Land Development Regulations.

~~(9)~~(10) Approving Plats.

Section 4. Chapter 2, “Administrative Provisions,” Article 2.1, “Reviewing Officials and Authorities,” Section 2.1.2, “Review Authorities,” Subsection (B), “Development Services Management Group (DSMG),” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

(B) **Development Services Management Group (DSMG).** The DSMG provides an administrative body to guide the implementation of the Land Development Regulations and local ordinances, to recommend amendments and policy changes, and to consider and grant relief to technical requirements, as authorized by the Land Development Regulations.

- (1) **Membership.** DSMG shall be comprised of the following officials and City Departments:
 - (a) Director.
 - (b) Chief Building Official.
 - (c) City Engineer.
 - (d) Fire Chief, or designee.
 - (e) Director of Neighborhood and Community Services, or designee.
 - (f) Director of Public Works, or designee.
 - (g) Director of Utilities, or designee.
 - (h) Representatives of other departments as deemed appropriate by the City Manager.
 - (i) The City Attorney, or designee, shall attend all meetings, acting in an advisory capacity and participating fully in board discussions, but having no right to vote.

- (2) **Meetings.**
 - (a) The DSMG shall meet monthly, or as called for by the Director.
 - (b) A quorum shall consist of four members.
 - (c) All meetings are subject to Florida Sunshine Law, pursuant to Chapter 286, Florida Statutes.

- (3) **Duties, powers, and responsibilities.**
 - (a) **Recommendations.** The DSMG has the authority to review and recommend changes to local ordinances and policies.
 - (b) **Actions.** A majority vote of a quorum is required to pass any action. The DSMG has the authority to take action on the following items pursuant to the procedures and standards of the LDR:
 1. Grant administrative relief limited to the following:
 - a. Modifications to the streetscape standards in Central Business District (CBD).
 - b. Deviations up to five percent, up to a maximum of one foot, from a development standard, due to unique site constraints, including the location of existing buildings, exceptional specimen trees, or utility lines.

~~b.c.~~ Deviations up to five percent, up to a maximum of one foot, from an already approved waiver during construction.

~~e.~~ Adjustments to setback requirements for detached single family and duplex structures resulting from right of way dedications, equal to the amount of the dedication, but no more than five feet.

2. Appeal of an administrative interpretation of regulations that are not related to use associated with a project in the TAC review process, where the LDR does not identify a process for such a request.
3. Review and approve special event applications.

Section 5. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. Specific authority and direction are hereby given to the City Clerk to codify this Ordinance.

Section 8. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ___ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____
Second Reading _____