

ORDINANCE NO. 08-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3177 AND SECTION 163.3184, BY AMENDING THE HISTORIC PRESERVATION ELEMENT AND THE NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ELEMENT OF THE ALWAYS DELRAY COMPREHENSIVE PLAN TO ADOPT POLICIES FOR THE PRESERVATION AND ADAPTIVE REUSE OF HISTORIC PLACES OF WORSHIP; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires that each local government maintain a comprehensive plan in compliance with the Community Planning Act; and

WHEREAS, the City of Delray Beach (“City”) has the authority pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the “Community Planning Act” to adopt and amend a Comprehensive Plan; and

WHEREAS, on February 4, 2020, via Ordinance No. 19-19, the City Commission repealed its adopted comprehensive plan and adopted a new Comprehensive Plan entitled “Always Delray”; and

WHEREAS, the Always Delray Comprehensive Plan includes policies for the adaptive reuse of historic structures; and

WHEREAS, the City Land Development Regulations (“LDR”) provide authority for the amendment of the City Comprehensive Plan; and

WHEREAS, the City received an application to amend the Always Delray Comprehensive Plan to support the conversion of historic places of worship to residential use (File No. 2025-067) submitted by Jeff Costello, AICP, on behalf of 200 SE 7th Avenue, LLC; and

WHEREAS, the City prepared amendments to the Historic Preservation Element and the Neighborhoods, Districts, and Corridors Element of the Always Delray Comprehensive Plan to support the conversion of historic places of worship to residential use; and

WHEREAS, on July 2, 2025, the Historic Preservation Board voted 5 to 0 to recommend approval to the City Commission; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on July 21, 2025, and voted 5 to 1 to recommend approval to the City Commission; and

WHEREAS, on August 29, 2025, the City Commission approved on first reading the transmittal of the proposed comprehensive plan amendments and any supporting data, inventory, and analysis to the Florida

Commerce Department for review and consideration; and,

WHEREAS, the Florida Commerce Department reviewed the Always Delray Comprehensive Plan amendments, and on _____, 2025, and the proposed amended comprehensive plan was determined to be in compliance with Florida Statutes, whereby the City of Delray Beach must adopt the amendments within 180 days; and,

WHEREAS, on _____, 2025, at a public hearing, the City Commission considered the proposed amendment to the Always Delray Comprehensive Plan.

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

Section 1. That the recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach, Florida, deems it to be in the best interests of Delray Beach to adopt the proposed comprehensive plan amendments attached hereto and incorporated herein as Exhibits “A” and “B”.

Section 3. The City Commission hereby adopts the amendments to the Always Delray Comprehensive Plan attached hereto as Exhibit A, “Historic Preservation Element” and Exhibit B, “Neighborhoods, Districts, and Corridors Element.”

Section 4. The City Comprehensive Plan entitled “Always Delray” is hereby amended pursuant to this Ordinance.

Section 5. The City Commission hereby authorizes the Development Services Department to submit copies of this Ordinance and the comprehensive plan amendments attached thereto to the Florida Department of Commerce and any other agency or local government in accordance with and pursuant to Chapter 163, Part II, Florida Statutes, and to keep copies of the comprehensive plan amendments available for public review and examination in the Development Services Department.

Section 6. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 8. This Ordinance shall become effective as follows: thirty-one (31) days after adoption, unless the Comprehensive Plan amendments are timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the Administration Commission, finding the adopted amendments to be in compliance. No development orders, development permits, or land uses dependent on the amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Amendment

may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED in regular session on second and final reading on this the __ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney