

ORDINANCE NO. 05-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT BY AMENDING POLICY NDC 1.4.7 OF THE NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ELEMENT OF THE ALWAYS DELRAY COMPREHENSIVE PLAN TO ALLOW FOR THE COMMERCE LAND USE DESIGNATION ALONG CONGRESS AVENUE SOUTH OF WEST ATLANTIC AVENUE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Section 163.3167(2), 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 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WHEREAS, on February 4, 2020, via Ordinance No. 19-19, the City Commission repealed its adopted comprehensive plan and adopted a new Comprehensive Plan entitled “Always Delray”; and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, Always Delray Comprehensive Plan Policy NDC 1.4.7 allows for the Commerce land use designation for property located along or adjacent to the North Congress Avenue corridor, north of West Atlantic Avenue; and

WHEREAS, the City received a privately initiated request to adopt a small-scale Land Use Map amendment redesignating a parcel adjacent to Congress Avenue south of West Atlantic Avenue from Congress Avenue Mixed Use to Commerce; and

WHEREAS, the proposed small-scale Land Use Map Amendment is inconsistent with Always Delray Comprehensive Plan Policy NDC 1.4.7; and

WHEREAS, the City of Delray Beach prepared an amendment to Always Delray Comprehensive Plan Policy NDC 1.4.7 to allow the application of the Commerce (CMR) land use designation along the Congress Avenue corridor south of West Atlantic Avenue, as reflected in Exhibit “A”, attached hereto and incorporated herein, entitled “Always Delray NDC 1.4.7 Amendment”; 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 February 24, 2025, and voted 6 to 0 to recommend approval to the City Commission; and

WHEREAS, the City Commission, at its April 8, 2025, meeting, approved on first reading the transmittal of the “Always Delray NDC 1.4.7 Amendment” and any supporting data, inventory, and analysis

to the Florida Department of Economic Opportunity, sitting as the State Land Planning Agency, for review and consideration; and

WHEREAS, the Florida Department of Economic Opportunity reviewed the “Always Delray NDC 1.4.7 Amendment,” and on _____, 2025, determined the Amendment was in compliance with Florida Statutes, whereby the City of Delray Beach must adopt the Amendment within 180 days; and,

WHEREAS, on _____, 2025, at a public hearing, the City Commission considered the “Always Delray NDC 1.4.7 Amendment.”

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, Florida, deems it to be in the best interests of Delray Beach to adopt the “Always Delray NDC 1.4.7 Amendment.”

Section 3. The City Commission hereby adopts the “Always Delray NDC 1.4.7 Amendment,” attached hereto and incorporated herein as Exhibit “A”.

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 “Always Delray NDC 1.4.7 Amendment” to the Department of Economic Opportunity and to any other agency or local government in accordance with and pursuant to Chapter 163, Part II, Florida Statutes, and to keep copies of the “Always Delray NDC 1.4.7 Amendment” available for public review and examination in the Development Services Department.

Section 6. All ordinances or parts thereof or parts of the City of Delray Beach Code of Ordinances 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 amendment is 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 amendment to be in compliance. No development orders, development permits, or land uses dependent on the amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the 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 ____ 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