

ORDINANCE NO. 33-26

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 CHAPTER 2, "ADMINISTRATIVE PROVISIONS," AMENDING ARTICLE 2.2, "GENERAL PROCEDURES," SECTION 2.2.4, "CERTIFICATION OF ACTIONS TAKEN," TO ALLOW SITE PLANS FOR TOWNHOUSE DEVELOPMENTS WITH AN APPROVED PLAT TO BE VALID FOR 24 MONTHS AFTER PLAT RECORDATION PROVIDING FOR A 24 MONTH TIME EXTENSION, AND TO ALLOW APPROVALS INITIATED BY THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY TO BE VALID FOR 5 YEARS; 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 stipulate that all site plans shall expire 24 months after approval; and

WHEREAS, platted townhouse developments that have not commenced development within 24 months will expire and be required to seek re-approval; and

WHEREAS, it is common practice to allow expiration dates for platted residential developments to be tied to the date of plat recordation; and

WHEREAS, the City desires to eliminate unnecessary review, by allowing platted townhouse developments to be valid for 24 months following plat recordation while providing for a 24-month time extension; and

WHEREAS, the City desires to allow approvals for City and Community Redevelopment Agency owned or developed properties to be valid for a period of 5 years; and

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 _ to _ to recommend that the proposed text amendments be **approved/denied**, 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. 33-26 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 the 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 2.2, "General Procedures," Section 2.2.4, "Certification of Actions Taken," of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.2.4. Certification of actions taken.

(A) – (E) (These subsections shall remain in full force and effect as adopted)

(F) *Expiration of approvals.*

(1) *Conditional uses, site plans, subdivision plans, and zoning certificates of use.*

(a) Site Plans, Conditional Uses, Conditional Use modifications, and Subdivision Plans shall be valid for a period of 24 months. Level 2-4 Site Plans or Conditional Use actions that modify an approved and established project, shall be considered a new approval and shall be valid for 24 months. Level 1 Site Plan modifications to an approved, yet unestablished project, shall be valid until the expiration date for the original Site Plan and/or Conditional Use approval.

(b) Zoning Certificates of Use shall be valid for a period of 180 calendar days from the date of approval by the Director. If a Business Tax Receipt application is not submitted prior to the expiration date, a new Zoning Certificate of Use must be requested, and a new fee will be required.

(c) Site Plans for fee-simple townhouse developments with a recorded plat shall be valid for a period of 24 months from the date of recordation.

(d) Site plan approvals for City and Delray Beach Community Redevelopment Agency (CRA) owned properties shall be valid for a period of five years.

(2) *Extensions.* Extensions of approved applications may be granted pursuant to LDR Section 2.2.4(~~H~~)(G).

- (3) **Relief from parking requirements, waivers, adjustments.** These approvals, associated with a specific development application, shall remain valid for the same period as said development application, do not run with the land, nor are they transferable to another development proposal.
- (4) **Plats.** Plats must be recorded within 18 months of approval. If the plat is not recorded within 18 months, the approval expires.
- (5) **Master development plans.** Master Development Plan approvals are valid for a period of 24 months.
- (6) **Murals.** Mural permits shall be valid for a period of 12 months from the approval date. The installation of an approved mural shall be completed and inspected no later than 12 months from the approval date.

(G) (This subsection shall remain in full force and effect as adopted)

Section 4. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. 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 or the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. Specific authority and direction are hereby given to the City Clerk to codify this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its passage on second and final reading, and shall be retroactive to January 1, 2022.

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 _____

DRAFT