

ORDINANCE NO. 24-25

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," ARTICLE 2.1, "REVIEWING OFFICIALS AND AUTHORITIES," SECTION 2.1.1, "ADMINISTRATIVE OFFICIALS," TO INCLUDE THE APPROVAL OF PLATS TO THE RESPONSIBILITIES OF THE DIRECTOR OF DEVELOPMENT SERVICES; AMENDING SECTION 2.1.5, "THE PLANNING AND ZONING BOARD," TO REMOVE THE CERTIFICATION OF PLATS AND INCLUDE THE APPROVAL OF SUBDIVISION PLANS TO THE DUTIES AND RESPONSIBILITIES OF THE BOARD; AMENDING SECTION 2.1.9, "THE HISTORIC PRESERVATION BOARD," TO REMOVE THE CERTIFICATION OF PLATS AND INCLUDE THE APPROVAL OF SUBDIVISION PLANS TO THE DUTIES AND RESPONSIBILITIES OF THE BOARD; AMENDING ARTICLE 2.2, "GENERAL PROCEDURES," SECTION 2.2.2, "FINANCIAL GUARANTEES," TO REQUIRE A FINANCIAL GUARANTEE BEFORE APPROVAL OF A MAJOR PLAT AND BEFORE THE ISSUANCE OF A BUILDING PERMIT FOR A MINOR PLAT OR CERTIFIED SITE PLAN; AMENDING SECTION 2.2.4, "CERTIFICATION OF ACTIONS TAKEN," TO REQUIRE A FINANCIAL GUARANTEE BEFORE APPROVAL FOR A MAJOR PLAT AND BEFORE THE ISSUANCE OF A BUILDING PERMIT FOR A MINOR PLAT, REQUIRING THE PLAT TO BE RECORDED BY THE APPLICANT, AND ADDING AN EXPIRATION FOR SUBDIVISION PLANS; AMENDING ARTICLE 2.4, "DEVELOPMENT APPLICATION REQUIREMENTS," SECTION 2.4.8, "SUBDIVISIONS AND PLATS," MODIFYING THE PROCEDURE TO REVIEW AND APPROVE PLATS TO BE CONSISTENT WITH FLORIDA STATUTES SECTION 177.071; AMENDING SECTION 2.4.10, "SITE PLAN APPLICATIONS (LEVEL 1, LEVEL 2, LEVEL 3, AND LEVEL 4) AND MASTER DEVELOPMENT PLANS," TO INCLUDE SUBDIVISION PLANS AND ADOPT PROCEDURES AND REQUIRED FINDINGS FOR APPROVAL THEREOF; AMENDING SECTION 2.4.12, "CERTIFICATE OF APPROPRIATENESS," TO REQUIRE A CERTIFICATE OF APPROPRIATENESS FOR SUBDIVISION PLANS FOR INDIVIDUALLY DESIGNATED STRUCTURES AND ALL PROPERTIES LOCATED WITHIN HISTORIC DISTRICTS; AMENDING CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS," TO REMOVE PLATS FROM AND ADD SUBDIVISION PLANS; AND BY AMENDING APPENDIX A, "DEFINITIONS;" TO AMEND THE DEFINITIONS FOR "MAJOR SUBDIVISION," "MINOR SUBDIVISION" AND "PLAT" AND TO ADD A DEFINITION FOR "SUBDIVISION PLAN;" 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, Florida Senate Bill 784 (the “Bill”) was passed by both the Florida Senate and House on April 29, 2025, and approved by the Governor on June 20, 2025, and became effective on July 1, 2025; and

WHEREAS, the Bill modified Florida Statutes Section 177.071, “Administrative approval of plats by designated county or municipal official,” requiring plats and replats to be administratively approved with no further action or approval by the governing body of a municipality; and

WHEREAS, in order to comply with Florida Statutes Section 177.071, the governing body of a municipality must designate by ordinance or resolution an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat; and

WHEREAS, the LDR currently require the City Commission to approve all subdivisions and plats; and

WHEREAS, this Ordinance modifies the approval process for subdivisions and plats to be consistent with Florida Statutes Section 177.071; 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 September 16, 2025, and voted 5 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. 24-25 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 2.1, “Reviewing Officials and Authorities,” Section 2.1.1, “Administrative Officials,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.1.1. - Administrative Officials.

- (A) (This subsection to remain in full force and effect as adopted.)
- (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) Responsibilities assigned as set forth throughout the Land Development Regulations.
 - (9) Approving Plats.
- (C) – (D) (These subsections shall remain in full force and effect as adopted.)

Section 4. Chapter 2, “Administrative Provisions,” Article 2.1, “Reviewing Officials and Authorities,” Section 2.1.5, “The Planning and Zoning Board,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.1.5. - The Planning and Zoning Board.

- (A) - (D) (These subsections shall remain in full force and effect as adopted.)
- (E) ***Duties, powers, and responsibilities.***
- (1) - (4) (These subsections shall remain in full force and effect as adopted.)
- (5) ***Board Recommendations.*** The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):

- (a) Amendments to the Comprehensive Plan and the Land Use Map.
 - (b) Rezoning of land.
 - (c) Amendments to any portion of the LDR.
 - (d) Annexation of territory to the City.
 - (e) Establishment of a Conditional Use.
 - (f) Reserved.
 - (g) Abandonment of rights-of-way or public easements, except single purpose easements.
 - (h) Establishment or modification of the names of streets, alleys, or other pathways providing access for vehicles, bicycles, or pedestrians, whether public or private, in accordance with the adopted City of Delray Beach Addressing and Street Naming Manual.
 - (i) ~~Certification of a Major Subdivision Plat.~~ Subdivision Plans, including associated relief requests.
 - (ij) Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc.
 - (jk) Relief to the requirements of the Central Business District prior to the consideration of an associated site plan application.
- (6) ***Board Actions.*** The Planning and Zoning Board hereby has the authority to take final action on the following items pursuant to the procedures and standards of the LDR:
- (a) Level 3 Site Plan applications, including any relief, as applicable.
 - (b) Level 2 Site Plan applications, if a variance is associated with the request.
 - (c) Master Development Plans as required in certain zoning districts.
 - (d) Determinations of Similarity of Use.
 - (e) Minor modification of a prior Conditional Use approval.
 - (f) Relief from the number of parking spaces required for specific uses pursuant to Section 4.6.9(F)(1).

(g) Variances associated with a Level 2 or Level 3 Site Plan application, limited to the following:

1. Base district development standards, Section 4.3.4, unless otherwise stated.
2. Supplemental District Regulations, Article 4.6, except where said authority is expressly prohibited, granted to others, or relief is available through another process.
3. Flood Damage Control Districts and Coastal Construction, Chapter 10.

(h) Subdivision Plans, including any relief associated with Landscape Plans.

(i)~~(h)~~ Appeals from determinations by the Chief Building Official for the Standards of Approval in Article 7.9, Docks, Dolphins, Finger Piers, and Boat Lifts, associated with commercial or multi-family residential development.

(j)~~(i)~~ Any other regulations or requirements that specify relief is available by the body acting upon the development application.

(FE) ***Final Actions.*** All final actions, except variances, may be appealed to the City Commission, pursuant to the procedures of Chapter 2. Final action on a variance request may seek review of such action in the Circuit Court of Palm Beach County.

Section 5. Chapter 2, “Administrative Provisions,” Article 2.1, “Reviewing Officials and Authorities,” Section 2.1.9, “The Historic Preservation Board,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.1.9. - The Historic Preservation Board.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Duties, powers, and responsibilities.*** The following duties, powers, and responsibilities shall be carried out by the Historic Preservation Board:

(1) - (11) (These subsections shall remain in full force and effect as adopted.)

(12) ***Board Actions.*** The Board hereby has the authority to take action on the following items associated with property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), pursuant to the procedures and standards of the LDR:

- (a) Certificate of Appropriateness applications.
- (b) Level 1, 2, and 3 Site Plan applications.

- (c) Master Development Plans.
- (d) Variances and appeals from the following:
 - 1. Base district development standards, Section 4.3.4, unless otherwise stated.
 - 2. Flood Damage Control Districts and Coastal Construction, Chapter 10.
 - 3. Supplemental District Regulations, Article 4.6, except where said authority is expressly prohibited, granted to others, or relief is available through another process.
 - 4. Fire Prevention Codes, Chapter 96 of The City Code of Ordinances, per Section 96.06.
 - 5. Docks, Dolphins, Finger Piers, and Boat Lifts, Article 7.9.
- (e) Variances from Section 4.6.7, Signs, for those nonconforming signs that existed at the time of enactment of Ordinance 51-75, adopted on December 8, 1975.
- (f) Relief to Section 4.6.16, Landscape Regulations, through the waiver process.
- (g) Relief from the number of parking spaces required for specific uses pursuant to Section 4.6.9(F)(1).
- (h) Waivers within the Central Business District.
- (i) Subdivision Plans, including associated relief.
- (j)-~~(i)~~ Any other regulations or requirements that specify relief is available by the body acting upon the development application.

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

~~(FE)~~ ***Final Actions.*** All final actions may be appealed to the City Commission, pursuant to the procedures of Chapter 2.

Section 6. Chapter 2, “Administrative Provisions,” Article 2.2, “General Procedures,” Section 2.2.2, “Financial Guarantees,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.2.2. - Financial Guarantees.

- (A) Items requiring a financial guarantee. Any improvement for which the City will assume responsibility or that is necessary to adequately provide service to or on a site shall have provisions for guaranteeing its installation and function. Such improvements, whether publicly or privately maintained, include, but are not limited to:
- (1) Water mains and fire hydrants;
 - (2) Sewer mains and lift stations;
 - (3) Drainage systems ~~whether publicly or privately maintained~~;
 - (4) Street improvements ~~whether on public or private street systems~~;
 - (5) Street lighting;
 - (6) Traffic signal installation;
 - (7) Any improvement ~~which is~~ to be located in a public right-of-way;
 - (8) Street trees;
 - (9) Landscaping pursuant to Subsection (G).
- (B) ~~*Required in lieu of improvements*~~ *Financial Guarantee of Infrastructure Improvements*. A financial guarantee must be provided to the City to ensure the installation of infrastructure improvements pursuant to the approved plan. A financial guarantee may be provided in lieu of installation of infrastructure improvements in situations where a developer desires to have a final plat recorded or a site plan certified prior to installation of such improvements. Such financial guarantee must be provided to the City Engineer prior to the City Engineer releasing an approved plat for recording or a certified site plan for building permit approval.
- (1) *Major subdivision*. A financial guarantee must be provided to the City prior to plat approval.
 - (2) *Minor subdivision or certified site plan*. A financial guarantee must be provided to the City at the time application is made for a building permit.

(C) - (G) (These subsections shall remain in full force and effect as adopted.)

Section 7. 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) - (B) (These subsections shall remain in full force and effect as adopted.)

(C) ***Recording of plats.***

- (1) ~~Financial guarantee required:~~ Any financial guarantee for the installation and/or warranty of public improvements required by Article 2.2 must be provided and approved prior to Commission review of a subdivision plat.
- (2) ~~Plat recording:~~ Upon approval of the a final plat for a subdivision, a signed and sealed reproducible mylar of the plat shall be executed by the Mayor and other appropriate officials ~~Director.~~ Upon release by Development Services, the City Clerk shall cause the final plat to be recorded in the public records ~~plat shall be provided to the applicant for recordation with the Palm Beach County Clerk of Courts.~~ Building permits shall not be issued for structures until ~~such time as~~ the plat has been recorded.

(D) - (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.*** All approval expiration dates for Conditional Use, Site Plans, and Zoning Certificates of Use shall be as follows:
- (a) ~~Approvals of Site Plans, Conditional Uses, and 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 ~~have a new 24 month approval period.~~ 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) ~~Approval of a 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.
- (2) ***Extensions.*** Extensions of approved applications may be granted pursuant to LDR Section 2.2.4(H).
- (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) ~~**Abandonments, p**~~**Plats.** (a) ~~Approved Plats must be recorded within 18 months of approval. Once approved by the City Commission, the plat must be recorded within 18 months. If the final plat is not recorded within 18 months, the approval expires.~~
- (b) ~~A plat may be vacated by action of the City Commission pursuant to the requirements of Chapter 2.~~
- (c) ~~Abandonments and Plats are final actions which run with the land.~~
- (5) **Master development plans.** Master Development Plans approved either by the Planning and Zoning Board or the Historic Preservation Board shall be 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 8. Chapter 2, “Administrative Provisions,” Article 2.4, “Development Application Requirements,” Section 2.4.8, “Subdivisions and Plats,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.4.8. – Subdivisions and Plats.

- (A) **General.** ~~A plat is required for~~ The subdivision of any lot, tract, or parcel of land must be recorded through a plat.; ~~The plat shall include and for the layout and configuration of new lots or tracts; the dedication; and layout of public and private rights-of-way, access tracts, or easements, opening or construction of any street, common areas, and the location of any utility easements storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building occupants. This Section applies to all lands within the incorporated area of the city except as specifically exempted in Chapter 5. of the Land Development Regulations. Subdivision of land within the city may be accomplished by either major subdivision (platting) or minor subdivision (boundary plat or lot split), as defined in Appendix A. Requirements for the subdivision of land are found in Chapter 5 of the Land Development Regulations and Chapter 177, Florida Statutes.~~
- (B) **Major Subdivision Plat(platting).**
- (1) **General.** A Major Subdivision Plat creates new lots that are dependent upon the extension of new public or private infrastructure, such as streets or utilities, or establishes common open space areas or facilities. A Major Subdivision Plat implements an approved Master Development Plan, Site Plan, or Subdivision Plan. The major subdivision process, which generally involves the creation of more than three individual lots, shall involve both the Planning and Zoning Board and the City Commission. The City Commission shall be the final

~~authority in the subdivision review process. The City Commission may approve or deny a plat.~~

- (2) ***Required information.*** The following documents and information ~~must be presented in a subdivision (platting) submittal~~ must be included in the application submittal:

- (a) Standard application items.
- (b) Standard plat items, in accordance with the City of Delray Beach, Department of Public Works Minimum Construction Standards and Specifications.
- (c) Engineering Plans.
- (d) Receipted copies of applications for all permits required for water, sewer, drainage, and public street improvements that must be permitted by agencies other than the City.
- (e) Preliminary cost estimates for the construction of public improvements.

- (3) ***Procedure.*** A Major Subdivision Plat shall be processed through the following sequence after the approval and certification of a Master Development Plan, Site Plan, or Subdivision Plan:

- (a) Determination that the application is sufficient, followed by a technical review of the complete application and associated plans.
- ~~(b) Major subdivision plats requesting relief in historic districts shall have a preliminary review by the Historic Preservation Board for recommendation to the Planning and Zoning Board.~~
- (be) Receipt and acceptance of ~~surety~~ financial guarantee.
- ~~(d) Consideration by the Planning and Zoning Board.~~
- ~~(e) Consideration and determination by the City Commission.~~
- (c) Submission of a mylar copy of the Major Subdivision Plat to the Development Services Department.
- (d) Review and signature by the Utilities Director, Fire Marshall, and City Engineer.
- (e) Consideration by the Director to approve, conditionally approve, or deny the proposed major subdivision plat.
- (f) Upon approval, the ~~Mayer~~ Director shall execute (sign) the plat on behalf of the City.

- (g) After execution by the City, the plat shall ~~be recorded pursuant to procedures established by the City Clerk~~ be provided to the applicant for recordation with the Palm Beach County Clerk of Courts.
- (4) ~~**Conditions**~~ **Conditional approval.** A conditional approval shall be in the form of a letter signed by the Director, stipulating the specific condition(s). In the event a subdivision can only be conditionally approved due to the creation of non-conformities, such as a new lot line bifurcating an existing structure, the final execution and recording of the plat must be stayed until the non-conformity is resolved. In the event resolution of the condition(s) takes longer than 18 months, the plat approval shall expire.
- (a) ~~— A major plat may receive a conditional certification by the Planning and Zoning Board but conditions shall apply only to items that cannot be immediately obtained from other agencies by the applicant. Otherwise, a final plat shall be in final form and ready for execution when forwarded to the City Commission.~~
- (b) ~~— A major plat shall not be approved subject to conditions.~~
- (5) **Findings.** ~~The City Commission~~ Director must make a finding that the Final Plat is consistent with the Performance Standards in Chapter 3 a certified a Master Development Plan, Site Plan, or Subdivision Plan.
- ~~(C)(D)~~ **Minor Subdivision Plat (~~boundary plat, lot split~~).**
- (1) **General.** A Minor Subdivision Plat creates new lots that meet all zoning district regulations, have access from an existing public or private right-of-way, do not require the extension of utilities or other infrastructure, and do not share common areas or facilities. A minor subdivision plat may also be used for a boundary plat, to delineate divided interests in an approved Master Development Plan, or to implement a qualifying certified Site Plan. The platting of a minor subdivision involve only the City Commission. The City Commission shall be the final authority in this subdivision process. The City Commission may approve or deny the final plat.
- (2) **Required information.** The following documents and information must be presented in a subdivision (platting) submittal included in the application submittal:
- (a) Standard application items.
- (b) Standard Plat Items, in accordance with the City of Delray Beach, Department of Public Works Minimum Construction Standards and Specifications.
- (c) Engineering Plans.

- (d) Receipted copies of applications for all permits required for water, sewer, drainage, and public street improvements which must be permitted by agencies other than the City.
 - (e) Preliminary cost estimates for the construction of public improvements.
- (3) ***Procedure.*** A minor subdivision plat shall be processed through the following sequence.
- (a) Determination the application is sufficient, followed by a technical review of the complete application.
 - ~~(b) Minor subdivision plats requesting relief in historic districts shall have a preliminary review by the Historic Preservation Board for recommendation to the City Commission.~~
 - (eb) Receipt and acceptance of ~~surety~~ financial guarantee;
 - ~~(d) Consideration by the City Commission at which time the final plat may be approved or denied;~~
 - (c) Following final technical review, a mylar copy of the plat for the subdivision shall be submitted to the Development Services Department.
 - (d) Review and signature by the City Engineer, and Utilities Director and Fire Marshall, as applicable.
 - (e) Consideration by the Director to approve, approve conditionally, or deny the proposed minor subdivision.
 - (ef) Upon approval, the ~~Mayor~~ Director shall execute (sign) the plat on behalf of the City;
 - (fg) After execution by the City, the plat shall be ~~recorded pursuant to procedures as set forth by the City Clerk~~ provided to the applicant for recordation with the Palm Beach County Clerk of Courts.
- (4) ***ConditionsConditional approval.*** A conditional approval shall be in the form of a letter signed by the Director, stipulating the specific condition(s). In the event a subdivision can only be conditionally approved due to the creation of non-conformities, such as a new lot line bifurcating an existing structure, the final execution and recording of the plat must be stayed until the non-conformity is resolved. In the event resolution of the condition(s) takes longer than 18 months, the plat approval shall expire. A final plat for a minor subdivision shall not be approved subject to conditions.

- (5) ***Findings.*** ~~No specific findings are necessary for the approval of a plat for a minor subdivision except that when it is a boundary plat for a single parcel which is to be developed pursuant to an approved site and development plan, a finding must be made by the City Commission that the plat is consistent with the findings made upon approval of the site and development plan. The Director must make a finding that the request is consistent with a certified master development plan or site plan, as applicable.~~

~~(D)(E)~~ ***Vacation of recorded plats.***

- (1) - (5) (These subsections shall remain in full force and effect as adopted.)

Section 9. Chapter 2, “Administrative Provisions,” Article 2.4, “Development Application Requirements,” Section 2.4.10, “Site Plan Applications (Level 1, Level 2, Level 3, and Level 4) and Master Development Plans,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.4.10. - Site Plan Applications (Level 1, Level 2, Level 3, and Level 4), and Master Development Plans, and Subdivision Plans.

- (A) - (C) (These subsections shall remain in full force and effect as adopted.)

(D) **Subdivision Plan.**

- (1) ***General.*** A Subdivision Plan establishes the site design for the arrangement and configuration of new lots and general site improvements that include new public or private rights-of-way, the extension of new utilities or facilities, or common open areas or facilities. An approved Subdivision Plan is required prior to the submission and approval of a Major Subdivision Plat that is not implementing an approved Site Plan or Master Development Plan.
- (2) ***Procedure.*** A Subdivision Plan application shall be processed through the following sequence:
- (a) Determination of sufficiency, followed by technical review of the complete application.
- (b) ***Board Review.*** Subdivision Plans require action by the Planning and Zoning Board or Historic Preservation Board, as applicable.
1. The Historic Preservation Board shall have final action over Subdivision Plans, including any associated relief.
2. The Planning and Zoning Board shall have final action over Subdivision Plans, including relief associated with Landscape Plans. Subdivision Plans that are dependent upon other types of relief require recommendation by the Planning and Zoning Board prior to final action by the City Commission.

- (3) **Findings.** All Subdivision Plans require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.
- (a) All Subdivision Plans require compliance with the findings in Chapter 3, Performance Standards.
 - (b) Subdivision Plans that include a variance(s) are subject to the findings of Section 2.4.11(A).
 - (c) Subdivision Plans that include a waiver(s) are subject to the findings of Section 2.4.11(B).
- (4) **Conditions.** Conditions may be recommended by the appropriate Board or imposed by the acting body, pursuant to Article 2.2
- (5) **Appeals.** All final board actions on subdivision plans shall be reported to the City Commission on the appealable report.
- (6) **Certification.** Following any appealable period, an approved Subdivision Plan shall be certified by the Director.

Section 10. Chapter 2, “Administrative Provisions,” Article 2.4, “Development Application Requirements,” Section 2.4.12, “Certificate of Appropriateness,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 2.4.12. - Certificate of Appropriateness.

- (A) ***Certificate of appropriateness for individually designated historic structures and all properties located within historic districts.***
- (1) ***General.*** A Certificate of Appropriateness shall be required for the following activities which occur on a designated historic site, designated historic interiors, or within designated historic districts:
 - (a) Any development application ~~which~~ processed under these regulations for which action is required by the Site Plan Review and Appearance Board, Planning and Zoning Board, or the Board of Adjustment; and in such case, the Historic Preservation Board shall act in lieu of such Board.
 - (b) Any building, structure, appurtenance, improvement, or landscape feature, which will be erected, altered, restored, renovated, excavated, relocated, or demolished and which regards any exterior architectural features (and interior architectural features in the

case of designated historic interiors), landscape features, or site improvements, except for those items specifically exempted by a list promulgated by the Director.

- (c) Any material change in existing walls, fences, sidewalks, hardscape features, and changes of color.
- (d) ~~Reserved.~~
- (e) A Certificate of Appropriateness is not required for general, occasional maintenance of any historic building, interior, structure, or site, or any building or structure within a historic district or in kind replacement of materials or colors. General, occasional maintenance shall include, but not be limited to lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the building or structure. General, occasional maintenance shall not include any of the activities described and defined in paragraphs (1)(a) through (1)(c) of this Section. A Certificate of Appropriateness will not be required for construction, reconstruction, restoration, renovation, or demolition for any interior alteration (except for designated historic interiors). General, occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit from the City.

(2) ***Required information.***

- (a) ***Application.*** When an item goes before the Historic Preservation Board or is reviewed administratively and is not associated with any land development application, the following information in the form of photographs or plans shall be provided, as applicable:
 - 1. Site plan and/or survey;
 - 2. Building elevations, and/or architectural drawings, and/or artistic sketches or renderings;
 - 3. Landscaping plan;
 - 4. Floor plan(s);
 - 5. Samples of building materials and color chips;
 - 6. Engineering reports;
 - 7. Demolition Plans;
 - 8. Window and door schedule providing specifications, to include but not be limited to, window type, material, configuration, dimensions, and profile drawings;

9. Photographs of all existing elevations of the subject property, labeled with cardinal direction and address;
10. Other materials as may be requested by the Development Services Department or Historic Preservation Board; and
11. Standard COA application form, accompanied by payment of a processing fee per Chapter 2, must be provided.

- (b) ***Site Plan and Subdivision Plan applications.*** Applications for site plan or subdivision plan approval shall be submitted in accordance with Chapter 2 in conjunction with the applicable information required for a COA in (a), above.

(3) -(5) (These subsections shall remain in full force and effect as adopted.)

Section 11. Chapter 3, “Performance Standards,” Article 3.2, “Performance Standards,” Section 3.2.3, “Standards for Site Plan and/or Plat Actions,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 3.2.3. - Standards for site plan and/or plat subdivision plan actions.

(A) - (F) (These subsections shall remain in full force and effect as adopted.)

Section 12. Appendix A, “Definitions,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

MAJOR SUBDIVISION. Any subdivision of land that creates new lots that are dependent upon the extension of new public or private infrastructure, such as streets or utilities, or establishes common open space areas or facilities. Any subdivision other than a minor subdivision.

MINOR SUBDIVISION. Any subdivision of land that creates lots that front an existing public or private street(s), and does not require the extension of new infrastructure, such as streets or utilities, and does not establish common open space areas or facilities. Any subdivision which is, or involves, one of the following: 1. The creation of not more than three lots each of which fronts on an existing street, and which involve neither the extension of utilities, nor the providing of additional right of way; 2. The creation of a plat solely for the purpose of creating divided interests for a previously approved development, which is to be constructed pursuant to a master development or site plan, other than residential development. 3. A boundary plat; or 4. A one time splitting of an existing lot of record.

PLAT. A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions thereof. A delineated representation of the subdivision of lands, or a single lot, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable Florida Statutes and local ordinances.

SUBDIVISION PLAN. A plan for one or more parcels of land to establish the site design for the arrangement and configuration of new lots and general site improvements that include new public or private streets, the extension of new utilities or facilities, or shared areas including landscaping, etc.

Section 13. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 14. 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 15. Specific authority and direction are hereby given to the City Clerk to codify this Ordinance.

Section 16. 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 _____