

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, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, "HISTORIC PRESERVATION ELEMENT" AND EXHIBIT B, "NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ELEMENT"; 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 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WHEREAS, on February 4, 2020, via Ordinance No. 19-19, the City Commission repealed its adopted comprehensive plan and adopted a new Comprehensive Plan entitled "Always Delray;" and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, policies within the comprehensive plan support adaptive reuse of historic structures; and

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

WHEREAS, the City prepared an amendment to the Historic Preservation Element and Neighborhoods, Districts, and Corridors Element to support the conversion of historic places of worship to a residential use; and

WHEREAS, the Historic Preservation Board considered this item at a public hearing on July 2, 2025, and voted _ to _ to recommend _____ of these proposed text amendments, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.

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 _ to _ to recommend _____ of these proposed text amendments, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.

WHEREAS, Section 163.3184(3), Florida Statutes, an amendment to the City of Delray Beach comprehensive plan has been processed to include an Objective and Policies that promote the preservation and adaptive reuse of historic places of worship as residential uses on property zoned Community Facilities (CF); and

WHEREAS, the City Commission at its _____, 2025 meeting, approved on first reading the transmittal of the proposed comprehensive plan amendment to the Florida Commerce Department for review and consideration; and,

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

WHEREAS, at the adoption public hearing on _____, 2025, the City Commission deems it in the best interests of Delray Beach to adopt 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 hereby adopts the amendment to the Always Delray Comprehensive Plan attached hereto as Exhibit A, “Historic Preservation Element” and Exhibit B, “Neighborhoods, Districts, and Corridors Element.”

Section 3. The City Commission hereby authorizes the Development Services Department to submit copies of this ordinance to the Florida Department of Commerce and to any other agency or local government in accordance with and pursuant to Chapter 163, Part II, Florida Statutes.

Section 4. If any clause, section or other part of this ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this ordinance.

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. This ordinance shall become effective immediately upon its passage on second and final reading.

Section 7. 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 this amendment 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

Approved as to form and legal sufficiency

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____