

ORDINANCE NO. 12-25

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 BY AMENDING CHAPTER 7, "BUILDING REGULATIONS," ARTICLE 7.9, "DOCKS, DOLPHINS, FINGER PIERS, AND BOAT LIFTS," BY REPEALING AND REPLACING THE ARTICLE TO PROVIDE UPDATED REGULATIONS FOR THE USE; 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 existing regulations governing docks, dolphins, finger piers, and boat lifts do not allow for clear interpretation by staff and members of the public; and

WHEREAS, the existing regulations do not allow for varied interpretation based on the waterway and property conditions, which frequently results in requests for relief; and

WHEREAS, Ordinance No. 12-25 proposes new regulations for docks, piling, finger piers, boat lifts, and marinas that allow for safe navigation and reasonable access to all waterways within the city, by providing clear standards for the construction of docks, pilings, finger piers, boat lifts and other marine appurtenances that accommodate diverse waterway conditions; 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 Ordinance No. 12-25 at a public hearing on _____, 2025, and voted ___ to ___ 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

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.

Section 3. Article 7.9, “Docks, Dolphins, Finger Piers, and Boat Lifts,” of the Land Development Regulations of the City of Delray Beach, Florida as provided in Exhibit A is hereby repealed in its entirety and replaced in its entirety with a new Article 7.9 provided in Exhibit B.

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 All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. 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 6. Specific authority is 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.

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

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____