

ORDINANCE NO. 21-24

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 2.6, "NOTICE REQUIREMENTS," SECTION 2.6.3, "REQUIRED PUBLIC NOTICE," BY ENACTING A NEW SUBSECTION (H), "WAIVERS" TO ADD PUBLIC NOTICE REQUIREMENTS FOR WAIVER REQUESTS THAT REQUIRE CITY COMMISSION APPROVAL, PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations (the "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 City requires public notices for certain development applications in order to provide the public with an opportunity to comment and provide input at the public meeting where the application will be considered; and

WHEREAS, based on direction from the City Commission, this Ordinance will require public notice for waiver requests that are considered by the City Commission; 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 June 17, 2024, and voted 5 to 0 to recommend approval of the proposed text amendments, finding that the request and approval is consistent with the Comprehensive Plan and meets the criteria set forth in the 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 this 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 2.6, "Notice Requirements," Section 2.6.3, "Required Public Notice," of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

Sec. 2.6.3. Required Public Notice.

- (A) ***Amendments to the Comprehensive Plan (Text and/or Land Use Map Amendments).*** Notice requirements contained within the applicable sections of Florida Statutes Chapter 163 shall apply. Additional notice in Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to the Public Hearing before the Planning and Zoning Board.
- (B) ***Annexations.*** Notice requirements for both voluntary and non-voluntary requests contained within the applicable sections of Florida Statute Chapter 171 shall apply. No additional notice is required.
- (C) ***Conditional uses.*** Notice requirements in Section 2.6.2 (A), (B), (C) and (D) shall be provided prior to the scheduled Public Hearing before the Planning and Zoning Board.
- (D) ***Land Development Regulations Text Amendment, principal, conditional or prohibited use.*** Notice requirements contained within the applicable sections of Florida Statutes Chapter 166 shall apply.
- (E) ***Rezoning.*** Notice requirements for both privately initiated and City-initiated requests contained within the applicable sections of Florida Statutes Chapter 166 shall apply. Additional notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to the Public Hearing before the Planning and Zoning Board.
- (F) ***Right-of-way abandonments.*** Notice in accordance with Section 2.6.2 (A), (B), (C), (D), and (E) shall be provided prior to a Public Hearing before the Planning and Zoning Board. The notice shall describe the property to be abandoned and shall generally describe the obligations that will accrue to the property owners if the abandonment is approved.
- (G) ***Variances.*** Notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to a Public Hearing before the applicable Board.
- (H) ***Waivers.*** Notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to the Public Hearing before the City Commission.

Section 4. All ordinances or parts of ordinances in conflict herewith be, and the same 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 of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

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 the
____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney