

ORDINANCE NO. 31-23

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,” BY REPEALING THE ADOPTED CHAPTER 2 AND REPLACING IT IN ITS ENTIRETY TO UPDATE THE EXISTING REGULATIONS TO REMOVE DUPLICATIVE PROVISIONS; TO PROVIDE A MORE EFFICIENT DEVELOPMENT APPROVAL PROCESS BY ESTABLISHING REVIEW THRESHOLDS FOR SITE PLAN REVIEW; TO UPDATE THE RESPONSIBILITIES OF REVIEWING OFFICIALS AND AUTHORITIES TO BE CONSISTENT WITH THE REVIEW THRESHOLDS FOR THE SITE PLAN REVIEW PROCESS; 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 City Commission directed staff to review development review procedures at its meeting on April 18, 2023, to improve the process used to review development requests; and

WHEREAS, the existing language in Chapter 2, Administrative Provisions” needs to be reorganized and substantially modified to make these regulations understandable to the public, predictable to landowners, and simpler for the City to administer; 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, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on August 21, 2023 and voted 7 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

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. Chapter 2, “Administrative Provisions,” of the Land Development Regulations of the City of Delray Beach, Florida as provided in Exhibit A is hereby repealed in its entirety and replaced in its entirety with a new Chapter 2, provided as Exhibit B.

Section 4. All ordinances or parts of ordinances in conflict herewith 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 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 the \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney