

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," SUBSECTION (B), "DIRECTOR," SECTION 2.1.5, "THE PLANNING AND ZONING BOARD," SUBSECTION (E), "DUTIES, POWERS, AND RESPONSIBILITIES," SECTION 2.1.9, "THE HISTORIC PRESERVATION BOARD," FOR CONSISTENCY WITH STATUTORY REQUIREMENTS FOR PLAT APPROVALS; AMENDING ARTICLE 2.2, "GENERAL PROCEDURES," BY AMENDING SECTION 2.2.2, "FINANCIAL GUARANTEES," SECTION 2.2.4, "CERTIFICATION OF ACTIONS TAKEN" FOR CONSISTENCY WITH STATUTORY REQUIREMENTS FOR PLAT APPROVALS; 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, SECTION 2.4.10, "SITE PLAN APPLICATIONS (LEVEL 1, LEVEL 2, LEVEL 3, AND LEVEL 4) AND MASTER DEVELOPMENT PLANS," SECTION 2.4.12, "CERTIFICATE OF APPROPRIATENESS" TO ADOPT PROCEDURES FOR REVIEW OF SUBDIVISION PLANS; 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 APPLICABILITY AND ADD SUBDIVISION PLANS; AND BY AMENDING APPENDIX A, "DEFINITIONS," TO AMEND DEFINITIONS FOR "MAJOR SUBDIVISION" AND "MINOR SUBDIVISION" 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 _____, 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

WHEREAS, the City Commission has considered Ordinance No. XX-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,” Subsection (B), “Director,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

(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 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 Minor and Major Subdivision Plats.

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

(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~~ Major or Minor Subdivision Plan, requiring relief.
 - (j) Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc.
 - (k) 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) Major or Minor Subdivision Plan.

~~(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:

(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) (This subsection 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) Major or Minor Subdivision Plan.
- (j)-(i) Any other regulations or requirements that specify relief is available by the body acting upon the development application.
- (13) ***Board Recommendations, Planning and Zoning Board.*** The Board shall review and make recommendations to the Planning and Zoning Board with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):
- (a) Amendments to the LDR, as they apply to Historic structures and districts and rezoning of sites within a historic district or of individually designated sites.
 - (b) Conditional Use requests, and the accompanying Level 4 Site Plan application, associated with historic structures and/or districts.
- (14) ***Board Recommendations, City Commission.*** The 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) Level 4 Site Plan applications not associated with a Conditional Use.
- (b) Amendments to the Historic Preservation Element of the adopted Comprehensive Plan, to the Land Use Map, and to other Elements that may have an impact on historic preservation efforts in the City.
- (c) Facade easements, the imposition of other restrictions, and the negotiation of contracts for the purposes of historic preservation.
- (d) The use of grants and City funds to promote the preservation and conservation of historically and aesthetically significant archaeological sites, historic sites, and historic districts.
- (e) The deliberations and decisions of other public agencies affecting the physical development and appearance of historically and aesthetically significant archaeological sites, historic sites, and historic districts.
- (f) Integration of historic preservation concepts as an ongoing part of all City planning efforts.
- (g) The installation of public art within a historic district or on any individually designated site listed on the Local Register of Historic Places.
- (h) Major or Minor Subdivision Plan, requiring relief.

~~(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:

(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 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.***

- (1) ***Major plat.*** A financial guarantee ~~may~~ shall be provided in-lieu of installation of infrastructure improvements ~~when in situations where a developer desires to have a final a plat is recorded or a site plan certified prior to installation of such improvements. Such financial guarantee must be provided to the City Engineer prior to plat approval. prior to the City Engineer releasing an approved plat for recording or a certified site plan for building permit approval.~~
- (2) ***Minor plat or certified site plan.*** A financial guarantee in lieu of installation of infrastructure improvements may be provided at the time of 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:

(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~~ approval of a major subdivision plat; minor plats are not required to provide a financial guarantee until the time of building permit.
- (2) ***Plat recording:*** Upon approval of the ~~final plat for a subdivision plat~~, 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~~ the 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) - (G) (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; and for the dedication, layout, opening or construction of any street, 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** (~~platting~~).

(1) **General.** ~~The A major subdivision process, which generally involves the creation of more than three individual lots, shall be received, reviewed, and processed by the Development Services Department. 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.
- (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) **With a certified plan of record.** A major subdivision plat shall be processed through the following sequence:
- 1.~~(a)~~ Determination that the application is sufficient, followed by a technical review of the complete application.
 - ~~(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.~~
 - 2.~~(c)~~ Receipt and acceptance of surety.
 - ~~(d) — Consideration by the Planning and Zoning Board.~~
 - ~~(e) — Consideration and determination by the City Commission.~~
 - (c) Consideration by the Director, to approve, conditionally approve, or deny the proposed major subdivision.
 - 3.~~(f)~~ Upon approval, the ~~Mayor~~ Director shall execute the plat on behalf of the City.
 - 4.~~(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.
- (b) **Without a certified plan of record.** When a plat is not implementing an approved, certified site plan or master development plan, approval of a subdivision plan is required prior to approval of a plat application.
- (4) **Conditional approval.** A plat may be conditionally approved pending the applicant's receipt of approval by other agencies or departments.
- ~~(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~~ an approved site plan, master development plan, or subdivision plan.

~~(C)(D)~~ **Minor subdivision (boundary plat, lot split).**

- (1) ***General.*** ~~The platting of a~~ A minor subdivision plat shall be received, reviewed, and processed by the Development Services Department. ~~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.
 - (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) ***With a certified plan of record.*** A minor subdivision plat shall be processed through the following sequence:
 1. ~~(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.~~
 - ~~2. (c)~~ Receipt and acceptance of surety;
 - ~~(d) Consideration by the City Commission at which time the final plat may be approved or denied;~~
 3. Consideration by the Director to approve, approve conditionally, or deny the proposed minor subdivision.
 - ~~4. (e)~~ Upon approval, the ~~Mayer~~ Director shall execute the plat on behalf of the City;

~~5.(f)~~ 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.

(b) ***Without a certified plan of record.*** When a plat is not implementing an approved, certified site plan or master development plan, approval of a subdivision plan is required prior to approval of a plat application.

(4) ***Conditions.*** A plat may be conditionally approved pending the applicant's receipt of approval by other agencies or departments.

(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 City Commission Director must make a finding that the Plat is consistent with an approved site plan, master development plan, or subdivision plan.~~

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

(1) ***General.*** A plat, or any part of, a plat may be vacated by the owner of the land at any time prior to the sale of any lot therein provided that the vacating is approved by the City Commission. When lots have been sold, a plat may be vacated only if all the property owners join in written execution of such in writing.

(2) ***Required information.*** The following information must be submitted in order to vacate a recorded plat:

- (a) Proof of ownership pursuant to Article 2.4;
- (b) A certified copy of the plat which is to be vacated;
- (c) A petition, by letter, stating the action which is sought and the basis therefore;
- (d) The legal instrument which is to effectuate the vacation.

(3) ***Procedures.*** An application for vacation of a recorded plat shall be accomplished in the following manner:

- (a) Determination of sufficiency, followed by technical review of the complete application.
- (b) Review by the Planning and Zoning Board with respect to appropriateness of the proposed action and its implications on the public's rights in any of its public uses, improvements, streets, etc.;

- (c) Review of the proposed legal instrument that will affect the vacation with respect to form by the City Attorney;
 - (d) Consideration by the City Commission at which time the request may be approved or denied;
 - (e) Recording of the legal instrument pursuant to procedures established by the City Clerk.
- (4) **Conditions.** A vacation instrument may not be conditionally approved; however, the instrument may require the applicant to mitigate adverse impacts associated with the vacation.
- (5) **Findings.** Prior to approving a vacation of a recorded plat, the City Commission must find that the abandonment of any affected public interest or public improvement that was or would have been created by the plat, but which would not now be provided shall not have a significantly adverse impact upon the City's ability to obtain, retain, or maintain public facilities or tests of concurrency.

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 configuration of a parcel or parcels of land that identifies lot configuration, open space and common area landscaping, site access and general improvements. A subdivision plan is required for any proposed subdivision without an associated site plan or master development plan approval.

(2) Procedure.

- (a) **Without waivers.** Subdivision plans without waivers from the development standards must be approved by the Historic Preservation Board or Planning and Zoning Board prior to submittal of a plat.

- (b) **With waivers.** Subdivision plans with waivers must receive a recommendation from the Historic Preservation Board or Planning and Zoning Board, with final approval by the City Commission prior to submittal of a plat.
- (3) **Findings.** All subdivision plans must comply with the applicable regulations and review criteria, and the findings in Chapter 3, Performance Standards.
- (4) **Conditions.** Conditions may be imposed by the appropriate Board 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 is processed under these regulations for which action is required by the Site Plan Review and Appearance 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.~~ A Subdivision Plan.

- (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 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 a new public or private street system, the extension of utility lines, or includes common open space areas. Any subdivision other than a minor subdivision.

MINOR SUBDIVISION. Any subdivision of land that: 1. Creates lots that front on an existing public or private street system, do not require the extension of utilities, or create additional right-of-way; 2. Delineates divided interests for a previously approved Master Development Plan; or certified site plan. 3. Is a boundary plat; or 4. Involves a one time splitting of an existing lot of record. 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 requirement of all applicable sections of Florida State Statutes and of any applicable ordinances.

SUBDIVISION PLAN. A subdivision plan is used to establish the configuration of a tract of land, and common area landscaping, prior to adoption of a plat when the subdivision action is not implementing an approved site plan or Master Development Plan.

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 _____, 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 _____