

ORDINANCE NO. 39-26

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 2.4, “DEVELOPMENT APPLICATION REQUIREMENTS,” SECTION 2.4.2, “APPLICATION SUBMITTAL REQUIREMENTS,” TO ADD REQUIREMENTS FOR LOBBYIST DISCLOSURE AND CERTIFICATION; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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 participates in the Palm Beach County Lobbyist Registration System requiring that all lobbyists submit an executed registration form to county administration and pay a registration fee; and

WHEREAS, according to the Palm Beach County Lobbying Registration Ordinance, “lobbying” is defined as influencing or attempting to influence action or nonaction through oral or written communication with a member or members of the City Commission or advisory board; and

WHEREAS, while the administration and enforcement of lobbyist registration requirements falls under the purview of the Palm Beach Commission on Ethics, the City of Delray Beach recognizes that the operation of responsible government requires transparency of the governmental decision-making process to maintain the public trust throughout; and

WHEREAS, the City Commission finds that it is necessary and appropriate to publicly disclose the identity and activities of certain persons who engage in efforts to influence members of the City Commission and City advisory board on matters within their official duties; 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 17, 2026, and voted _ to _ to recommend that the proposed text amendment 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. 39-26 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 that 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 2.4, "Development Application Requirements," Section 2.4.2, "Application Submittal Requirements," of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

Sec. 2.4.2. Application Submittal Requirements.

- (A) ***Standard Forms and Requirements.*** All approvals requested under this Chapter require submittal of a City application, including the information and items enumerated on the submittal checklist accompanying the application form, and an application fee as established by the resolution of the City Commission.
- (B) ***Proof of Ownership.*** Proof of ownership shall be established by a copy of the most recent warranty deed, as recorded with the County Clerk, a certificate from an attorney-at-law or a title insurance company certifying the current fee simple title holders of record, and the nature and extent of his or her interest therein. Corporations shall provide the names and addresses of the corporation and principal executive officers.
- (C) ***Authorization to File.*** If the applicant is other than a single person owner, the written consent of the owners must be provided in a certified form. When an application is executed on behalf of a corporation or a business entity, documentation must be provided that demonstrates the corporation's representative is authorized to act on its behalf.
- (D) ***Waiver or Combining of Submittal Requirements.*** The Director has the authority to waive or allow the combining the submittal requirements, other than an application fee, on a case-by case basis, upon finding that such material is not relevant or necessary to fully analyze or to make a determination relative to an application.
- (E) ***Lobbyist Disclosure and Certification.*** A written certification, on a form approved by the City, identifying each person retained or authorized at the time of application or at any time during the application process to communicate with the City Commission, any board or advisory committee of the City, or any employees of the City, including: (i) a disclosure of whether such person is a "lobbyist" as defined under Palm Beach County Code Section 2-352, as may be amended, (ii) a disclosure of the principal(s) or entity(ies) that retained such person, and (iii) an affirmation that such person has either registered in the Palm Beach County Central Lobbyist Registry or is not required by law to do so. Any identifying information associated with such lobbyist registration shall be provided. The applicant shall update and supplement such certifications, and the disclosures contained therein, throughout the pendency of the application, including upon the retention or authorization of any additional person subject to this requirement or any change in the information previously provided. Any person appearing before the City Commission or any board or advisory body of the City on behalf of an applicant shall, prior to addressing such body, verbally disclose on the record whether such person is a lobbyist and, if so, the principal on whose behalf such person is appearing.

(E) **Provision of Additional Information.** The Director has the authority to require submission of additional information or material on a case-by-case basis upon determination that such information or material is necessary to adequately evaluate a development proposal. Additional information or materials may be necessary based upon the scope of the request, circumstances that are particular to the physical, locational, or historical aspects of the property or properties, or if a change in regulations directly or indirectly creates the need for the item.

(F) **Fees.** Application fees shall accompany each application, unless exempted in Subsection (E), below. Application fees are established and amended by resolution of the City Commission. Fees shall be charged in an amount to offset the costs incurred by the City to review and process an application. Such costs include, but are not limited to, public notice advertisements; public notice postage; and planning, engineering, scientific, technical, and related professional and staff services necessary to process the application.

(1) **Cost Recovery.** Applications requiring additional technical analysis by credentialed professionals, such as traffic studies, Special Flood Hazard Areas, arborist reports, etc. are subject to full cost recovery. The applicant is responsible for the costs of review to be performed by an outside consultant selected by the City of Delray Beach. The applicant shall pay prior to review an initial preliminary deposit of \$10,000.00 which shall be credited toward the overall costs and shall pay additional deposits of half of the initial deposit whenever the account balance is 20 percent or less of the original deposit. The review costs shall cover 100 percent of the city staff costs and outside consultant fees required for the review. At the time the Director determines that no further action is necessary for the review of the request, any remaining funds shall be refunded to the applicant within two months of the determination.

(2) **Fee Exemptions.**

(a) Application and permit fees shall not apply to requests initiated by the City, any agency of the City, or by other units of government.

(b) Waiver of payment of development application, plan check and permit fees may be granted by the City Manager upon a written request from eligible non-profit and service organizations. Those organizations eligible for waiver consideration are:

1. Non-profit organizations currently receiving a portion of their annual operating budget from the United Way and/or the City and possessing a 501(c)(3) designation from the Internal Revenue Code.
2. Service organizations, as defined by the City's Special Event Policy, which elect to sponsor and participate in special event and/or fund raising activities that are of benefit to the general public. For this purpose, eligible organizations must provide in writing the extent of their involvement with the proposed activity. A group's physical presence (active involvement) during the event is required.

(c) The waiver of fees is applied in the following manner:

1. For fees assessed for development applications, 100 percent of assessed fees may be waived.
2. For Plan Check and Permit Fees, no more than 70 percent of the assessed fees may be waived.

(3) **Refunds.** Refunds or partial refunds may be issued at the discretion of the Director for an application withdrawn prior to Board review.

(G) **Notice requirements.** All notice information required pursuant to Article 2.6 must be submitted with the application.

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 of this Ordinance.

Section 6. Specific authority is hereby given 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 _____, 2026.

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 _____