

ORDINANCE NO. 25-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING COMPREHENSIVE PLAN AMENDMENT 2015-WSP1, TO PROVIDE FOR A 10-YEAR WATER SUPPLY FACILITIES WORK PLAN, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3184; ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ENTITLED COMPREHENSIVE PLAN AMENDMENT 2015-WSP1 AND INCORPORATED HEREIN BY REFERENCE; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Delray Beach exercised the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the "Community Planning Act"; and

WHEREAS, via Ordinance No. 82-89, the City Commission adopted the document entitled "Comprehensive Plan - Delray Beach, Florida"; and

WHEREAS, the City of Delray Beach, prepared a 10-Year Water Supply Facilities Work Plan in accordance with State Law following the adoption of the Lower East Coast Water Supply Plan Update by the South Florida Water Management District (SFWMD) as approved by the SFWMD Board on September 12, 2013; and

WHEREAS, the City of Delray Beach did prepare an amendment to the Comprehensive Plan entitled "Comprehensive Plan Amendment 2015-WSP1"; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, considered this item at a public hearing on September 21, 2015 and voted 7 to 0 to determine that the changes are consistent with and further the objectives and policies of the Comprehensive Plan; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, recommended to the City Commission that the proposed Comprehensive Plan Amendment 2015-WSP1 be transmitted; and

WHEREAS, the proposed Comprehensive Plan Amendment 2015-WSP1 was submitted to and reviewed by the City Commission; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and

WHEREAS, following due public notice, the first of two required public hearings on Comprehensive Plan Amendment 2015-WSP1 was held by the City Commission on October 20, 2015, at which time the Commission authorized the document entitled Comprehensive Plan Amendment 2015-WSP1 to be transmitted to the Florida Department of Economic Opportunity (DEO), sitting as the State Land Planning Agency, for required review; and

WHEREAS, following due public notice, the second of two required public hearings on Comprehensive Plan Amendment 2015-WSP1 was had by the City Commission on January 5, 2016, in accordance with statutory requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the City Commission of the City of Delray Beach, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the "Community Planning Act."

Section 3. That in implementation of its declared intent as set forth in Section 1 of this ordinance, there is hereby adopted the document entitled "Comprehensive Plan Amendment 2015-WSP1," which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 4. That the document entitled "Comprehensive Plan – Delray Beach Florida" is hereby amended pursuant to the document entitled "Comprehensive Plan Amendment 2015-WSP1."

Section 5. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. That 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 7. That this ordinance shall become effective as follows: thirty-one (31) days after the state Land Planning agency notifies the City that the package is complete, unless the Comprehensive Plan amendment is timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the

Administration Commission, finding the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2016.

ATTEST

MAYOR

City Clerk

First Reading: October 20, 2015

Second Reading: