ORDINANCE NO. 27-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2022-23 TO FY 2026-27 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1. AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (City) 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 adopted the Always Delray Comprehensive Plan (Comprehensive Plan) update via Ordinance No. 19-19; and

WHEREAS, pursuant to Florida Statutes 163.3177(3)(b), the City is required to review the 5-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan on an annual basis; and

WHEREAS, pursuant to Policies CIE 1.2.1 and 1.2.6 of the Capital Improvement Element of the Comprehensive Plan, the City prepared a Five-Year Comprehensive Improvement Plan (CIP) for the period between FY 2022-23 to FY 2026-27, which addresses currently funded projects, projects under construction, and a five-year projection of projects costing more than $25,000, and is described in "Table CIE-1 - Capital Improvements Plan, Five Year Capital Improvements Schedule for Projects > $25,000" attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, pursuant to Policy CIE 1.2.6 of the Capital Improvement Element of the Comprehensive Plan, the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, has the responsibility to annually review the CIP and issue a statement of consistency with the Comprehensive Plan prior to the adoption of the CIP 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 August 15, 2022, and voted 6 to 0 provide a statement of finding that the 5-Year Capital Improvement Plan for FY 2022-23 through FY 2026-27 and the FY 2021-22 Capital Improvement Budget are consistent with the Comprehensive Plan; and

WHEREAS, at its meeting of _____, 2022, the City Commission of the City of Delray Beach accepted the Planning and Zoning Board's findings and adopted the list of capital projects contained in the 5-Year Capital Improvement Plan for FY 2022-23 to FY 2026-27 and the FY 2021-22 Capital

Improvement Budget; and

WHEREAS, at its meeting of _____, 2022, the City Commission desired to update "Table CIE-1 - Capital Improvements Plan, Five Year Capital Improvements Schedule for Projects > $25,000" in the Always Delray Comprehensive Plan to reflect the capital projects schedule for the years FY 2022-23 to FY 2026-27; and

WHEREAS, pursuant to Section 163.3177(3)(b), Florida Statutes, modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and not be deemed amendments to the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach finds that this Ordinance is consistent with the Comprehensive Plan and meets the criteria set forth the Land Development Regulations; and

WHEREAS, the City held all duly required public hearings, 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. The recitations set forth above are incorporated herein.

Section 2. 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 "Table CIE-1 - Capital Improvements Plan, Five Year Capital Improvements Schedule for Projects > $25,000" which is attached hereto as Exhibit "A" and incorporated by reference herein, is made part of the Capital Improvement Element in the adopted Comprehensive Plan for the City of Delray Beach.

Section 4. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance 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. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this ___ day of _____, 2022.

ATTEST:

_____	_____
Katerri Johnson, City Clerk	Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

_____
Lynn Gelin, City Attorney

First Reading _____
Second Reading _____

EXHIBIT “A”
5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS