

ORDINANCE NO. 35-17

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 2017-18 TO FY 2021-22 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES A-3.3, A-3.4 AND A-3.5 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on November 28, 1989, the City Commission of City of Delray Beach adopted Ordinance 82-89 which adopted the Comprehensive Plan for the City of Delray Beach, as amended; and

WHEREAS, pursuant to Policies A-3.3, A-3.4 and A-3.5 of the Capital Improvement Element of the Comprehensive Plan, the City prepared a Five-Year Comprehensive Improvement Plan (CIP) for the period between FY 2017-18 to FY 2021-22, which addresses currently funded projects, projects under construction, and a five-year projection of projects more than \$25,000, and is described in "Table CI-CIP Five Year Capital Improvements Schedule for Projects > \$25,000" attached and incorporated herein as Exhibit "A"; and

WHEREAS, pursuant to Policy A-3.5 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, at its meeting of August 21, 2017, the Planning and Zoning Board reviewed the Five-Year CIP for FY 2017-18 to FY 2021-22 and the FY 2017-18 Capital Improvement Budget (CIB) at a public hearing and voted 6 to 0 to make a statement that the Five-Year CIP for FY 2017-18 to FY 2021-22 and FY 2017-18 CIB are consistent with the Comprehensive Plan; and

WHEREAS, at its meeting of October 3, 2017, 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 Five-Year CIP for FY 2017-18 to FY 2021-22 and the FY 2017-18 CIB; and

WHEREAS, the City Commission desires to update "Table CI-CIP Five Year Capital Improvements Schedule for Projects > \$25,000" in the Comprehensive Plan to reflect the capital projects schedule for the years FY 2017-18 to FY 2021-22; and

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

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

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

Section 2. That “Table CI-CIP 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 Comprehensive Plan of the City of Delray Beach.

Section 3. 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 4. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. That 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 _____, 2017.

ATTEST:

Cary D. Glickstein, Mayor

Katerri Johnson, City Clerk

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney

Department Head:

Timothy Stillings, Planning, Zoning and Building Director