

ORDINANCE NO. 38-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; BY AMENDING ARTICLE 2.4 “GENERAL PROCEDURES”, SECTION 2.4.5 “PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS”, SUB-SECTION 2.4.5(A) “AMENDMENTS TO THE COMPREHENSIVE PLAN” AND REPEALING CHAPTER 9, “THE COMPREHENSIVE PLAN” IN ITS ENTIRETY, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed these amendments at a public hearing held on September 18, 2017 and voted 6 to 0 to approve the amendments; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; 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 desires to update its Land Development Regulations to reflect changes to the Florida Statutes with respect to the procedures and processing of comprehensive plan amendments; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan and is in the best interests of the City.

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 Article 2.4 “General Procedures”, Section 2.4.5 “Procedures For Obtaining Development Approvals”, Sub-Section 2.4.5(A) “Amendments to the Comprehensive

Plan” of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

Section 2.4.5(A) Amendments to the Comprehensive Plan. Amendments to the Comprehensive Plan shall be processed pursuant to ~~Article 9.2~~ Section 163.3184 through 163.3253 Florida Statutes as may be amended.

Section 3. That Chapter 9, The Comprehensive Plan of the Land Development Regulations of the City of Delray Beach, Florida, is hereby repealed in its entirety as follows:

~~Chapter 9 – THE COMPREHENSIVE PLAN~~

~~Chapter 9~~ provides general authority and direction regarding adoption and maintenance of the Comprehensive Plan.

~~ARTICLE 9.1. – ADOPTION OF THE COMPREHENSIVE PLAN~~

~~Sec. 9.1.1. – Action pursuant to statute.~~

~~The State of Florida has enacted the "Local Government Comprehensive Planning and Land Development Regulation Act" which is codified as Florida Statutes Sections 163.3161–163.3243. The City Commission of the City of Delray Beach has by Ordinance 82-89, enacted on November 28, 1989, adopted the document entitled "Comprehensive Plan – Delray Beach, Florida".~~

~~Sec. 9.1.2. – The Future Land Use Map.~~

~~As a part of the Comprehensive Plan, the City adopted a Future Land Use Map. Said map is declared to be the Official Future Land Use Map and shall be maintained in the same manner as is the Official Zoning Map.~~

~~ARTICLE 9.2. – AMENDMENT AND MODIFICATION OF THE PLAN~~

~~Sec. 9.2.1. – Amendment of the Comprehensive Plan.~~

~~A Plan Amendment shall only be initiated by formal action of the City Commission. Generally there shall be two amendments each year. One amendment shall be initiated in the early portion of each calendar year and shall include changes developed pursuant to Part V.B of the Comprehensive Plan. The other amendments shall be initiated in the month of June and shall focus upon individual development items and changes to the Future Land Use Map. The purpose and content and method of review of amendments to the Comprehensive Plan shall be made pursuant to F.S. 163.3187 and 163.3177(3)(b), as appropriate.~~

~~Sec. 9.2.2. – Notice requirements.~~

[See Section 2.4.2(B)(1)(h).]

Sec. 9.2.3 – Amendments enacted:

The following amendments have been made to the Comprehensive Plan:

Amended _____ by Ordinance _____ 52-90 November 20, 1990	Amended _____ by Ordinance _____ 51-96 November 19, 1996	Amended _____ by Ordinance _____ 20-03 January 6, 2004
Amended _____ by Ordinance _____ 74-91 October 8, 1991	Amended _____ by Ordinance _____ 32-97 December 9, 1997	Amended _____ by Ordinance _____ 29-04 October 19, 2004
Amended _____ by Ordinance _____ 28-92 September 8, 1992	Amended _____ by Ordinance _____ 24-98 October 20, 1998	Amended _____ by Ordinance _____ 31-05 September 20, 2005
Amended _____ by Ordinance _____ 63-92 December 8, 1992	Amended _____ by Ordinance _____ 14-99 October 20, 1999	Amended _____ by Ordinance _____ 56-05 December 6, 2005
Amended _____ by Ordinance _____ 52-93 September 28, 1993	Amended _____ by Ordinance _____ 27-99 October 5, 1999	
Amended _____ by Ordinance _____ 84-93 December 14, 1993	Amended _____ by Ordinance _____ 31-99 November 16, 1999	
Amended _____ by Ordinance _____ 90-94 November 15, 1994	Amended _____ by Ordinance _____ 9-00 September 19, 2000	
Amended _____ by Ordinance _____ 94-94 December 6, 1994	Amended _____ by Ordinance _____ 21-00 December 5, 2000	
Amended _____ by Ordinance _____ 47-95 August 15, 1995	Amended _____ by Ordinance _____ 27-01 October 2, 2001	
Amended _____ by Ordinance _____ 44-95 September 5, 1995	Amended _____ by Ordinance _____ 52-01 December 11, 2001	
Amended _____ by Ordinance _____ 69-95 December 5, 1995	Amended _____ by Ordinance _____ 16-02 October 15, 2002	
Amended _____ by Ordinance _____ 36-96 September 17, 1996	Amended _____ by Ordinance _____ 47-02 April 5, 2003	

~~ARTICLE 9.3. -- IMPLEMENTATION OF THE COMPREHENSIVE PLAN~~

~~Sec. 9.3.1. -- Goals, objectives and policies.~~

~~The Planning and Zoning Board shall oversee the progress made in implementation of the Comprehensive Plan through an annual review conducted pursuant to Part V.B. and V.C. of the Plan.~~

~~Sec. 9.3.2. -- Programs and activities.~~

~~The City Administration, under the leadership of the City Manager, shall pursue implementation of the Plan in accordance with Part V.A. thereof.~~

Section 4. **Repeal of Conflicting Ordinances.** All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. **Severability.** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 6. **Inclusion in Code.** This ordinance shall be codified in the Code of Ordinances of the City of Delray Beach, Florida.

Section 7. **Effective Date.** The provisions of this Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2017.

Cary D. Glickstein, Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____