

ORDINANCE NO. 19-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE “ALWAYS DELRAY” COMPREHENSIVE PLAN FOR THE 2019-2040 PLANNING HORIZON BY REPEALING AND REPLACING THE ADOPTED COMPREHENSIVE PLAN IN ITS ENTIRETY; PROVIDING FOR THE GOALS, OBJECTIVES, AND POLICIES, INCLUDING THE “ALWAYS DELRAY” MAP SERIES FOR THE FOLLOWING ELEMENTS: HEALTHY COMMUNITY; HISTORIC PRESERVATION; HOUSING; MOBILITY; CAPITAL IMPROVEMENTS; ECONOMIC PROSPERITY; STRATEGIC PARTNERSHIPS; COASTAL MANAGEMENT; CONSERVATION, SUSTAINABILITY AND RESILIENCY; OPEN SPACE, PARKS, AND RECREATION; EDUCATION; NEIGHBORHOODS, DISTRICTS, AND CORRIDORS; AND PUBLIC FACILITIES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Section 163.3167(2), Florida Statutes, requires that each local government maintain a comprehensive plan in compliance with the Community Planning Act; and,

WHEREAS, the City of Delray Beach desires to update the comprehensive plan through the adoption of the new “Always Delray” Comprehensive Plan for the 2019-2040 planning horizon; and,

WHEREAS, pursuant to Section 163.3177, Florida Statutes, the comprehensive plan, through required and optional elements, shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements; and,

WHEREAS, the comprehensive plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations; and,

WHEREAS, the City Commission appointed a Steering Committee made up of Delray Beach residents, business owners, and stakeholders to assist City Staff with drafting of the “Always Delray” Comprehensive Plan; and,

WHEREAS, five public workshops were held to receive public input and, 17 Steering Committee Sub-group meetings were held that included Subject Matter Experts, and 14 Steering Committee meetings were held to draft and review the proposed “Always Delray” Comprehensive Plan; and,

WHEREAS, each Element is made up of two components: the Goals, Objectives, and Policies, also referred to as the GOPs; and, the Data, Inventory, and Analysis, also referred to as the DIA; and,

WHEREAS, the Map Series consists of the “Always Delray” maps, required by Section 163.3177, Florida Statutes, and adopted herein by this Ordinance, and the DIA maps, which provide supplemental information; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 5 to 0 at a public hearing held on July 16, 2018, to recommend to the City Commission to repeal and replace the Intergovernmental Coordination Element with the proposed Strategic Partnerships Element; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 5 to 0 at a public hearing held on July 16, 2018, to recommend to the City Commission to repeal and replace the Open Space and Recreation Element with the proposed Open Space, Parks, and Recreation Element; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 5 to 0 at a public hearing held on August 20, 2018, to recommend to the City Commission that the proposed Historic Preservation Element be approved; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 6 to 0 at a public hearing held on October 1, 2018, to recommend to the City Commission that the updated Housing Element be approved; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 6 to 0 at a public hearing held on October 1, 2018, to recommend to the City Commission that the proposed Economic Prosperity Element be approved; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 6 to 0 at a public hearing held on October 1, 2018, to recommend to the City Commission that the updated Coastal Management Element be approved; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 4 to 0 at a public hearing held on November 5, 2018, to recommend to the City Commission to repeal and replace the Conservation Element with the proposed Conservation, Sustainability, and Resiliency Element; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 4 to 0 at a public hearing held on November 5, 2018, to recommend approval to the City Commission of the proposed Healthy Community Element; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 4 to 0 at a public hearing held on November 5, 2018, to recommend to the City Commission to repeal and replace the Public Schools Facilities Element with the proposed Education Element; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 5 to 0 at a public hearing held on December 17, 2018, to recommend to the City Commission that the updated Public Facilities Element be approved; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 5 to 0 at a public hearing held on December 17, 2018, to recommend to the City Commission that the updated Capital Improvements Element be approved; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 5 to 0 at a public hearing held on January 28, 2019, to recommend approval to the City Commission to repeal and replace the Transportation Element with the proposed Mobility Element; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, voted 5 to 0 at a public hearing held on April 15, 2019, to recommend to the City Commission to repeal and replace the Future Land Use Element with the proposed Neighborhoods, Districts, and Corridors Element; and,

WHEREAS, the City Commission at its June 18, 2019 meeting, approved on first reading the transmittal of the “Always Delray” Comprehensive Plan and supporting Data, Inventory, and Analysis to the Florida Department of Economic Opportunity for review and consideration; and,

WHEREAS, the Florida Department of Economic Opportunity reviewed the “Always Delray” Comprehensive Plan, and on _____, 2019, the comprehensive plan was determined to be in compliance with Florida Statutes whereby the City of Delray Beach must adopt within 180 days; and,

WHEREAS, at the adoption public hearing, the City Commission deems it in the best interests of Delray Beach to adopt the “Always Delray” Comprehensive Plan for the 2019-2040 planning horizon.

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. The City Commission hereby repeals the currently adopted Comprehensive Plan, in its entirety, attached hereto as Exhibit “A”, and adopts the “Always Delray” Comprehensive Plan for the 2019 – 2040 planning horizon, attached hereto and incorporated herein as Exhibit “B.1 to B.14”.

Section 3. The City Commission hereby authorizes the Development Services Department to submit copies of this ordinance and the “Always Delray” Comprehensive Plan to the Department of Economic Opportunity and to any other agency or local government in accordance with and pursuant to Chapter 163, Part II, Florida Statutes, and to keep copies of the “Always Delray” Comprehensive Plan available for public review and examination in the Development Services Department.

Section 4. If any clause, section or other part of this ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this ordinance.

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 this Ordinance.

Section 7. 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 _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Lynn Gelin, City Attorney