

ORDINANCE NO. 10-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACH, A PARCEL OF LAND LOCATED ON THE WEST SIDE OF BARWICK ROAD, APPROXIMATELY 132 FEET NORTH OF LWDD L-31 CANAL, AS MORE PARTICULARLY DESCRIBED HEREIN, WHICH LAND IS CONTIGUOUS TO EXISTING MUNICIPAL LIMITS; REDEFINING THE BOUNDARIES OF THE CITY TO INCLUDE SAID LAND; PROVIDING FOR THE RIGHTS AND OBLIGATIONS OF SAID LAND; AFFIXING AN OFFICIAL LAND USE DESIGNATION OF LD (LOW DENSITY RESIDENTIAL 0-5 DU/AC) FOR SAID LAND TO THE FUTURE LAND USE MAP AS CONTAINED IN THE COMPREHENSIVE PLAN; PROVIDING FOR THE ZONING THEREOF TO R-1-AAA (SINGLE FAMILY RESIDENTIAL) DISTRICT; PROVIDING A GENERAL REPEALER CLAUSE, PROVIDING A SAVING CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, Joel Scott Bolling and Sandra Isabella Prestia-Bolling are the fee simple owners of a 0.88 acre parcel of land located on the west side of Barwick Road, approximately 132 feet north of the LWDD L-31 Canal; and

WHEREAS, Joel Scott Bolling and Sandra Isabella Prestia-Bolling have requested by voluntary petition to have the subject property annexed into the municipal limits of the City of Delray Beach; and

WHEREAS, the subject property hereinafter described is contiguous to the corporate limits of the City of Delray Beach, Florida; and

WHEREAS, the City of Delray Beach has heretofore been authorized to annex lands in accordance with Section 171.044 of the Florida Statutes; and

WHEREAS, the subject property hereinafter described is presently under the jurisdiction of Palm Beach County, Florida, having a County Future Land Use Map (FLUM) designation of MR-5 (Medium Density 5 units per acre); and

WHEREAS, the Advisory Future Land Use Map designation for the subject property in the City of Delray Beach, Florida, is LD (Low Density Residential 0-5 du/ac); and

WHEREAS, the City's FLUM designations as initially contained on the City's Future Land Use Map adopted in November, 1989, and as subsequently amended, are deemed to be advisory only until an official Land Use Amendment is processed; and

WHEREAS, the designation of a zoning classification is part of this proceeding, and the provisions of Land Development Regulations Chapter Two have been followed in establishing the proposed zoning designation; and

WHEREAS, pursuant to LDR Section 2.2.2(6), the Planning and Zoning Board held a public hearing and considered the subject matter at its meeting of March 21, 2016, and voted 5 to 0 to recommend that the requests be approved with an initial zoning of R-1-AAA (Single Family Residential), based upon positive findings; 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 changes are consistent with and further the 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 Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan.

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, Palm Beach County, Florida, hereby annexes to said City the following described land located in Palm Beach County, Florida, which lies contiguous to said City to-wit:

South one-fifth (South 1/5) of the North four-fifths (North 4/5) of the East half (East 1/2) of the Southeast Quarter (Southeast 1/4) of the Southeast Quarter (Southeast 1/4) of the Northwest Quarter (Northwest 1/4) of Section 12, Township 46 South, Range 42 East, subject to an easement for road right-of-way over the East 40 feet thereof, of the Public Records of Palm Beach County, Florida.

Section 3. That the boundaries of the City of Delray Beach, Florida, are hereby redefined to include therein the above-described tract of land and said land is hereby declared to be within the corporate limits of the City of Delray Beach, Florida.

Section 4. That the land hereinabove described shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances and laws to which lands in the City of Delray Beach are now or may be subjected, including the Stormwater Management Assessment levied by the City pursuant to its ordinances and as required by Florida Statutes Chapter 197, and persons residing thereon shall be deemed citizens of the City of Delray Beach, Florida.

Section 5. That this annexation of the subject property, including adjacent roads, alleys, or the like, if any, shall not be deemed acceptance by the City of any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

Section 6. That the Future Land Use Map designation of the subject property is hereby officially affixed as LD (Low Density Residential 0-5 du/ac).

Section 7. That Chapter Two of the Land Development Regulations has been followed in establishment of a zoning classification in this ordinance and the tract of land hereinabove described is hereby declared to be in the R-1-AAA (Single Family Residential) Zoning District as defined by existing ordinances of the City of Delray Beach.

Section 8. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 9. 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 10. That this ordinance shall become effective as follows: As to annexation, immediately upon passage on second and final reading; as to land use and zoning, thirty-one (31) days after adoption, unless the small scale amendment is challenged pursuant to Section 163.3187(5), F.S. 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.

M A Y O R

ATTEST

City Clerk

First Reading_____

Second Reading_____