

ORDINANCE NO. 28-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING THE FUTURE LAND USE FOR A PARCEL OF LAND FROM PALM BEACH COUNTY MEDIUM RESIDENTIAL (MR-5) TO CITY OF DELRAY BEACH OPEN SPACE (OS), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED IMMEDIATELY EAST OF INTERSTATE-95, IMMEDIATELY SOUTH OF THE LAKE DRIVE EXTENSION, AND NORTH OF THE LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY $4.06\pm$ ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach 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,

WHEREAS, via Ordinance No. 82-89, the City Commission adopted the document entitled "Comprehensive Plan - Delray Beach, Florida"; and,

WHEREAS, the City of Delray Beach is the fee simple owner of one (1) parcel of land which measures approximately 4.06 acres \pm and is located immediately east of Interstate-95, immediately west of Lake Ida, south of the Lake Drive extension, and north of the Lake Worth Drainage District L-30 Canal; and,

WHEREAS, the subject property hereinafter described has an existing Future Land Use Map designation from Palm Beach County of Medium Residential (MR-5); and,

WHEREAS, the owner of the property has requested inclusion of said land into the City Planning Area and re-designating the Future Land Use Map of said land from Palm Beach County Medium Residential (MR-5) to City of Delray Beach Open Space (OS); and,

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on

August 19, 2019, and voted __to __ to recommend that the Future Land Use Map designation be changed for the property hereinafter described, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and,

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and,

WHEREAS, it is deemed appropriate that the designation of Open Space (OS) on the Future Land Use Map of the City of Delray Beach, Florida is applied to the property described herein and identified in Exhibit "A".

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 Planning Area Map is hereby officially amended to include said parcel.

Section 3: That the Future Land Use Map designation of the subject property is hereby officially designated as Open Space (OS).

Section 4. That 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, Florida Statutes, inclusive, known as the "Community Planning Act."

Section 5. That the Future Land Use Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a Future Land Use Map designation of Open Space (OS) for the following described property:

A PARCEL OF LAND LYING IN SECTION 05, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

5-46-43, PT OF SE 1/4 OF SW 1/4 LYG BET LAKE IDA & I-95 R/W IN
OR27779P1553 K/A PARK

SAID LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA,
CONTAINING 4.06± ACRES MORE OR LESS.

See Exhibit "A" Proposed Future Land Use Map With Planning Area Update

Section 5. That the Future Land Use Map of the City of Delray Beach, Florida, shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 4 hereof.

Section 6. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. 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 8. That this ordinance shall become effective thirty-one (31) days after adoption, unless the Comprehensive Plan amendment is timely challenged. 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 day of _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____
Second Reading _____

Approved as to form and legal sufficiency:

City Attorney

Exhibit "A" Proposed Future Land Use Map With Planning Area Update

