

ORDINANCE NO. 17-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, WEST OF SE 7TH AVENUE, AND IMMEDIATELY SOUTH OF SE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-AA), AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021”; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 200 SE 7th Avenue, LLC, is the fee simple owner of a parcel of land which measures approximately 0.5021 acres, located west of SE 7th Avenue, and immediately south of SE 2nd Street, at 200 SE 7th Avenue (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Owner designated Jeffrey A. Costello (“Applicant”) to act as its agent; and

WHEREAS, the Property is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as being zoned Community Facilities; and

WHEREAS, the Applicant requested a rezoning of the 0.5021 acre Property (“Subject Area”) to Single Family Residential (R-1-AA), as shown in Exhibit “B”; and

WHEREAS, pursuant to Land Development Regulation (LDR) Section 2.1.9(E)(13), the Historic Preservation Board of the City of Delray Beach considered this item at a public hearing on May 1, 2024, and voted __ to __ to recommend to the Planning and Zoning Board that the Property hereinafter described be rezoned to Single Family Residential (R-1-AA) District, 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 is in the best interest of the City; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on May 20, 2024, and voted _ to _ to recommend to the City Commission that the Property hereinafter described be rezoned to Single Family Residential (R-1-AA) District, 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 is in the best interest of the City; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds that Ordinance No. 17-24 is consistent with the Comprehensive Plan, meets the Criteria set forth in the Land Development Regulations, and the designation of Single Family Residential (R-1-AA) District is appropriate for the Property and in the best interest of the City.

Section 3. The Zoning District Map of the City of Delray Beach, Florida, upon the effective date of this Ordinance, be, and the same is hereby, amended to reflect a zoning classification of Single Family Residential (R-1-AA) District for the property described in Exhibit "A" as shown in Exhibit "B", attached hereto and incorporated herein.

Section 4. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. 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 7. This Ordinance shall become effective concurrent with the effective date of Ordinance No. 17-24, amending the Land Use Map designation for the Property. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Tom Carney, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____
Second Reading _____

EXHIBIT "A"
LEGAL DESCRIPTION

LOTS 22, 23, AND 24, BLOCK 119, GRACEY-BYRD SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 52, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE EAST FIVE FEET OF LOTS 22, 23, AND 24, BLOCK 119.

EXHIBIT "B" PROPOSED ZONING

