

ORDINANCE NO. 29-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) DISTRICT IN PART AND RESIDENTIAL HIGH (RH) DISTRICT IN PART, TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL DISTRICT (RM-8); FOR ALL THREE (3) PARCELS OF LAND KNOWN AS BANYAN COVE, LOCATED ON THE EAST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the property hereinafter described is presently zoned Palm Beach County Agricultural Residential (AR) District in part and Residential High (RH) District in part; and,

WHEREAS, Andrew V. Podray is the fee simple owner of the subject property lying on the east side of Barwick Road, immediately south of the Lake Worth Drainage District L-30 Canal; and,

WHEREAS, at its meeting of October 15, 2018, the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing and voted 4 to 2 to recommend that the property hereinafter described be rezoned, based upon positive findings; and,

WHEREAS, pursuant to Florida Statutes 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; 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. That the recitations set forth above are incorporated herein.

Section 2. That the Zoning District Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a zoning classification of Medium Density Residential District (RM-8) with a density of 8 dwelling units per acre for the following described property:

Parcel I

The North 549.75 feet of the West one-quarter (W1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, Palm Beach County Florida, less the West 40.00 feet of road right-of-way recorded in O.R. Book 52, Page 576, more particularly described as follows: The West 40 feet of the Northwest One-Quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, less and except the Lake Worth Drainage District Canal L-30.

PARCEL II AND III

The North 521.00 feet of the South 771.00 feet of the West one-quarter (W1/4) of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, Palm Beach County Florida, less the West 40.00 feet for road right-of-way, more particularly described as follows:

Commencing at the Southwest corner of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East; thence run N00°00'00"E, along the West line of said Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4), a distance of 250.13 feet to a point on said West line, also being the center line of Barwick Road, (80 Foot Right-Of-Way); thence Run S88°10'24"E a distance of 40.00 feet to a point on the East right-of-way line of Barwick Road and the point of beginning; thence continue along the last described course, a distance of 295.82 feet to a point on the East line of the West one-quarter (W 1/4) of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of said Section 12; thence run N00°04'35"E, along said East line, a distance of 521.24 feet to a point; thence run N88°10'25"W a distance of 296.52 feet to a point on the East right-of-way line of Barwick Road; thence run S00°00'00"W, along said East right-of-way line, a distance of 521.26 feet to the point of beginning.

Said land situate in the City of Delray Beach, Palm Beach County, Florida and contain 6.68 acres, more or less.

Section 3. That the City of Delray Beach Zoning Map shall, upon the effective date of this

ordinance, be amended to conform to the provisions of Section 2 hereof.

Section 4. Repeal of Conflicting Ordinance. 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. Effective Date. That this ordinance shall become effective only after the effective date of Ordinance No. 28-18, which date is February 16, 2019, and upon approval at second reading. 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 _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

City Attorney