

ORDINANCE NO. 39-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PORTION OF A PARCEL OF LAND MEASURING APPROXIMATELY 2.83 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION AT LAKE IDA ROAD AND NORTH SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach ("City") 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, in passing Ordinance No. 19-19, the City Commission adopted the Always Delray Comprehensive Plan, including the City Land Use Map; and

WHEREAS, Cason United Methodist Church, Inc. ("Owner") is the owner of 342 North Swinton Avenue ("Property"), which measures approximately 2.83 acres and is located generally on the southwest corner of the intersection of Lade Ida Road and North Swinton Avenue, as more particularly described in Exhibit "A," Legal Description; and

WHEREAS, Owner designated Marcela Cambler and Associates, Inc. ("Applicant") to act as its agent; and

WHEREAS, the Property has a Land Use Map Designation of Community Facilities; and

WHEREAS, Applicant requested a Land Use Map amendment redesignating the Property to Low Density, as depicted in Exhibit "B", Proposed Land Use; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on November 14, 2022 and voted _ to _ to recommend that the 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 held all duly required public hearings prior to submission of the proposed amendment of the plan to the State Land Planning Agency of the Florida Department of Economic Opportunity (DEO), in accordance with Chapter 163.3184, *Florida Statutes*, for a small scale comprehensive plan amendment; and

WHEREAS, the City Commission of the City of Delray Beach finds that Ordinance No. 39-22 is consistent with the Comprehensive Plan, 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 Low Density is hereby deemed the Land Use Map designation for the Property on the Land Use Map of the City of Delray Beach, Florida.

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, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Sections 163.3161 through 163.3248, Florida Statutes, inclusive, known as the “Community Planning Act.”

Section 3. The Land Use Map of the City of Delray Beach, Florida, be, and the same is hereby, amended to reflect a Land Use Map designation of Low Density (LD) for the Property described in Exhibit “A”, Legal Description, as shown in Exhibit “B”, Proposed Land Use.

Section 4. The 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 3 hereof.

Section 5. All ordinances or parts thereof in conflict 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 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.

Section 8. The City Clerk, or designee, is directed to send a certified copy of this Ordinance to Marcela Camblor and Associates, Inc. at 47 West Osceola Street, Ste. 203, Stuart, Florida, 34994.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT "A"
LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 41, SUBDIVISION OF BLOCK 41, OF DELRAY BEACH, FLORIDA, (FORMERLY TOWN OF LINTON), ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 65, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°09'16"E., ALONG THE SOUTH LINE OF SAID LOT 6 AND THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 185.42 FEET TO A POINT ON THE WEST LINE OF BLOCK 49, TOWN OF LINTON (NOW DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.1°34'25"E., ALONG SAID WEST LINE, A DISTANCE OF 27.07 FEET TO A POINT ON A LINE 25.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF SAID BLOCK 49; THENCE N.89°13'03"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 226.20 FEET; THENCE N.1°31'39"W., A DISTANCE OF 312.15 FEET TO A POINT ON A LINE 15.0 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID BLOCK 49 AND A POINT ON THE SOUTH RIGHT OF WAY LINE OF LAKE IDA ROAD; THENCE S.89°05'30"W., ALONG SAID PARALLEL LINE AND ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 411.82 FEET TO A POINT ON THE WEST LINE OF BLOCK 41 OF SAID SUBDIVISION OF BLOCK 41; THENCE S.1°33'55"E. ALONG SAID WEST LINE, A DISTANCE OF 284.38 FEET TO THE POINT OF BEGINNING.

EXHIBIT “B”

PROPOSED LAND USE

