

ORDINANCE NO. 05-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING FOURTEEN PARCELS OF LAND MEASURING APPROXIMATELY 17.03 ACRES, LOCATED ON GREENSWARD LANE, SOUTH OF HAMLET DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM OPEN SPACE TO LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL, 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 - Delray Beach, Florida" amendment; and

WHEREAS, in 2017, the City converted its mapping technology from AutoCAD to Geographic Information Systems (GIS) mapping technology; and

WHEREAS, prior to converting to GIS, the fourteen parcels measuring approximately 17.03 acres, as more particularly described in Exhibit "A", Legal Descriptions, as shown on Exhibit "B", Location Map, ("the Properties"), were designated Low Density Residential and Medium Density Residential; and

WHEREAS, the Properties were given a Land Use Map (LUM) designation of Open Space (OS) due to a 2017 data conversion error associated with the transition from AutoCAD to GIS; and

WHEREAS, the City prepared a LUM amendment for the fourteen parcels measuring approximately 17.03 acres, to correct said data conversion error by redesignating the subject properties back to Low Density Residential (LD) and Medium Density Residential (MD); 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 September 12, 2022, and voted 6-0 to recommend that the Land Use Map designation be changed for the property, 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

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 Florida Statutes 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 Land Use Map designations of Low Density Residential (LD) and Medium Density Residential (MD), for the properties described in Exhibit "A," Legal Description, as shown in Exhibit "B," Location Map, attached hereto and incorporated herein.

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 inconstant with the provisions of this Ordinance are hereby repealed.

Section 6. 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 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.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of ____
_____, 2023.

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

Parcel 1

COMMENCE at the Northwest corner of the S. 1/2, S.E. 1/4 of Section 13, Township 46 South, Range 42 East; thence run N. 89° 21' 09" E., along the North line of the S. 1/2, S.E. 1/4 of said Section 13, a distance of 670.51 feet to a point; thence run S. 00° 38' 51" E., a distance of 43.75 feet to a point of intersection with the Southerly R/W line of Atlantic Avenue (S.R. 806); thence run S. 00° 39' 50" E., a distance of 1352.02 feet to a point; thence run S. 01° 29' 43" E., a distance of 40.01 feet to a point; thence run N. 89° 27' 06" E., a distance of 425.20 feet to a point; thence run S. 34° 40' 16" W., a distance of 103.64 feet to a point; thence run S. 01° 32' 46" W., a distance of 145.86 feet to a point; thence run S. 31° 46' 06" W., a distance of 235.71 feet to a point; thence run S. 44° 58' 54" E., a distance of 112.49 feet to a point; thence run S. 17° 05' 14" E., a distance of 40.22 feet to a point; thence run S. 25° 37' 06" E., a distance of 50.00 feet to a point; thence run N. 64° 22' 54" E., a distance of 87.85 feet to a point; thence run S. 25° 37' 06" E., a distance of 50.00 feet to a point; said point being the Point of Beginning; thence run N. 64° 22' 54" E., a distance of 29.44 feet to a point; thence with a curve to the left having a radius of 350.00 feet, an arc length of 283.56 feet to a point; thence run S. 07° 00' 00" W., a distance of 111.87 feet to a point; thence run S. 01° 00' 00" W., a distance of 120.00 feet to a point; thence run S. 02° 44' 13" E., a distance of 235.00 feet to a point; thence run S. 05° 13' 58" W., a distance of 252.44 feet to a point; thence run S. 16° 14' 32" E., a distance of 30.86 feet to a point; thence run S. 82° 19' 12" W., a distance of 215.53 feet to a point; thence run N. 03° 24' 51" E., a distance of 90.51 feet to a point; thence with a curve to the right having a radius of 475.00 feet, an arc length of 87.33 feet to a point; thence run N. 13° 56' S2" E., a distance of 113.01 feet to a point; thence with a curve to the left having a radius of 425.00 feet, an arc length of 274.56 feet, more or less to the Point of Beginning.

Plus the following described property:

The part of the Northeast ¼ of Section 24, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of the Northeast ¼ of Section 24, Township 46 South, Range 42 East; thence run South 89° 26' 58" W, along the North line of said Northeast 1/4 , a distance of 1203.55 feet to a Point of Intersection with the Easterly Right-of-Way line of HAMLET DRIVE; thence run in a Southwesterly direction, along said Right-of-Way line, bearing to the Right an arc distance of 62.74 feet to a Point of Tangency, said curve having for its elements a radius of 622.96 feet, a central angle of 5° 46' 12" and a radial bearing from the center of said curve of South 73° 09' 01" East; thence run South 22° 37' 12" West a distance of 123.39 feet to a point of curvature of a circular curve bearing to the left, having a radius of 768.51 feet and a central angel of 9° 54' 53"; thence run along the arc of said curve a distance of 132.99 feet to a Point of Tangency; thence run South 12° 42' 19" West a distance of 85.50 feet to a Point of curvature of a circular curve bearing to the Right, having a radius of 350.00 feet and a central angle of 51° 40' 43"; thence run along the arc of said curve a distance of 315.69 feet to a Point of Tangency; thence run South 64° 23' 01" West a

distance of 130.74 feet to a Point of Intersection with the arc of a circular curve bearing to the Right in a Southeasterly direction, having a radius of 470.00 feet and a central angle of 29° 13' 47", the last six described courses being coincident with the Easterly and Southeasterly Right-of-Way lines of HAMLET DRIVE; thence run along the arc of said curve a distance of 239.77 feet; thence run South 5° 44' 44" West a distance of 145.40 feet; thence run South 1° 22' 41" West a distance of 278.32 feet to a Point of Intersection with the arc of a circular curve bearing to the left in a Southwesterly direction, having a radius of 345.00 feet and a central angle of 28° 51' 20"; thence run along the arc of a said curve a distance of 174.45 feet to a Point of Tangency; thence run South 40° 15' 39" East a distance of 23.64 feet to a Point of Curvature of a circular curve bearing to the Right, having a radius of 1175.00 feet and a central angle of 11° 36' 38"; thence run along the arc of said curve a distance of 238.11 feet to a Point of Tangency; thence run South 28° 39' 01" East a distance of 107.52 feet to a Point of Curvature of a circular curve bearing to the left having a radius of 385.00 feet and a central angle of 11° 26' 49"; thence run along the arc of said curve a distance of 76.92 feet to the POINT OR PLACE OF BEGINNING of the Parcel herein-after described, said Point having a radial bearing of South 49° 54' 18" West from the center of said curve; thence continuing along the aforesaid curve an arc distance of 12.40 feet to a point; thence with a bearing of South 33° 44' 24" West, a distance of 32.82 feet to a point; thence with a bearing of South 14° 54' 34" West, a distance of 17.05 feet to a point; thence with a bearing of South 27° 41' 14" West, a distance of 17.20 feet to a point; thence with a bearing of South 69° 14' 08" West a distance of 30.50 feet to a point; thence with a bearing of South 13° 41' 29" West a distance of 15.78 feet to a point; thence with a bearing of South 7° 13' 11" West a distance of 47.48 feet to a point; thence with a bearing of North 0° 53' 18" East, a distance of 47.21 feet to a point; thence with a curve to a Right having a radius of 100.00 feet, an arc length of 85.55 feet to a point; thence with a bearing of North 49° 51' 10" East a distance of 34.71 feet more or less to the Point of Beginning.

Plus the following described property:

COMMENCE at the Northwest corner of the S. ½, S.E. ¼ of Section 13, Township 46 South, Range 42 East; thence run N. 89° 21' 9" E. along the North line of the S. ½, S.E. ¼ of said Section 13, a distance of 670.51 feet to a point; thence run S. 0° 38' 51" E. a distance of 43.75 feet to a point of intersection with the Southerly R/W line of Atlantic Avenue (S.R. 806); thence run S. 0° 39' 50" E. a distance of 1352.02 feet to a point; thence run S. 1° 29' 43" E. a distance of 40.01 feet to a point; thence run N. 89° 27' 06" E. a distance of 425.20 feet to a point; thence run S. 34° 40' 16" W. a distance of 103.64 feet to a point; thence run S. 1° 32' 46" W. a distance of 145.86 feet to a point; thence run S. 31° 46' 06" W. a distance of 235.71 feet to a point; thence run S. 44° 58' 54" E. a distance of 112.49 feet to a point; thence run S. 17° 05' 14" E. a distance of 40.22 feet to a point; thence run S. 25° 37' 06" E. a distance of 50.00 feet to a point; thence run N. 64° 22' 54" E. a distance of 87.85 feet to a point; thence run S. 25° 37' 06" E. a distance of 50.00 feet to a point; said point being the Point of Beginning; thence run N. 64° 22' 54" E. a distance of 29.44 feet to a point; thence with a curve to the left having a radius of 350.00 feet, an arc length of 283.56 feet to a point; thence run S. 7° 00' 00" W. a distance of 111.87 feet to a point; thence run S. 1° 00' 00" W. a distance of 120.00 feet to a point; thence run S. 2° 44' 13" E. a distance of 235.00 feet to a point; thence run S. 5° 13' 58" W. a distance of 252.44 feet to a point; thence run S. 16° 14' 32" E. a distance of 30.86 feet to a point; thence run S. 82° 19' 12" W. a distance of 215.53 feet to a point; thence run N. 3° 24' 51" E. a distance of 90.51 feet to a point; thence with a curve to the right having a radius of 475.00 feet, an arc length of 87.33 feet to a point; thence

run N. 13° 56' 52" E. a distance of 113.01 feet to a point; thence with a curve to the left having a radius of 425.00 feet, an arc length of 274.56 feet, more or less to the Point of Beginning.

Containing 2.614 acres more or less.

Parcel 2

Lot 1, The Estates IV, according to the map or plat thereof, as recorded in Plat Book 47, Page (s) 76, of the Public Records of Palm Beach County, Florida.

575 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-17-000-0010

Parcel 3

Lot 2, The Estates IV, according to the map or plat thereof, as recorded in Plat Book 47, Page (s) 76, of the Public Records of Palm Beach County, Florida.

595 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-17-000-0020

Parcel 4

Lot 1 of THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

615 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0010

Parcel 5

Lot 2, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

635 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0020

Parcel 6

Lot 3, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

655 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0030

Parcel 7

Lot 4, The ENCLAVE AT THE HAMLET, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 73, Page 187; Said Land situate, Lying and being in Palm Beach County, Florida.

675 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0040

Parcel 8

Lot 5, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

695 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0050

Parcel 9

Lot 6, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

715 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0060

Parcel 10

Lot 7, The Enclave at the Hamlet, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

735 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0070

Parcel 11

Lot 8, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

755 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0080

Parcel 12

Lot 9, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

775 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0090

Parcel 13

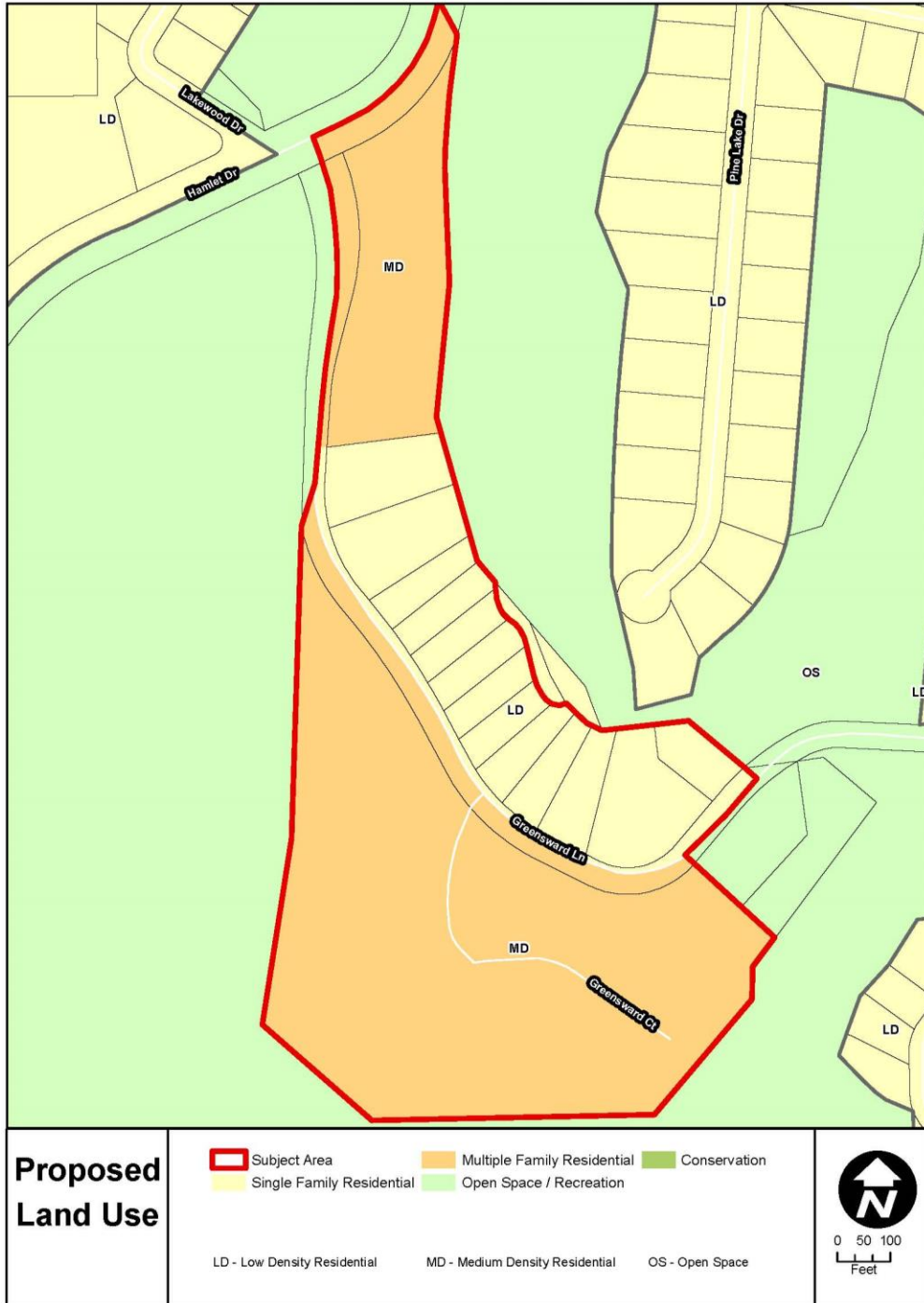
Lot 8, The Estates IV, according to the map or plat thereof, as recorded in Plat Book 47, Page (s) 76, of the Public Records of Palm Beach County, Florida.

885 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-17-000-0080

Parcel 14

Tract X of THE ESTATES IV, according to the plat thereof as recorded in Plat Book 47, Page 76, of the Public Records of Palm Beach County, Florida.

EXHIBIT "B" LOCATION MAP



Date: 9/1/2022

Document Path: S:\Planning & Zoning\DBMS\GIS\GIS Projects\2022\03_Map Requests\2022_LU_Map_Corrections\01_Mxd\401-901_Greensward_Lane.mxd