

ORDINANCE NO. 33-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 9.34 ACRES LOCATED SOUTH OF SHERWOOD BOULEVARD AND EAST OF SOUTH MILITARY TRAIL AT 3900 SHERWOOD BOULEVARD, FROM SINGLE FAMILY RESIDENTIAL (R-1-AA) AND COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-A), 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, TOLL SOUTHEAST LP COMPANY, INC., is the owner of 3900 Sherwood Boulevard (“Property”), located south of Sherwood Boulevard and east of South Military Trail, which measures approximately 9.34 acres, as more particularly described in Exhibit “A,” Sketch and Legal Description; and

WHEREAS, the Property is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as being zoned Single Family Residential (R-1-AA) and Community Facilities (CF) District; and

WHEREAS, the Owner authorized Edwin C. Muller III, AICP, CNU-A, CS (the “Agent”) to submit an application for a rezoning of the Property (“Property”) to Single Family Residential (R-1-A), as shown in Exhibit “B,” Proposed Zoning; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), 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 October 21, 2024 and voted 5 to 0 to recommend that the Property hereinafter described be rezoned to Single Family Residential (R-1-A), 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, the City Commission considered the rezoning request and has considered the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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. 33-24 is consistent with the Comprehensive Plan, meets the Criteria set forth in the Land Development Regulations, and the designation of Single-Family Residential District (R-1-A) is appropriate for the Property and in the best interest of the City; and

Section 3. The Zoning District Map of the City of Delray Beach is amended to reflect a zoning classification change from Community Facilities (CF) and Single Family Residential (R-1-AA) to Single-Family Residential (R-1-A) for the Property, as shown on the map in Exhibit “C”.

Section 4. The City of Delray Beach Zoning Map, 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 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. 32-24, amending the Land Use Map, 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 \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Alexis Givings, Interim City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

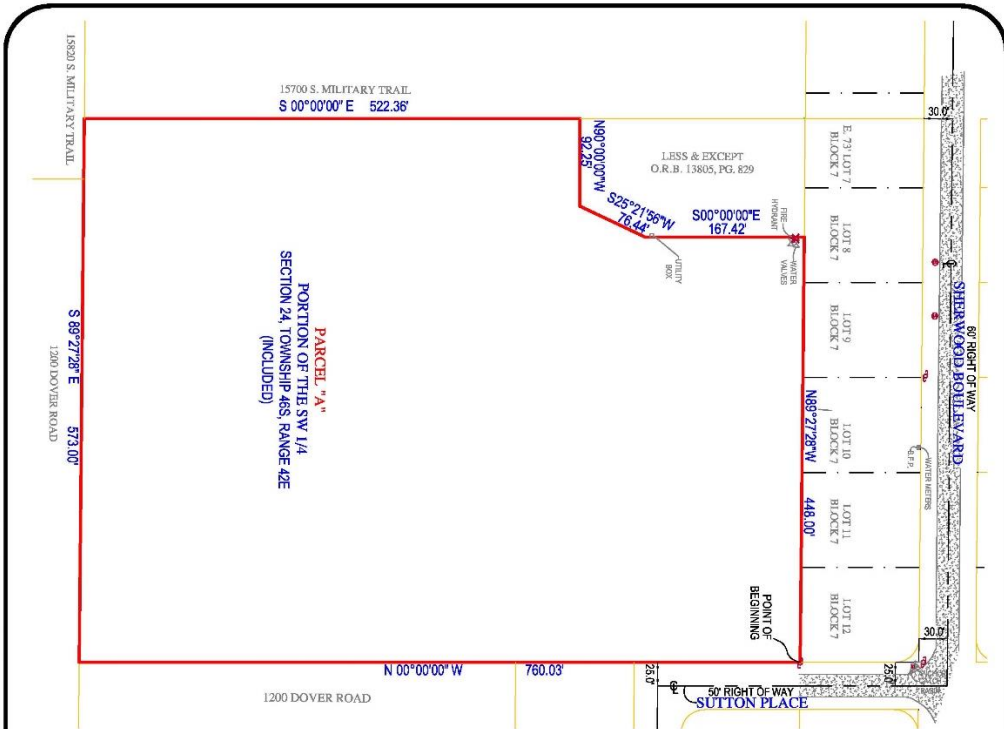
\_\_\_\_\_  
Lynn Gelin, City Attorney

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

# EXHIBIT "A"

## SKETCH AND LEGAL DESCRIPTION



**LEGAL DESCRIPTION: (PARCEL "A")**  
 A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 42 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 12, BLOCK 7, OF PLAT OF BLOCKS 7, 8, 9 AND 10 OF SHERWOOD PARK, ACCORDING TO THE PLAT THEREON RECORDED IN PLAT BOOK 271, PAGE 61, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°27'28" WEST, ALONG THE SOUTHWEST CORNER OF SAID BLOCK 7, A DISTANCE OF 448.00 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED 1986; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 61.42 FEET; THENCE SOUTH 28°21'56" WEST, A DISTANCE OF 78.44 FEET; THENCE NORTH 89°00'00" WEST, A DISTANCE OF 82.28 FEET TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1986; THENCE SOUTH 89°27'28" WEST, A DISTANCE OF 822.96 FEET TO A POINT; THENCE SOUTH 89°27'28" EAST, A DISTANCE OF 573.00 FEET TO A POINT; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 780.03 FEET TO THE POINT OF BEGINNING.

**NOTES:**  
 1. THIS IS NOT A SURVEY.  
 2. LEGAL DESCRIPTION CREATED FOR LOT SPLIT.  
 3. ALL DISTANCES AND BEARINGS ARE APPROXIMATE.  
 4. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY.  
 5. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORDED AND MEASURED UNLESS OTHERWISE NOTED.  
 6. SOIL FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.  
 7. SURVEY BEGINS AT A POINT ON THE NORTH LINE, HAVING A BEARING OF N89°27'28" W.

**LEGEND**

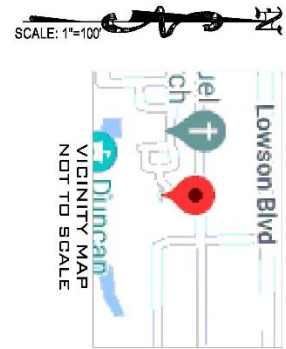
|        |                       |
|--------|-----------------------|
| A.C.   | AIR CONDITIONER       |
| B.F.P. | BACKFLOW PREVENTER    |
| E.L.   | ELEVATION             |
| E.P.   | EXISTING              |
| I.D.   | IDENTIFICATION        |
| L      | LENGTH                |
| M      | MEASURED              |
| O.R.B. | OFFICIAL RECORDS BOOK |
| P.G.   | PAGE                  |
| P.B.   | PLAT BOOK             |
| C.L.   | CENTERLINE            |
| U.P.   | UTILITY POLE          |
| S.M.H. | SEWER MANHOLE         |
| C      | CONCRETE              |
| G.L.F. | CHAIN LINK FENCE      |

**REVISIONS:**  
 1. IMPROVEMENTS TURNED OFF: 01-10-2023

**PROPERTY INFORMATION:**  
 Food Zone: X  
 Community Number: 125102  
 Parcel: 12096C0978  
 Sulfic F  
 Base Flood Elevation: N/A  
 FRM Date: 10/05/2017  
 FRM Effect/Rev Date: 10/05/2017

**CERTIFICATION:**  
 THIS IS TO CERTIFY THAT THE SKETCH OR DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE REQUIREMENTS OF THE SURVEYING AND MAPPING ACT, CHAPTER 461, F.S., AND THE PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 461.07, F.S. I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF FLORIDA.  
 ADMINISTRATIVE CODE: PURSUANT TO SECTION 46207, F.S. I, KENNETH OSBORNE, A LICENSED PROFESSIONAL SURVEYOR, HAVE REVIEWED AND APPROVED THIS SKETCH AND LEGAL DESCRIPTION.  
 Digitally signed by Kenneth Osborne  
 Date: 2023.01.11 11:17:26 -05'00'

**Osborne**  
 KENNETH I. OSBORNE  
 PROFESSIONAL SURVEYOR AND MAPPER #6415



6250 N. MILITARY TRAIL SUITE 102  
 WEST PALM BEACH, FL 33407  
 www.compassurveying.net

**COMPASS SURVEYING**

L.B. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

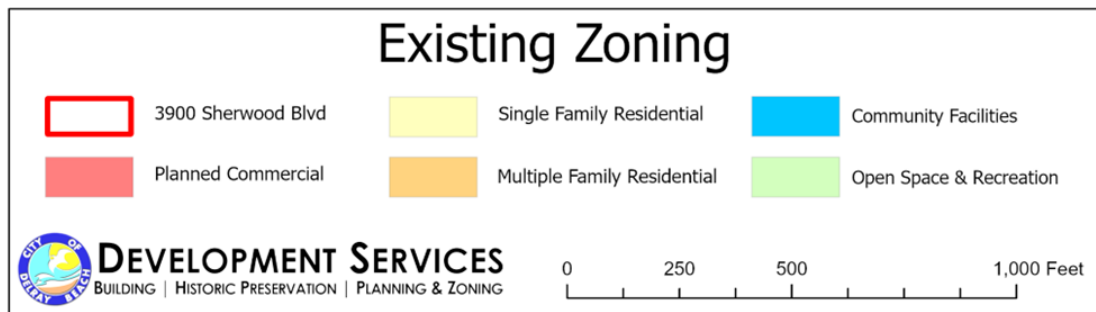
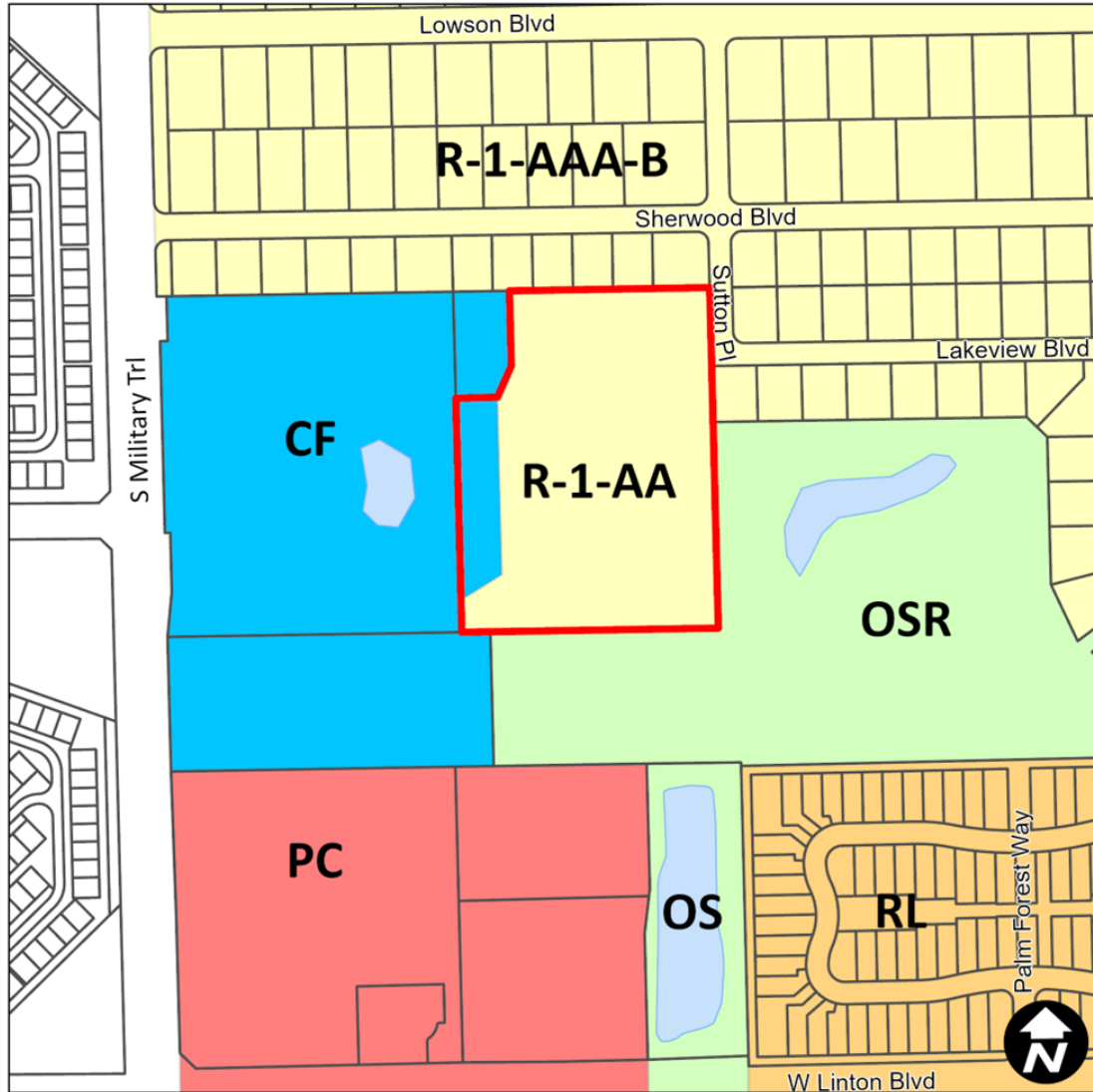
SPECIFIC PURPOSE DESCRIPTION AND SKETCH  
 FOR THE PURPOSE OF A LOT SPLIT OF  
**3900 SHERWOOD BOULEVARD**  
 DELRAY BEACH, FL 33445

PREPARED FOR  
**TL MANAGEMENT**

Scale: 1" = 100'

Case No: 2023-0012  
 Date: 01-10-2023  
 1 of 1

**EXHIBIT "B"  
EXISTING ZONING**



**EXHIBIT "C"  
PROPOSED ZONING**

