

ORDINANCE NO. 31-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY (RM) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 36 SOUTHWEST 6TH AVENUE, 40 SOUTHWEST 6TH AVENUE, 46 SOUTHWEST 6TH AVENUE, 48 SOUTHWEST 6TH AVENUE, 49 SOUTHWEST 7TH AVENUE, 41 SOUTHWEST 7TH AVENUE, AND 37 SOUTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT AND REGULATING MAPS IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the property hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Multiple Family Residential - Medium Density (RM) District; and

WHEREAS, the Delray Beach CRA, is the fee simple owner of 36 Southwest 6th Avenue, 46 Southwest 6th Avenue, 48 Southwest 6th Avenue, and 37 Southwest 7th Avenue, which measures approximately 0.6276 acres± and is located south of West Atlantic Avenue and between SW 6th Avenue and SW 7th Avenue; and

WHEREAS, BH3 Management, LLC, on behalf of the Delray Beach Community Redevelopment Agency, requested rezoning from Multiple Family Residential – Medium Density (RM) to Central Business District (CBD) for these parcels; and

WHEREAS, the property owners of a 0.1726 acre± parcel at 41 Southwest 7th Avenue and a 0.1569 acre± parcel at 40 Southwest 6th Avenue have also requested re-designating the Future Land Use Map Medium Density (MD) to Commercial Core (CC) for these parcels; and

WHEREAS, the property owner of a 0.6276 acre± parcel at 49 Southwest 7th Avenue has been notified of the proposed re-designation of their property; and

WHEREAS, a Comprehensive Plan designation of Commercial Core was simultaneously requested for said parcels, and approved by the City of Delray Beach on November 5, 2019; and

WHEREAS, re-designation of the City of Delray Beach Zoning map of said land from City of

Delray Beach Multiple Family Residential - Medium Density (RM) District to City of Delray Beach Central Business District (CBD) was simultaneously requested; 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 August 19, 2019 and voted **xx-xx** to recommend that the property hereinafter described be rezoned to City of Delray Beach Central Business District (CBD), 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, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, is amended to reflect the revised zoning classification; and

WHEREAS, it is appropriate that the West Atlantic Neighborhood Sub-district and Regulating Plan maps in Section 4.4.13 of the Land Development Regulations are amended to be consistent with 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 Zoning District Map of the City of Delray Beach, Florida, be, and the same is hereby amended to reflect a zoning classification of Central Business (CBD) District, within the West Atlantic Neighborhood Sub-district, for the properties described in Exhibit A:

Section 3. The City of Delray Beach Zoning Map and the West Atlantic Neighborhood Sub-district Map and Regulating Plan as shown in Figure 4.4.13-3 and Figure 4.4.13- 6 in Section 4.4.13 Central Business (CBD) District of the Land Development Regulations, as shown in Exhibit B, shall, upon the effective date of this ordinance, be amended to conform with the provisions of Section 2 hereof.

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 5. 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. This ordinance shall become effective only after the effective date of Ordinance No. 30-19, and upon approval at second reading. No development orders, 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.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT A

36 SOUTHWEST 6TH AVENUE (PCN 12-43-46-16-01-013-0170)

A parcel of land in Block 13, Map of the Town of Linton (now Delray), according to the map or plat thereof, as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing 150 North from the Southeast comer of Block 13 for a Point of Beginning; thence West 135 feet, thence North 50 feet, thence East 135 feet; thence South 50 feet to the point of beginning.

And

40 SOUTHWEST 6TH AVENUE (PCN 12-43-46-16-01-013-0180)

North 50 feet of South 150 feet of East 135 feet of Block 13, TOWN OF DELRAY, according to the Plat thereof, as recorded in Plat Book 1, Page 3 of the Public Records in Palm Beach County, Florida.

And

46 SOUTHWEST 6TH AVENUE (PCN 12-43-46-16-01-013-0190)

The North 50 feet of the South 100 feet of the East 135 feet, Block 13, Town of Linton (Now known as Delray Beach), according to the map of the plat thereof, as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida.

And

48 SOUTHWEST 6TH AVENUE (PCN 12-43-46-16-01-013-0200)

Commencing at the Southeast comer of Block 13 for a point of beginning; Thence North 50 feet; thence West 135 feet; thence South 50 feet; thence East 135 feet to the point of beginning in Delray Beach, Florida, according to the Plat thereof, recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida.

And

49 SOUTHWEST 7TH AVENUE (PCN 12-43-46-16-01-013-0210)

South sixty-four (64') feet of the West 135 feet of Block 13, Delray Beach, Florida according to the Plat thereof recorded in Plat Book 1, page 3 of the Public Records of Palm Beach County.

And

41 SOUTHWEST 7TH AVENUE (PCN 12-43-46-16-01-013-0070)

Town of Delray South 55 feet of North 540 feet of West 135 feet of Block 13.

And

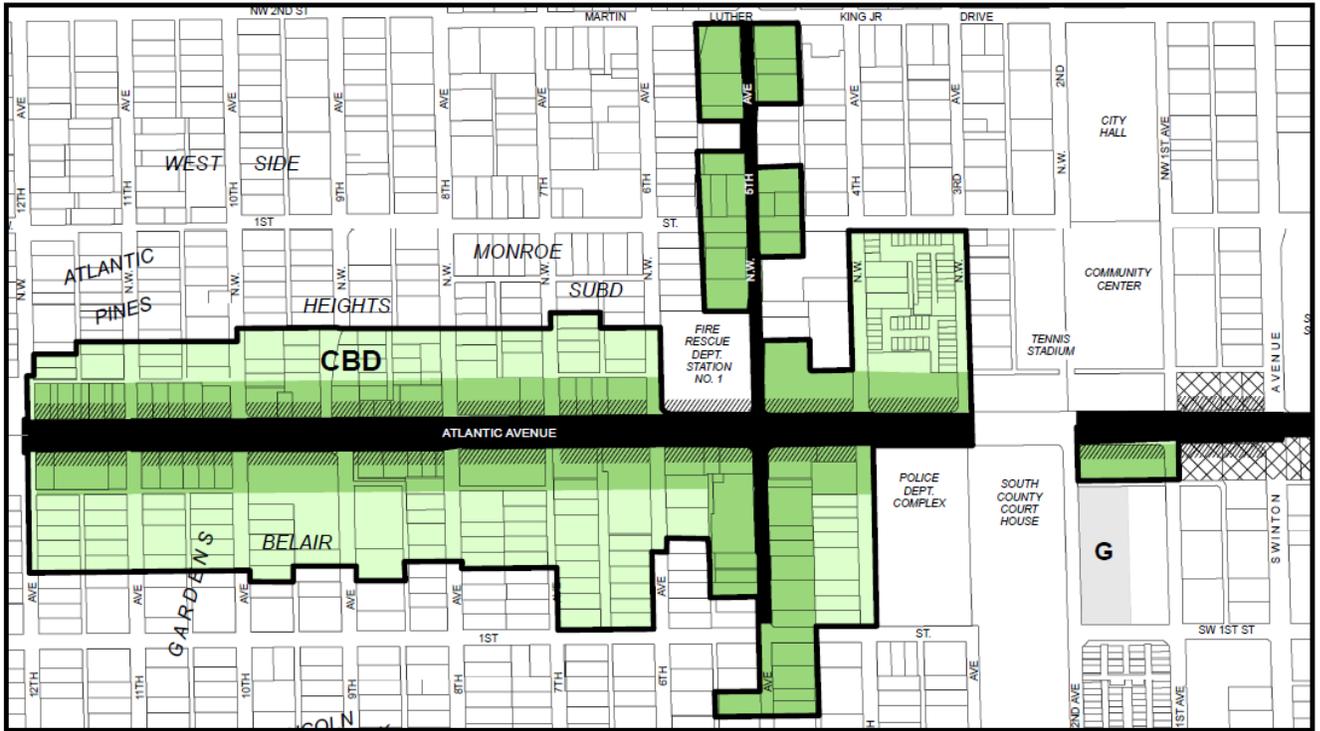
37 SOUTHWEST 7TH AVENUE (PCN 12-43-46-16-01-013-0060)

Commencing four hundred thirty five (435) feet South from the Northwest comer of Block thirteen (13) being in Delray Beach, formerly Town of Linton, according to the Plat now on file in the office of the Clerk of the Circuit Court recorded in Plat Book 1, Page 3, in and for Palm Beach County, Florida. For a point beginning, thence East one hundred thirty-five (135) feet, thence South fifty (50) feet, thence West one hundred thirty-five (135) feet, thence North fifty (50) feet to the point of beginning.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 1.1586 acres, more or less.

EXHIBIT B

Figure 4.4.13-6 West Atlantic Neighborhood Sub-district Regulating Plan



Legend

-  CBD ZONING
-  WEST ATLANTIC NEIGHBORHOOD
-  WEST ATLANTIC NEIGHBORHOOD COMMERCIAL AREA
-  REQUIRED RETAIL FRONTAGE
-  PRIMARY STREETS
-  PUBLIC PARKING GARAGE
-  OSSHAD ZONING WITH CBD OVERLAY