

ORDINANCE NO. 17-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-AA), 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, 200 SE 7th Avenue, LLC, is the fee simple owner of a parcel of land that measures approximately 0.5021 acres, located at 200 SE 7th Avenue (the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Owner authorized Jeffrey A. Costello (the “Applicant”) to act as its agent; and

WHEREAS, the Property is shown on the City of Delray Beach (the “City”) Zoning Map, dated July 6, 2021, as being zoned Community Facilities; and

WHEREAS, the Applicant requested a rezoning of the Property to Single Family Residential (R-1-AA), as depicted in Exhibit “B”; and

WHEREAS, pursuant to Land Development Regulations (LDR) Section 2.1.9(E)(13), the Historic Preservation Board for the City considered this item at a public hearing on May 1, 2024, and voted 7 to 0 to recommend to the Planning and Zoning Board that the Property not be rezoned to Single Family Residential (R-1-AA) District, finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations, and is not in the best interest of the City; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City, sitting as the Local Planning Agency, considered this item at a public hearing on May 20, 2024, and voted 3 to 2 to recommend to the City Commission that the Property be rezoned to Single Family Residential (R-1-AA) District, 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. 17-24 is consistent with the Comprehensive Plan, meets the Criteria set forth in the Land Development Regulations, and the designation of Single Family Residential (R-1-AA) District is appropriate for the Property and in the best interest of the City.

Section 3. The Zoning District Map of the City of Delray Beach, Florida, upon the effective date of this Ordinance, be, and the same is hereby, amended to reflect a zoning classification of Single Family Residential (R-1-AA) District for the property described in Exhibit “A” as shown in Exhibit “B”, attached hereto and incorporated herein.

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 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. 16-24, amending the Land Use Map designation for the Property. 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:

Katerri Johnson, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____