

ORDINANCE NO. 31-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR A PARCEL OF LAND LOCATED AT 170 SHERWOOD FOREST DRIVE, WHICH MEASURES APPROXIMATELY 37.31± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM OPEN SPACE (OS) TO LOW DENSITY (LD), 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. 82-89, the City Commission adopted the "Comprehensive Plan - Delray Beach, Florida"; and

WHEREAS, Sherwood Park Golf Club Inc is the fee simple owner of 170 Sherwood Forest Drive (the "Property"), which measures approximately 37.31 acres ± and is located south of West Atlantic Avenue and west of South Military Trail, and has authorized the Pulte Group LLC (the "Applicant") to submit the request for Land Use Map Amendment; and

WHEREAS, the Property described above (is more particularly described in Exhibit "A", Legal Description, and Exhibit "B", Proposed Land Use, have a Land Use Map designation of Open Space (OS); and

WHEREAS, Pulte Group LLC, acting as the applicant, requested a map amendment from Open Space (OS) to Low Density (LD); and

WHEREAS, the City Planned Residential Development (PRD) zoning is more appropriate for the Property; and

WHEREAS, Planned Residential Development (PRD) zoning is not a preferred or compatible implementing zoning district in the Open Space (OS) land use designation, the City has determined that Low Density (LD) is the most appropriate land use; and

WHEREAS, the City held all duly required public hearings; both 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, 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 20, 2021, and voted ___ to ___ to recommend that the Land Use Map designation be changed for the Properties 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 Commission of the City of Delray Beach finds that Ordinance No. 31-21 is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City; and

WHEREAS, it is appropriate that Low Density (LD) is hereby deemed the Land Use Map designation 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 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 a Land Use Map designation of Low Density (LD) for the Properties described in Exhibit "A", Legal Description, and shown on the map 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 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 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 _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

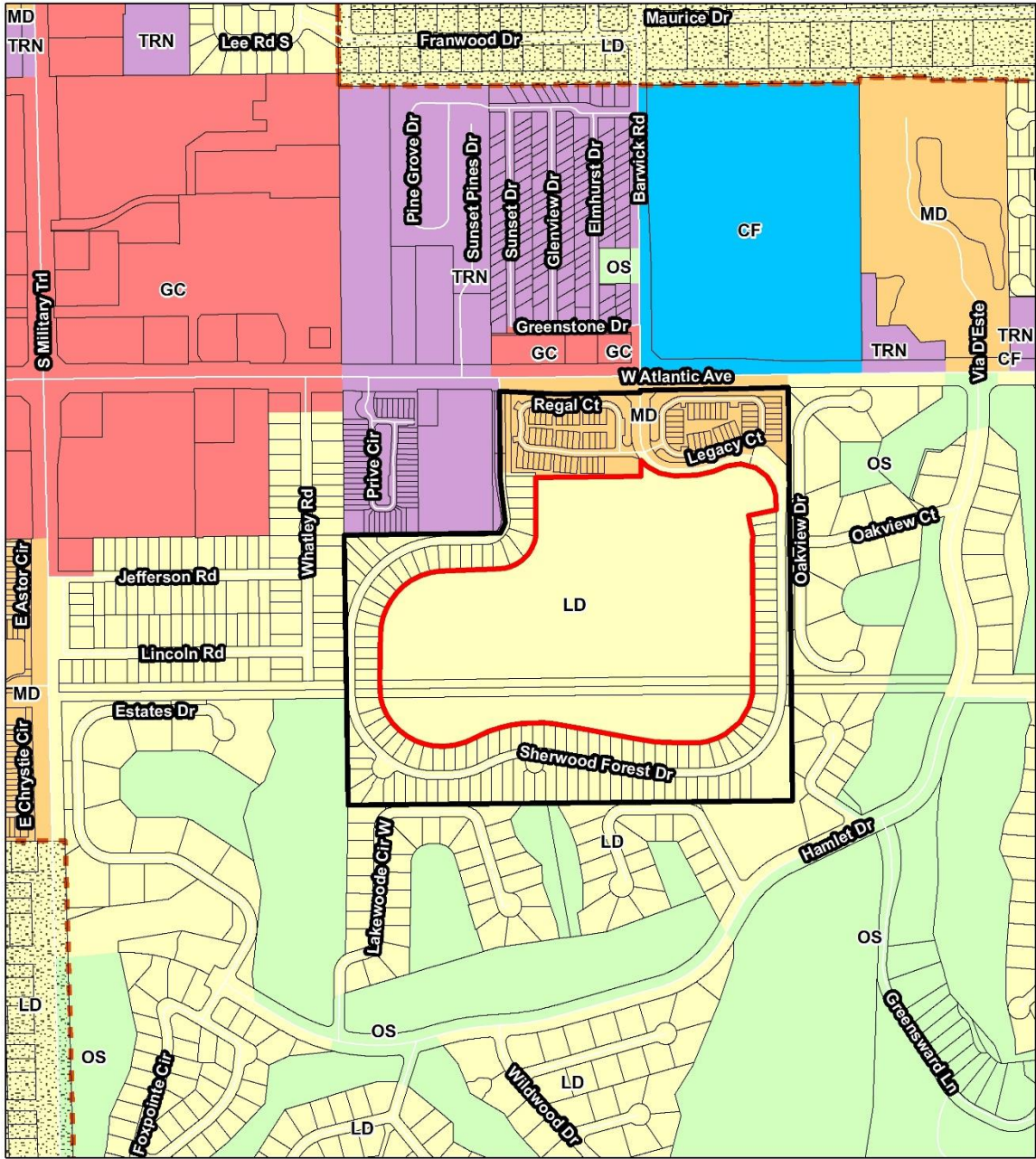
EXHIBIT "A"
LEGAL DESCRIPTION

TRACTS G-3 AND G-4, SHERWOOD FOREST PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 163 THROUGH 168, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING G-3 AREA: 1,327,945 SQ. FT. OR 30.485± ACRES

CONTAINING G-4 AREA: 298,300 SQ. FT. OR 6.848 ± ACRES

EXHIBIT "B" PROPOSED LAND USE



Proposed Land Use	<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <ul style="list-style-type: none"> Subject Property Master Development Area Future Annexation Area Municipal City Limits </div> <div style="width: 30%;"> <ul style="list-style-type: none"> Single Family Residential Multiple Family Residential Commercial Mixed Use </div> <div style="width: 30%;"> <ul style="list-style-type: none"> Open Space / Recreation Conservation Institutional </div> </div>	 <div style="display: flex; justify-content: center; align-items: center;"> 0 200 400 </div> <div style="text-align: center; border-top: 1px solid black; width: 50px; margin: 0 auto;">Feet</div>
	<p>CF - Community Facility GC - General Commercial</p> <p>LD - Low Density, 0-5 DU / Acre MD - Medium Density, 5-12 DU / Acre</p> <p>OS - Open Space TRN - Transitional</p> <p><small>*Numerical Suffix Denotes Maximum Allowable Density</small></p>	

Date: 4/6/2021

Document Path: S:\Planning & Zoning\BMS\GIS\GIS Projects\2021\03_Map_Requests\2021_0309_170_Sherwood_Forest_Bld\01_Mxds\Sherwood_Land_Use.mxd

