

ORDINANCE NO. 24-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A 1.07 ACRE PORTION OF A PARCEL OF LAND LOCATED AT 3900 SHERWOOD BOULEVARD, SOUTH OF SHERWOOD BOULEVARD AND EAST OF SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM LOW DENSITY RESIDENTIAL TO COMMUNITY FACILITIES, 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, including the City Land Use Map; and

WHEREAS, 3900 SHERWOOD BLVD LLC, 3900 SHERWOOD RE LLC, and SD HOLDCO LLC (“Owners”) are the owners of 3900 Sherwood Boulevard (“Property”), which measures approximately 10.97 acres and is located south of Sherwood Boulevard and east of South Military Trail, as more particularly described in Exhibit “A” - Legal Description; and

WHEREAS, the Property has a Land Use Map designation of Low Density Residential (LD); and

WHEREAS, the City identified an error on the adopted land use map, such that 1.07 acres of the Property (“Subject Area”) shown in Exhibit “B” – Proposed Land Use should be designated as Community Facilities (CF) pursuant to Ordinance No. 59-06 adopted March 20, 2007; and

WHEREAS, the City requests a small-scale Land Use Map amendment redesignating the Subject Area as Community Facilities (CF); 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 May 15, 2023 and voted ___ to ___ to recommend that the Land Use Map designation be changed for the Property 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 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

WHEREAS, the City Commission considered the Land Use Map amendment and has considered the respective findings as set forth in 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. 24-23 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.

Section 3. The City Commission of the City of Delray Beach hereby declares its intent to exercise the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the “Community Planning Act.”

Section 4. The Land Use Map of the City of Delray Beach be, and the same is hereby, amended to reflect a Land Use Map designation of Community Facilities (CF) for the Subject Area as shown in Exhibit “B”.

Section 5. The Land Use Map of the City of Delray Beach shall, upon the effective date of this Ordinance, be amended to conform to the provisions of Section 4 hereof.

Section 6. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. 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 8. 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, 3900 SHERWOOD BOULEVARD

The East 73 feet of Lot 7 and all of Lots 8, 9, 10, 11 and 12, Block 7, of Replat of Blocks 7, 8, 9 and 10 of SHERWOOD PARK, according to the Plat thereof recorded in Plat Book 27, Page 181, Public Records of Palm Beach County, Florida.

with

The East 573 feet of the West 1285 feet of the South 60 feet of the North 895 feet of the Southwest Quarter (SW $\frac{1}{4}$) of Section 24, Township 46 South, Range 42 East, Palm Beach County, Florida.

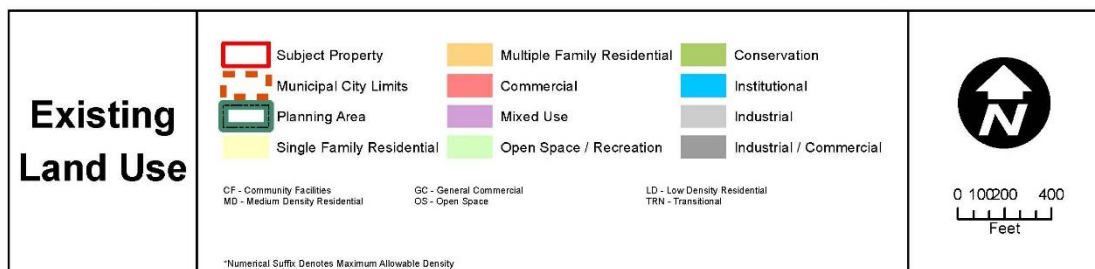
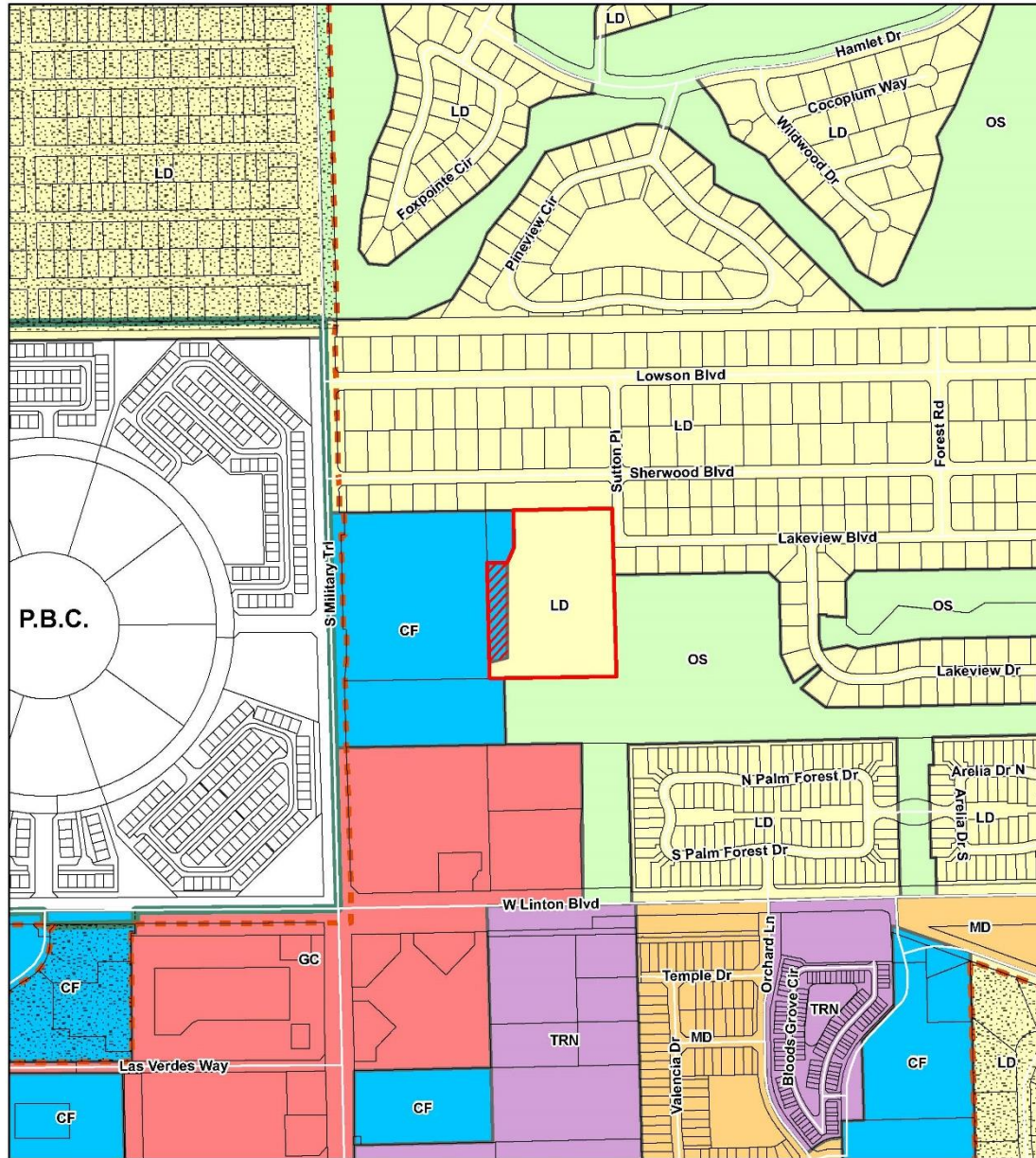
with

The East 573 feet of the West 1285 feet of the South 700 feet of the North 1595 feet of the Southwest Quarter (SW $\frac{1}{4}$) of Section 24, Township 46 South, Range 42 East, Palm Beach County, Florida.

LESS AND EXCEPT the parcel conveyed and described in the deed recorded in Official Records Book 13805, Page 829, Public Records of Palm Beach County, Florida.

EXHIBIT "B"

PROPOSED LAND USE



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