

ORDINANCE NO. 16-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND, MEASURING APPROXIMATELY 0.45 ACRES, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF OLD DIXIE HIGHWAY AND NORTHEAST 14TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM LOW DENSITY (LD) TO OPEN SPACE (OS), 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, on February 4, 2020, via Ordinance No. 19-19, the City Commission adopted the Always Delray Comprehensive Plan, including the City Land Use Map; and

WHEREAS, in 2017, the City converted its mapping technology from AutoCAD to Geographic Information Systems (GIS) mapping technology; and

WHEREAS, a parcel of land measuring approximately 0.45 acres, generally located southwest of the intersection of Old Dixie Highway and Northeast 14th Street, more particularly described in Exhibit "A" - Legal Description, are designated as Low Density (LD) on the Land Use Map; and

WHEREAS, the LD designation was given to the Properties in error during the data conversion from AutoCAD to GIS; and

WHEREAS, the City prepared a Land Use Map amendment for the Properties to correct the data conversion error, redesignating the Properties as Open Space (OS); 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 Ordinance No. 16-22 at a public hearing on May 16, 2022, and **voted x-x** 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 of the City of Delray Beach finds that Ordinance No. 16-22 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 Open Space (OS) 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 Open Space (OS) for the properties shown in **Exhibit "A" – Legal Description** and **Exhibit "B" – Proposed Land Use**, attached hereto and incorporated herein.

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 in conflict or inconstant 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 _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

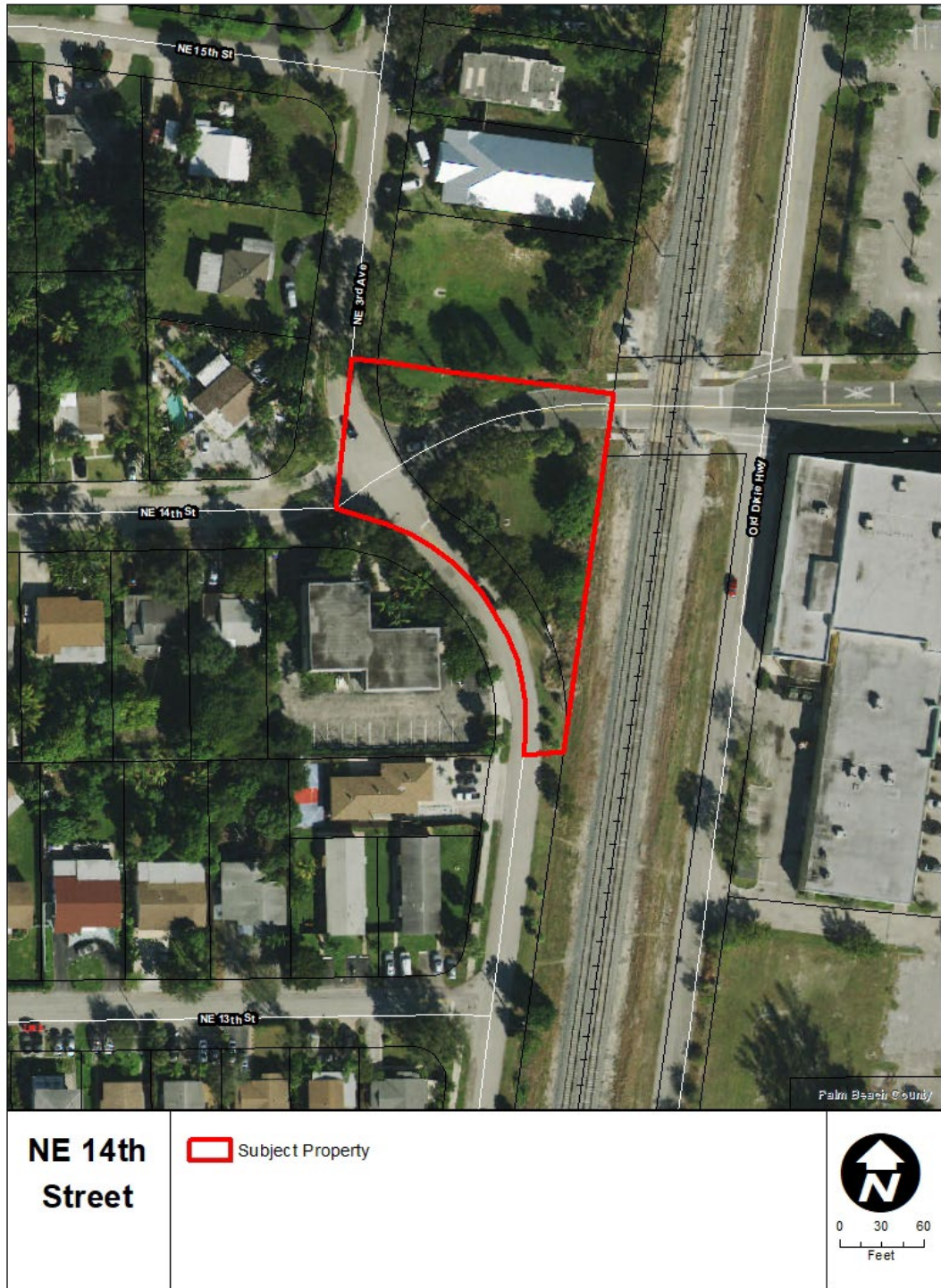
**EXHIBIT “A”
LEGAL DESCRIPTION**

NE 14TH Street – PCN 12-43-46-09-19-000-1161

A parcel of land in Section 9, Township 46, Range 43 East, described as follows:

Plumosa Park Section A, the portion of Lot 116 south of WLY EXT of north of the right of way of Lake Ave & all of lot 117

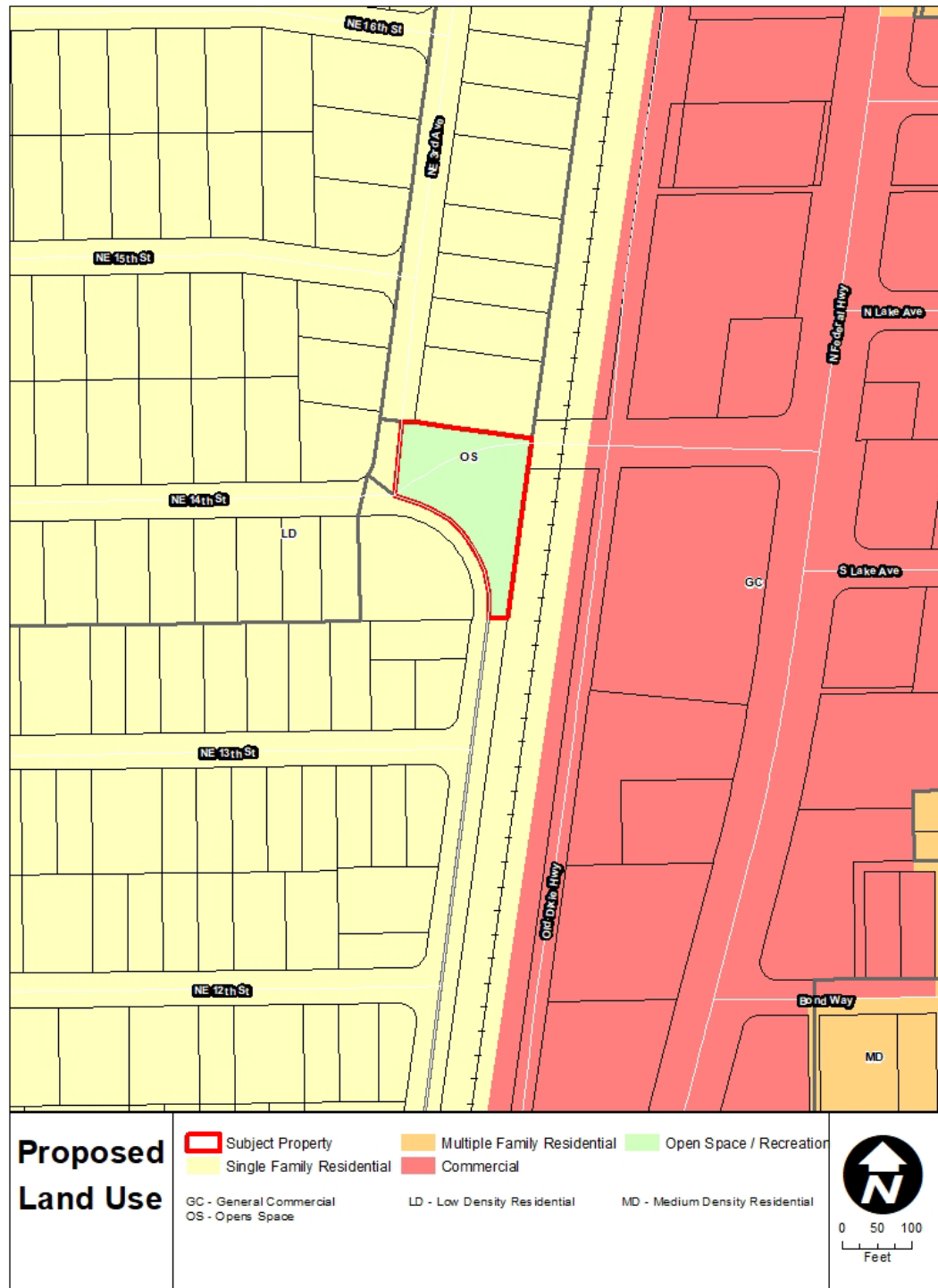
EXHIBIT "B" LOCATION MAP



Date: 5/5/2022

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EXHIBIT “C” PROPOSED LAND USE MAP



Date: 4/4/2022

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