

ORDINANCE NO. 05-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.433± ACRE IN SIZE FROM COMMUNITY FACILITIES (CF) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND SE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach 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, via Ordinance No. 82-89, the City Commission adopted the document entitled "Comprehensive Plan - Delray Beach, Florida"; and,

WHEREAS, Pierre Delray Two, LLC, is the fee-simple owner of a parcel of land which measures approximately 0.433 acres and is located on the southwest corner of East Atlantic Avenue and SE 3rd Avenue; and,

WHEREAS, the subject property hereinafter described has an existing Future Land Use Map (FLUM) designation of Community Facilities (CF); and,

WHEREAS, the owner of the property requested re-designating the Future Land Use Map from Community Facilities (CF) to Commercial Core (CC) for this parcel; and,

WHEREAS, at its meeting of December 17, 2018, the Planning and Zoning Board, sitting as Local Planning Agency, considered this item at a public hearing and voted 5 to 0 to recommend approval; and,

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the changes are consistent with and further the objectives and policies of the Comprehensive Plan; and,

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Board Staff Report; and,

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and,

WHEREAS, it is appropriate that the Commercial Core (CC) is hereby deemed the Future Land Use Map designation on the Future 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. That the recitations set forth above are incorporated herein.

Section 2. That the Future Land Use Map designation of the subject property is hereby officially designated as Commercial Core (CC).

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

Section 4. That the Future Land Use Map of the City of Delray Beach, Florida, be, and the same is hereby amended to reflect a Future Land Use Map (FLUM) designation of Commercial Core (CC) for the following described property:

All of the North one hundred ninety-nine feet (199') of Block 85, lying East of the Florida East Coast Railway right-of-way, in the City of Delray, Florida, according to a Plat of the Town of Linton, now Delray Beach, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 1, Page 3,

Less:

Lands conveyed to the City of Delray Beach, by Deed dated September 15, 1924 recorded in Deed Book 341, Page 241, of the Public Records of Palm Beach County, Florida;

Lands conveyed to the City of Delray Beach, by deed dated December 24, 1940 and recorded in Deed Book 621, Page 115, of the Public Records of Palm Beach County, Florida;

Lands conveyed to Thelma A. Priest and O. D. Priest, her husband, by deed dated October 26, 1940 and recorded in Deed Book 721, Page 568, Palm Beach County Public Records, except the North 1.25 feet of said lands conveyed to Priest and Wife.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.433 acres, more or less.

Section 5. That the Future 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 4 hereof.

Section 6. Repeal of Conflicting Ordinance. 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. That 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 the _____ day of _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

City Attorney