

ORDINANCE NO. 01-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED PLANNED OFFICE CENTER (POC) DISTRICT TO GENERAL COMMERCIAL (GC), LOCATED SOUTH OF WEST ATLANTIC AVENUE AND WEST OF SOUTH MILITARY TRAIL, AND WHICH MEASURES APPROXIMATELY 1.78± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "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, 5200 W Atlantic LLC is the fee simple owner of 5200 West Atlantic Avenue (the "Property"), which measures approximately 1.78 acres ± and is located south of West Atlantic Avenue and west of South Military Trail, and has authorized the Dunay, Miskel & Backman, LLP (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 shown in Exhibit "B," Proposed Zoning, are shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as being zoned Planned Office Center (POC) District; and,

WHEREAS, the Applicant has requested a rezoning of the property from Planned Office Center (POC) to General Commercial (GC); and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on December 13, 2021 and voted ___ to ___ to recommend that the Property hereinafter described be rezoned to General Commercial (GC), 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 of the City of Delray Beach finds that Ordinance No. 01-22 is consistent with the Comprehensive Plan, meets the Criteria set forth in the Land Development Regulations, and the designation of General Commercial (GC) is appropriate for the Property and in the best interest of the City; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification.

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 Zoning District Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a zoning classification of General Commercial (GC), for the property described in Exhibit “A” and shown in Exhibit “B.”

Section 3. The City of Delray Beach Zoning Map shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof.

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 5. 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 6. This ordinance shall become effective concurrent upon approval at second reading. 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 _____, 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

A PORTION OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY, ALONG THE WEST LINE OF THE AFORESAID $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 14, A DISTANCE OF 14.02 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE CONTINUE SOUTHERLY ALONG THE SAME COURSE, A DISTANCE OF 237 FEET; THENCE EASTERLY, MAKING AN ANGLE WITH THE PRECEEDING COURSE OF 89°35'40" MEASURED FROM NORTH TO EAST, A DISTANCE OF 334.47; THENCE NORTHERLY, MAKING AN ANGLE WITH THE PRECEEDING COURSE OF 90°23'28" MEASURED FROM WEST TO NORTH, A DISTANCE OF 237 FEET; THENCE WESTERLY A DISTANCE OF 334.41 FEET TO THE POINT OF BEGINNING AFOREDESCRIBED. LESS AND EXCEPT ANY RIGHT-OF-WAY FOR STATE ROAD 806 A/K/A W ATLANTIC AVE.

LESS AND EXCEPT THAT PORTION FOR ROAD RIGHT-OF-WAY AS CONTAINED IN RIGHT-OF-WAY DEED RECORDED JULY 28, 1982, IN OFFICIAL RECORDS BOOK 3766, PAGE 201, PUBLIC RECORDS OF PALM BEACH COUNTY,

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 76,195 SQUARE FEET (1.749 ACRES) MORE OR LESS.

EXHIBIT "B"
PROPOSED ZONING

