

ORDINANCE NO. 09-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 0.183 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R1) DISTRICT (“R1 DISTRICT”) TO COMMUNITY FACILITIES (CF) DISTRICT (“CF DISTRICT”) FOR A PARCEL LOCATED AT 620 LAKE IDA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “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, Community Child Care Center of Delray Beach Inc., (“Owner”) is the owner of the property located at 620 Lake Ida Road located on the south side of Lake Ida Road between NW 10th Avenue and NW 4th Street with a Parcel Control Number of 12-43-46-08-21-005-0030 (“the Property”); and

WHEREAS, the Property, measuring approximately 0.183 acres, as more particularly described in Exhibit “A”, Legal Description, and Exhibit “B”, Proposed Zoning, is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as zoned R1 District with a Land Use Map designation of Low Density; and

WHEREAS, the Owner designated David Schmidt of Simon and Schmidt, PA (“Applicant”) to act as its agent; and

WHEREAS, the Applicant requested a rezoning of the Property from R1 District to CF District; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on April 18, 2022 and voted 6 to 0 to recommend that the Property be rezoned to Community Facilities, finding that the request and approval thereof is consistent with the Comprehensive Plan, 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 the designation of Community Facilities zoning 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, upon the effective date of this Ordinance, be, and the same is, hereby amended to reflect a zoning classification of Community Facilities for the Property described in Exhibit “A”, Legal Description, as shown on the map in Exhibit “B”, Proposed Zoning, attached hereto and incorporated herein.

Section 3. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. 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 5. This Ordinance shall become effective 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

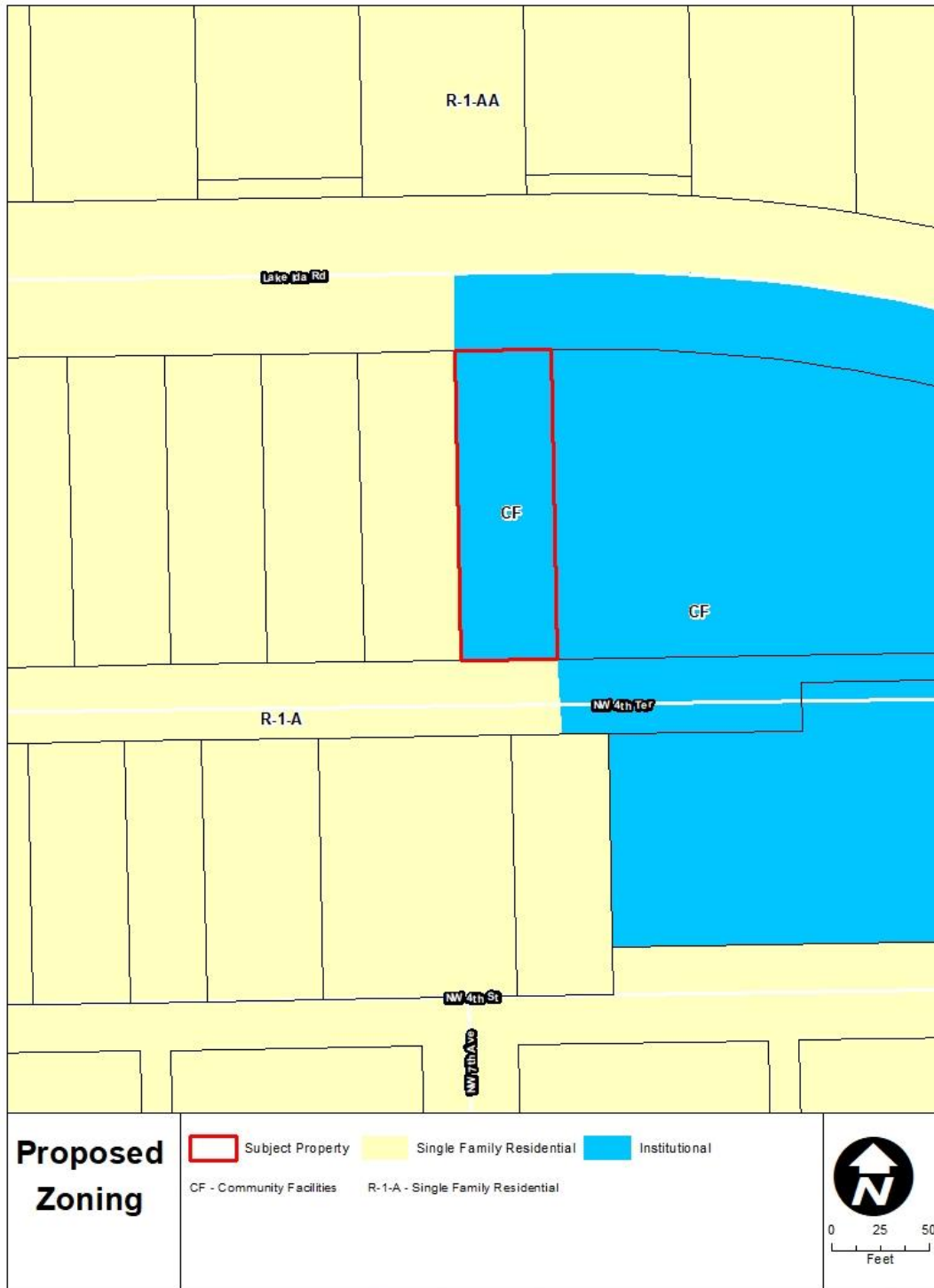
620 Lake Ida Road - PCN 12-43-46-08-21-005-0030

A parcel of land located in the east 50 feet of the west 375 feet of the north 160 feet of the SW ¼ of Lot 5, Section 8 Township 46, Range 43, City of Delray Beach, Florida, of the Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.1833 acres, more or less.

EXHIBIT "B"

PROPOSED ZONING



Date: 3/10/2022

Document Path: S:\Planning & Zoning\DBMS\GIS\GIS Projects\2022\03_Map Requests\2022_Rezonings_& Land Use Changes\01_Mxd\620_Lake_Ida_Zoning.mxd