

ORDINANCE NO. 13-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING SEVEN PARCELS OF LAND, MEASURING APPROXIMATELY 1.38 ACRES, GENERALLY LOCATED SOUTH OF LAKE IDA ROAD, NORTH OF NORTHWEST 4TH STREET, EAST OF NORTHWEST 8TH AVENUE, AND WEST OF NORTHWEST 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES (CF) TO LOW DENSITY (LD), 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, seven parcels of land, measuring approximately 1.38 acres, generally located south of Lake Ida Road, north of Northwest 4th Street, west of Northwest 8th Avenue, and east of Northwest 6th Avenue ("Properties"), more particularly described in Exhibit "A," Legal Descriptions, are designated as Community Facilities (CF) on the Land Use Map; and

WHEREAS, the CF 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 Low Density (LD); 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. 13-22 at a public hearing on April 18, 2022, and voted 6-0 to recommend that the Land Use Map designation be changed for the Properties, 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, 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. 13-22 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 Low Density (LD) is hereby deemed the designation for the Properties 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 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 Low Density (LD) for the Properties described in Exhibit “A”, Legal Descriptions, as shown in 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 inconsistent 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 Agency 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 DESCRIPTIONS – PARCEL BY PARCEL

PARCEL 1 (620 Lake Ida Road)

A parcel of land located in the East 50 feet of the West 375 feet of the North 160 feet of the SW 1/4 of Lot 5, Section 8, Township 46, Range 43, City of Delray Beach, Florida, of the Public Records of Palm Beach County, Florida.

PARCEL 2 (704 Lake Ida Road)

The East 50 feet of the West 325 feet of the North 160 feet of the Southwest Quarter of Lot 5, Section 8, Township 46 South, Range 43 East, according to the plat thereof 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 4.

PARCEL 3 (706 Lake Ida Road)

Commencing 225 feet East from the Northwest corner of the West 1/2 of the South 1/2 of Lot 5, of the Subdivision of Section 8, Township 46 South, Range 43 East, Palm Beach County, Florida, for a Point of Beginning; thence South 160 feet; thence East 50 feet; thence North 160 feet; thence West 50 feet to the Point of Beginning.

PARCEL 4 (710 Lake Ida Road)

Commencing 175 feet East from the Northwest corner of the West Half of the South Half of Lot 5, Subdivision of Section 8, Township 46 South, Range 43 East according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 4, for a point of beginning, thence South 160 feet, thence East 50 feet, thence North 160 feet, thence West 50 feet to the point of beginning, together with the improvements thereon.

PARCEL 5 (655 NW 4th Street)

The West 50 feet of the East 310.86 feet of the South 160 feet of the West 1/2 of the South 1/2 of Lot 5, Subdivision of Section 8, Township 46 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 1, Page 4, of the Public Records of Palm Beach County, Florida, less the North 25 feet for Right of Way.

PARCEL 6 (701 NW 4th Street)

Commencing 250 feet East from the Southwest corner of the West 1/2 of the South 1/2 of Lot 5, of the Subdivision of Section 8, Township 46 South, Range 43 East to the Point of Beginning; thence North 135 feet; thence East 100 feet; thence South 135 feet; thence West 100 feet to the Point of Beginning; being a lot of 100 feet by 135 feet. Said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 7 (709 NW 4th Street)

The East 60 feet of the West 250 feet of the South 135 feet of the West 1/2 of the South 1/2 of Lot 5, Section 8, Township 46 South, Range 43 East, of the Map showing Subdivisions of Portions of Townships 45 and 46, S. Range 43 E., as recorded in Plat Book 1, page 4, Public Records of Palm Beach County, Florida.

EXHIBIT "B"

PROPOSED LAND USE MAP

