

ORDINANCE NO. 37-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING EIGHTEEN PARCELS OF LAND MEASURING APPROXIMATELY 22.42 ACRES, LOCATED ON GREENSWARD LANE, SOUTH OF HAMLET DRIVE, AND ON JOE LEE CIRCLE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM OPEN SPACE TO LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL, 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, in passing Ordinance No. 19-19, the City Commission adopted the "Always Delray Comprehensive Plan - Delray Beach, Florida" amendment; and

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

WHEREAS, prior to converting to GIS, the fifteen parcels measuring approximately 21.94 acres, as more particularly described in Exhibit "A", Legal Descriptions, and Exhibit "B", Location Map, ("the Properties"), were designated Low Density Residential and Medium Density Residential; and

WHEREAS, were given a Land Use Map (LUM) designation of Open Space (OS) due to a 2017 data conversion error associated with the transition from AutoCAD to Geographic Information Systems (GIS) mapping technology; and

WHEREAS, the City prepared a Land Use Map amendment for the fifteen parcels measuring approximately 21.94 ± acres, to correct said data conversion error by redesignating the subject properties as Low Density Residential (LD) and Medium Density Residential (MD); 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 this item at a public hearing on September 12, 2022, and voted x-x to recommend that the Land Use Map designation be changed for the property,

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. 37-22 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 Residential (LD) and Medium Density Residential (MD) 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 Land Use Map designations of Low Density Residential (LD) and Medium Density Residential (MD), for the properties described in Exhibit "A" – Legal Description and shown in Exhibit "B" – Location Map, 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. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

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

Parcel 1

Condominium Parcel A-101, GREENSWARD VILLAGE TWO, a condominium, according to the Declaration of Condominiums thereof recorded in O.R. Book 2353, Page 1653 of the Public Records of Palm Beach County, Florida.

Medium Density Multi-Family Parcel – Need to determine if each parcel needs to be listed or if overall legal can be used.

Parcel 2

Lot 1, The Estates IV, according to the map or plat thereof, as recorded in Plat Book 47, Page (s) 76, of the Public Records of Palm Beach County, Florida.

575 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-17-000-0010

Parcel 3

Lot 2, The Estates IV, according to the map or plat thereof, as recorded in Plat Book 47, Page (s) 76, of the Public Records of Palm Beach County, Florida.

595 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-17-000-0020

Parcel 4

Lot 1 of THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

615 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0010

Parcel 5

Lot 2, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

635 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0020

Parcel 6

Lot 3, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

655 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0030

Parcel 7

Lot 4, The ENCLAVE AT THE HAMLET, 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 73, Page 187; Said Land situate, Lying and being in Palm Beach County, Florida.

675 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0040

Parcel 8

Lot 5, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

695 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0050

Parcel 9

Lot 6, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

715 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0060

Parcel 10

Lot 7, The Enclave at the Hamlet, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

735 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0070

Parcel 11

Lot 8, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

755 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0080

Parcel 12

Lot 9, THE ENCLAVE AT THE HAMLET, according to the Plat thereof, as recorded in Plat Book 73, Page 187, of the Public Records of Palm Beach County, Florida.

775 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-23-000-0090

Parcel 13

Lot 8, The Estates IV, according to the map or plat thereof, as recorded in Plat Book 47, Page (s) 76, of the Public Records of Palm Beach County, Florida.

885 Greenward Lane, Delray Beach, Florida
PCN 12-42-46-24-17-000-0080

Parcel 14

Tract X of THE ESTATES IV, according to the plat thereof as recorded in Plat Book 47, Page 76, of the Public Records of Palm Beach County, Florida.

Parcel 15

Lot 3, HAMLET AT DELRAY BEACH, according to the Plat thereof, as recorded in Plat Book 119, at Page 142, of the Public Records of Palm Beach County, Florida

765 Joe Lee Circle, Delray Beach, Florida
PCN 12-42-46-24-26-000-0030

Parcel 16

Lot 4, HAMLET AT DELRAY, according to the Plat thereof, as recorded in Plat Book 119, at Page 142, of the Public Records of Palm Beach County, Florida

770 Joe Lee Circle, Delray Beach, Florida
PCN 12-43-46-24-26-000-0040

EXHIBIT "B" LOCATION MAP



