

ORDINANCE NO. 14-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.18 ACRES, LOCATED GENERALLY EAST OF NORTH FEDERAL HIGHWAY AND SOUTH OF NORTH LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MEDIUM DENSITY TO GENERAL COMMERCIAL, 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, 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, a parcel of land, measuring approximately 0.18 acres, generally located East of North Federal Highway and South of North Lake Avenue ("Property"), more particularly described in Exhibit "A," Legal Description, is designated as Medium Density (MD) on the Land Use Map; and

WHEREAS, the MD designation was given to the Property in error during the data conversion from AutoCAD to GIS; and

WHEREAS, the City prepared a Land Use Map amendment for the Property, to correct said data conversion error, redesignating the Property as General Commercial (GC); 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 April 18, 2022, and voted 6-0 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, 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 considered this matter on November 15, 2022.

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 finds the designation of General Commercial (GC) is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is the more appropriate zoning designation for the Property described in Exhibit “A”.

Section 3. The City Commission 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 4. 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 General Commercial (GC) for the Property described in Exhibit “A”, Legal Description, as shown in Exhibit “B”, Proposed Land Use, attached hereto and incorporated herein.

Section 5. 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 6. All ordinances or parts thereof in conflict 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. 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 _____

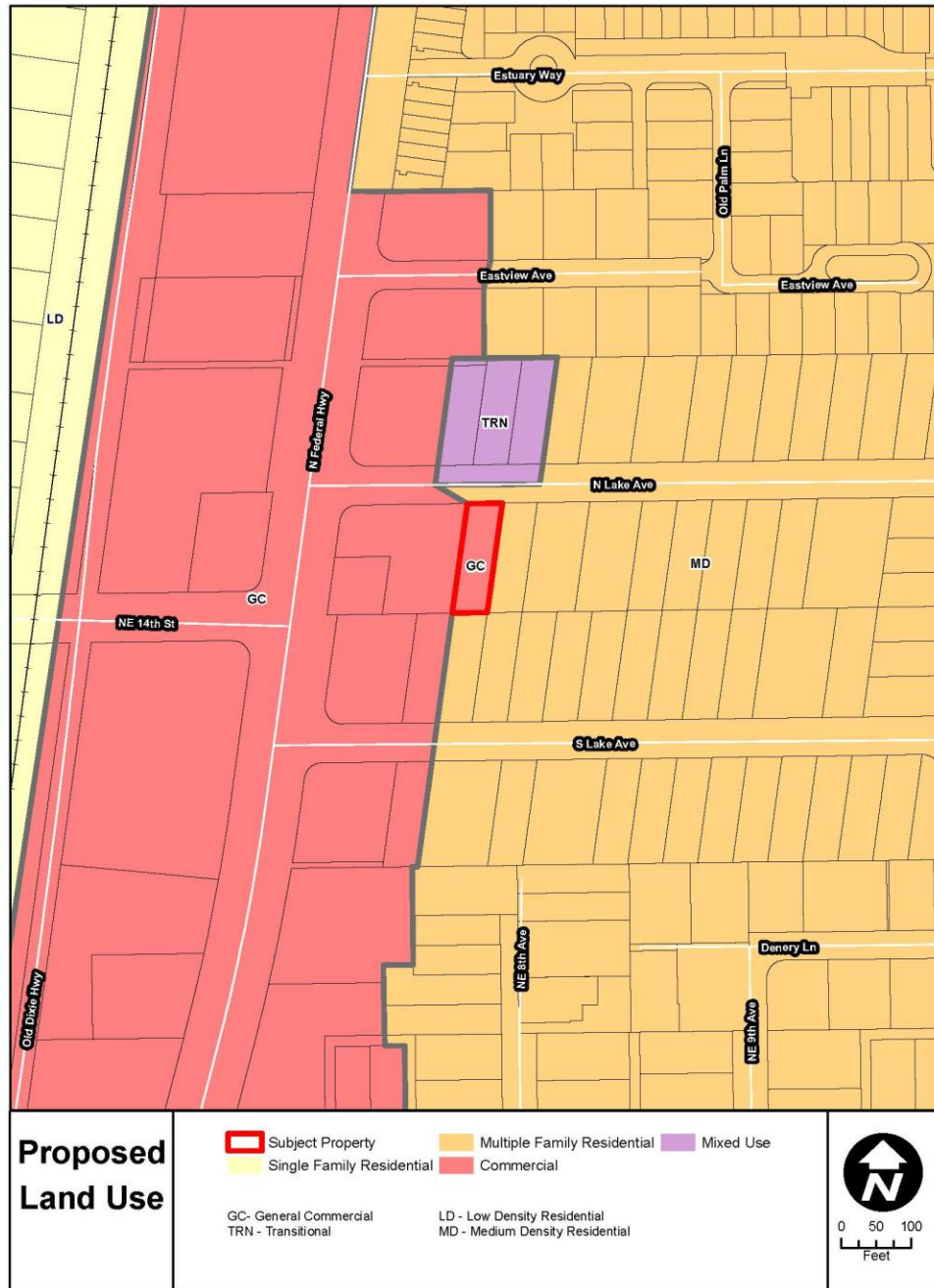
Second Reading _____

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 5, Block D, LA HACIENDA, according to the plat thereof recorded in Plat Book 15, Page 6 of the public records of Palm Beach County, Florida, together with the north one-half of the Alley south of and adjacent thereto, abandoned by Resolution No. 90-00 of the City Commission of the City of Delray Beach recorded in Official Records Book 12279, Page 330 of said public records.

EXHIBIT "B"

PROPOSED LAND USE MAP



Date: 4/7/2022

Document Path: S:\Planning & Zoning\DBMS\GIS\Projects\2022\03_Map Requests\2022_LU_Map_Corrections\01_Mx8716_N_Lake_Ave.mxd