

ORDINANCE NO. 07-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 2.83 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION AT LAKE IDA ROAD AND NORTH SWINTON AVENUE, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL, 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, Cason United Methodist Church, Inc. (“Owner”) is the owner of the property located on the southwest corner at the intersection of Lake Ida Road and North Swinton Avenue, with an address of 342 North Swinton Avenue (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Property is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as being zoned Community Facilities; and

WHEREAS, Owner designated Marcela Cambolor and Associates, Inc. (“Applicant”) to act as its agent; and

WHEREAS, the Applicant requested a rezoning of a 2.83-acre portion of the Property (“Subject Area”), as more particularly described in Exhibit “B”, to Single Family Residential, as shown in Exhibit “C”; 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 February 27, 2023, and voted 5 to 2 to recommend that the zoning designation be changed for the Property hereinafter described, 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, 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 City Commission of the City of Delray Beach finds that Ordinance No. 07-23 is consistent with the Comprehensive Plan, meets the Criteria set forth in the Land Development Regulations, and the designation of Single Family Residential is appropriate for the western portion of the Subject Area and in the best interest of the City.

Section 3. The Zoning District Map of the City of Delray Beach, Florida, be, and the same is, hereby amended to reflect a zoning classification of Single Family Residential for the property described in Exhibit “B”, as shown on the map in Exhibit “C”.

Section 4. The City of Delray Beach Zoning Map, 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 or parts of the Code conflicting 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 concurrent with the effective date of Ordinance No. 08-23, amending the Land Use Map, and 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.

Section 8. The City Clerk, or designee, is directed to send a certified copy of this Ordinance to Marcela Camblor and Associates, Inc. at 47 West Osceola Street, Ste. 203, Stuart, Florida, 34994.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2023.

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:

LOTS 1 THROUGH 6, BLOCK 41, SUBDIVISION OF BLOCK 41 OF DELRAY BEACH, FLORIDA (FORMERLY TOWN OF LINTON), ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 65, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

LESS AND EXCEPT THAT PORTION OF LOT 1, BLOCK 41, CONVEYED TO THE CITY OF DELRAY BEACH, FLORIDA, BY QUIT CLAIM DEED RECORDED IN O.R. BOOK 936, PAGE 561, AND LESS AND EXCEPT THAT PORTION OF LOT 1, BLOCK 41, CONVEYED TO PALM BEACH COUNTY, FLORIDA BY RIGHT OF WAY WARRANTY DEED RECORDED IN O.R. BOOK 7411, PAGE 759, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Parcel 2:

THE NORTH ONE-HALF OF BLOCK 49; AND THE NORTH ONE-HALF OF BLOCK 57, DELRAY BEACH, FLORIDA, (FORMERLY TOWN OF LINTON), ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF DELRAY BEACH, FLORIDA, BY QUIT CLAIM DEED RECORDED IN O.R. BOOK 936, PAGE 561, AND THAT PORTION CONVEYED TO PALM BEACH COUNTY, FLORIDA BY RIGHT OF WAY WARRANTY DEED RECORDED IN O.R. BOOK 7411, PAGE 718, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Parcel 3:

THAT PORTION OF NORTHWEST SECOND AVENUE, AS VACATED AND DISCONTINUED IN RESOLUTION NO. 1463, RECORDED IN O.R. BOOK 950, PAGE 200, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FURTHER DESCRIBED AS FOLLOWS:

THAT PORTION OF NORTHWEST SECOND AVENUE BOUNDED ON THE NORTH BY MARKET STREET, ALSO KNOWN AS NORTHWEST FOURTH STREET AND BOUNDED ON THE SOUTH BY AN EASTERLY PROJECTION OF THE SOUTH LINE OF LOT 6, BLOCK 41, OF THE CITY OF DELRAY BEACH, FLORIDA, AS PER PLAT RECORDED IN PLAT BOOK 5, PAGE 65, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF DELRAY BEACH, FLORIDA, BY QUIT CLAIM DEED RECORDED IN O.R. BOOK 936, PAGE 561, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"
LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 41, SUBDIVISION OF BLOCK 41, OF DELRAY BEACH, FLORIDA, (FORMERLY TOWN OF LINTON), ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 65, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°09'16"E., ALONG THE SOUTH LINE OF SAID LOT 6 AND THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 185.42 FEET TO A POINT ON THE WEST LINE OF BLOCK 49, TOWN OF LINTON (NOW DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.1°34'25"E., ALONG SAID WEST LINE, A DISTANCE OF 27.07 FEET TO A POINT ON A LINE 25.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF SAID BLOCK 49; THENCE N.89°13'03"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 226.20 FEET; THENCE N.1°31'39"W., A DISTANCE OF 312.15 FEET TO A POINT ON A LINE 15.0 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID BLOCK 49 AND A POINT ON THE SOUTH RIGHT OF WAY LINE OF LAKE IDA ROAD; THENCE S.89°05'30"W., ALONG SAID PARALLEL LINE AND ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 411.82 FEET TO A POINT ON THE WEST LINE OF BLOCK 41 OF SAID SUBDIVISION OF BLOCK 41; THENCE S.1°33'55"E. ALONG SAID WEST LINE, A DISTANCE OF 284.38 FEET TO THE POINT OF BEGINNING.

