

ORDINANCE NO. 32-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, FOR A PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF LA MAT AVENUE AND FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach 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, via Ordinance No. 82-89, the City Commission adopted the document entitled "Comprehensive Plan - Delray Beach, Florida"; and

WHEREAS, Grieco Motors, LLC, is the fee simple owner of a 0.879 acre parcel of land located on the northwest corner of La Mat Avenue and Frederick Boulevard; and

WHEREAS, the subject property hereinafter described has an existing Future Land Use Map (FLUM) designation of Transitional (TRN); and

WHEREAS, the owner of the property requested to change the Future Land Use Map designation from Transitional (TRN) to General Commercial (GC); and

WHEREAS, at its meeting of August 21, 2017, the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing and voted 4 to 1 to recommend that the Future Land Use Map designation be changed for the property hereinafter described, based upon positive findings; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the changes are consistent with and further the objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and

WHEREAS, it is appropriate that the Future Land Use Map and Zoning District Map of the City of Delray Beach, Florida be amended to reflect the revised designations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the Future Land Use Map designation of the subject property is hereby officially affixed as General Commercial (GC).

Section 3. That 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, inclusive, known as the "Community Planning Act."

Section 4. That the Future Land Use Map of the City of Delray Beach, Florida, be, and the same is hereby amended to reflect a Future Land Use Map designation of General Commercial (GC) for the following described property:

The East one-half of Lot 12, Block 25, together with all of Lots 13 through 24, Block 25, Del Raton Park, according to the Plat thereof, as recorded in Plat Book 14 at Pages 9 and 10 of the Public Records of Palm Beach County, Florida.

Together With:

The 10.00 foot wide alley, lying between said Lots 14 and 24 and said Lots 15 through 23, Block 25, as shown on said Plat of Del Raton Park, as abandoned per Official Records Book 5084 at Page 879, of the Public Records of Palm Beach County, Florida.

Said land situate in the City of Delray Beach, Palm Beach County, Florida and contain 0.879 acres, more or less.

Section 5. That the Planning and Zoning Director of the said City shall, upon the effective date of this ordinance, amend the Future Land Use Map of the City of Delray Beach, Florida, to conform with the provisions of Section 4 hereof.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. That 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 8. That this ordinance shall become effective as follows: 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 the _____ day of _____, 2017

ATTEST

M A Y O R

City Clerk

First Reading_____

Second Reading_____