

ORDINANCE NO. 08-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.137 ACRE IN SIZE FROM LOW DENSITY RESIDENTIAL 0-5 DU/ACRE (LD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED ON THE WEST SIDE OF SE 3RD AVENUE, APPROXIMATELY 137 FEET SOUTH OF SE 2ND STREET (206 SE 3RD AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

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, 206 Delray Beach, LLC, is the fee simple owner of a 0.137 acre parcel of land located on the west side of SE 3rd Avenue, 137 feet south of SE 2nd Street; and

WHEREAS, the subject property hereinafter described has an existing Future Land Use Map (FLUM) designation of Low Density Residential 0-5 du/acre (LD); and

WHEREAS, the owner of the property requested a change to the Future Land Use Map designation from Low Density Residential 0-5 du/acre (LD) to Commercial Core (CC) for this parcel; and

WHEREAS, at its meeting of May 21, 2018, the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing; and

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

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 designated as Commercial Core (CC).

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 Sections 163.3161 through 163.3248, Florida Statutes, 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 (FLUM) designation of Commercial Core (CC) for the following described property:

Lot 15, Block 87, Linn's Addition to Osceola Park, according to the Plat thereof as recorded in Plat Book 1 Page 133 of the Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.137 acres.

Section 5. That the Planning and Zoning Director of the 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 new FLUM designation set forth at Section 4.

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 _____, 2018.

ATTEST

SHELLY PETROLIA, M A Y O R

City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney