

ORDINANCE NO. 09-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R-1-A) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE RAILROAD CORRIDOR SUB-DISTRICT; SAID LAND IS LOCATED ON THE WEST SIDE OF SE 3<sup>RD</sup> AVENUE, 137 FEET SOUTH OF SE 2<sup>ND</sup> STREET (206 SE 3<sup>RD</sup> AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING THE RAILROAD CORRIDOR SUB-DISTRICT AND REGULATING MAPS IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the property hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Single Family Residential (R-1-A) District; and

WHEREAS, 206 Delray Beach, LLC is the fee simple owner of the 0.137 acre property located on the west side of SE 3<sup>rd</sup> Avenue, 137 feet south of SE 2<sup>nd</sup> Street; and

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

WHEREAS, the City Commission of the City of Delray Beach finds the zoning designation of Central Business (CBD) District is consistent with the Comprehensive Plan designation of Commercial Core (CC); and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, is amended to reflect the revised zoning classification; and

WHEREAS, it is appropriate that the Railroad Corridor Sub-district and Regulating Plan maps in Section 4.4.13 of the Land Development Regulations are amended to be consistent with the revised zoning classification.

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 Zoning District Map of the City of Delray Beach, Florida, be, and the same is hereby amended to reflect a zoning classification of Central Business (CBD) District, within the Railroad Corridor Sub-district, 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, more or less.

Section 3. That the Planning, Zoning and Building Director of the said City shall, upon the effective date of this ordinance, amend the City of Delray Beach Zoning Map, and the Railroad Corridor Sub-district Map and Regulating Plan as shown in Section 4.4.13 Central Business (CBD) District, Figure 4.4.13-4 and Figure 4.4.13-7, of the Land Development Regulations, to conform with the provisions of Section 2 hereof.

Section 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. 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 6. That this ordinance shall become effective only after the effective date of Ordinance No. 08-18, which date is September 21, 2018, 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.

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

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Katerri Johnson, City Clerk

First Reading\_\_\_\_\_

Second Reading\_\_\_\_\_

Approved as to form and legal sufficiency:

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R. Max Lohman, City Attorney