

ORDINANCE NO. 06-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED COMMUNITY FACILITIES (CF) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE CENTRAL CORE SUB-DISTRICT; SAID LAND IS LOCATED AT THE SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND 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 CENTRAL CORE 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 Community Facilities (CF) District; and

WHEREAS, Pierre Delray Two, LLC is the fee simple owner of the property which measure approximately 0.433acres  $\pm$  and is located on the southwest corner of East Atlantic Avenue and SE 3<sup>rd</sup> Avenue; and

WHEREAS, at its meeting of December 17, 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 voted 5 to 0 to recommend that the property hereinafter described be rezoned, 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 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 Central Core 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 Central Core Sub-district, for the following described property:

All of the North one hundred ninety-nine feet (199') of Block 85, lying East of the Florida East Coast Railway right-of-way, in the City of Delray, Florida, according to a Plat of the Town of Linton, now Delray Beach, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 1, Page 3,

Less:

Lands conveyed to the City of Delray Beach, by Deed dated September 15, 1924 recorded in Deed Book 341, Page 241, of the Public Records of Palm Beach County, Florida;

Lands conveyed to the City of Delray Beach, by deed dated December 24, 1940 and recorded in Deed Book 621, Page 115, of the Public Records of Palm Beach County, Florida;

Lands conveyed to Thelma A. Priest and O. D. Priest, her husband, by deed dated October 26, 1940 and recorded in Deed Book 721, Page 568, Palm Beach County Public Records, except the North 1.25 feet of said lands conveyed to Priest and Wife.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.433 acres, more or less.

Section 3. That the City of Delray Beach Zoning Map and the Central Core 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, shall, upon the effective date of this ordinance, be amended to conform with the provisions of Section 2 hereof.

Section 4. That all ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. That 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 6. That this ordinance shall become effective only after the effective date of Ordinance No. 05-19, which date is March 12, 2019, 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Shelly Petrolia, Mayor

\_\_\_\_\_  
Katerri Johnson, City Clerk

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

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

Approved as to form and legal sufficiency:

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Lynn Gelin, Interim City Attorney